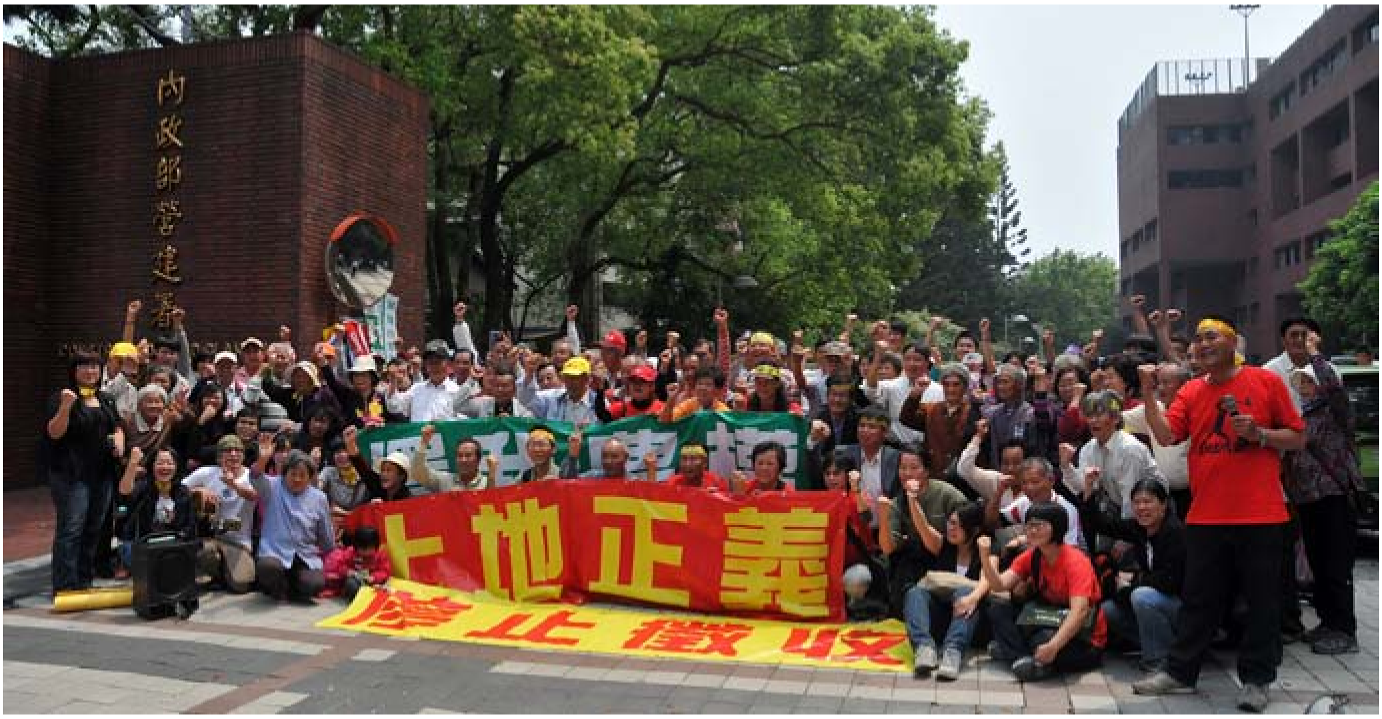
AGAINST THE GRAIN April 2015

ASIA'S AGRARIAN REFORM IN REVERSE: **LAWS TAKING LAND** OUT OF SMALL FARMERS' HANDS



Taiwanese farmers protesting loss of their land to industrial development. (Photo: Munch Kao/Taiwan Rural Front)

Asia is a land of small farmers. But across the continent, governments are introducing changes to land laws that threaten to displace millions of peasants and undermine local food systems. Asia is witnessing an agrarian reform in reverse.

GRAIN

Despite decades of rapid economic growth and industrialisation, there are more small farmers in the Asian countryside than in the rest of the world combined. The endurance of Asia's small farmers is testament to their skills, their deep attachment to the land and their historical struggles. Over time, peasants have been able to win some legal protections that provided some basic safeguards to maintain their access to lands.

But the legacy of these struggles is under attack. Today, small farmers in Asia are being squeezed onto ever smaller parcels of land. Across the continent, farmland is being gobbled up for dams, mines, tourism projects and large-scale agriculture, with scant regard for the people living off those lands. Farms that peasant families have cared for for generations are being paved over for new highways or real estate development as cities expand. Long-standing government promises to redistribute land more fairly have been broken – in many places, governments are taking land away from peasant farmers.

Land concentration in Asia is higher now than it has ever been. Just 6 percent of Asia's farm owners hold around two-thirds of its farmland. Many of these landowners are politically connected elites, as is the case in the Philippines, Cambodia, Malaysia, Pakistan, and Indonesia.[1]

As this concentration increases, one consequence is the eruption of conflicts over land throughout the continent. Peasant protests against land grabs have become a regular sight on the streets of major cities like Phnom Penh and Manila. The court systems in China and Vietnam are backlogged with thousands of rural land conflict cases. And militarised repression is a harsh daily reality in many places where communities are resisting land grabbing, from West Papua to West Bengal.

This report shows how governments across Asia are quietly proceeding with a raft of legislative changes to remove the few protections that small farmers have traditionally enjoyed, exposing them to the takeover of their lands for large-scale corporate farming. The changes differ from country to country, but they are all designed to make it easier for companies to acquire large areas of land from small farmers.

These legislative changes will displace millions of peasant families, undermine local food systems and increase violent conflicts over land.

Forcing small farmers off their lands through legal reform

Growing interest in farmland is prompting a legislative push to transfer land from small farmers to corporations. Big money is flowing into plantation companies and other corporate farming ventures from banks, hedge funds, tycoons and transnational commodity traders. Governments are under pressure from these investors to open up agricultural land, and few are putting up any resistance. The spree of bilateral and multilateral free trade agreements that Asian governments have signed on to over the past decade and a half has locked countries into policies that favour corporate farming and foreign investors over small scale producers (see Box 1 on trade agreements).

In some cases the legislation is geared mainly towards a transfer of lands for industrial, tourism or infrastructure purposes, not corporate farming, but the clear trend across the region is the removal of legislative and other impediments that prevent foreign and national companies from acquiring large areas of farmland.

Each country has a different approach, but the changes can be loosely grouped into two types.

On the one hand, there are laws or policies that enable governments to carve up large areas of land into concessions and lease or sell these to companies. This is the case in Burma, Cambodia, Laos, Indonesia, Pakistan, Papua New Guinea and Thailand.

On the other hand, laws are being passed or amended to legalise new schemes that consolidate small farms and transfer the lands to companies engaged in corporate farming. Each scheme comes with a different label, such as "agri-parks" in India, "land circulation trusts" in China, "banks" in Korea, "clusters" in the Philippines or "special agricultural production companies" in Japan (See Box 2 on China).

Table 1, at the end of this report, shows changes to the laws taking place in different countries in Asia, with further information contained in the Annex.

By GRAIN's calculations, the legislative changes listed in Table 1 have already led to the transfer of at least 43.5

1. GRAIN, Hungry for Land, 2014.

Cambodian villagers displaced to make way for sugarcane plantations belonging to a well-connected senator. Less than a quarter of the country's 1.5 million small farmers have land. In 2001, the government passed a new law covering that permits private companies to hold concessions of 10,000 ha of land for up to 99 years.1 This law has enabled the transfer of 70% of the country's arable land – 2.1 million ha – to industrial agriculture firms and forced hundreds of thousands of farmers off their lands. (Photo: Nicolas Axelrod and Thomas Cristofoletti/ Ruom Collective)

million hectares of farmland in Asia from small farmers to agribusiness companies.[2]

The number of small farmers in Asia is shrinking, as is the size of their landholdings, while the number of corporate farms is growing rapidly. For example, the number of small farmers in Indonesia fell by 16 percent between 2003 to 2013, while the number of large scale farms increased by 54 percent and the number of plantations increased by 19 percent over the same period. Most of Indonesia's farmers, around 55 percent, now farm on less than half a hectare.[3] Similarly, the number of Japanese farmers has dropped by 40 percent since 2000 while the number of "agricultural production companies" has increased to 14,333, double what it was in 2004.[4]

2. GRAIN calculated the numbers from existing government projects and publicly announced plans, but with limited data available in several countries, the total amount of land that has been transferred is likely much higher.

3. Sensus Pertanian Indonesia 2013.

4. "Rebuilding agriculture in Japan," Yomiuri Shimbun, 10 December 2014.

A massive transfer of lands

Different arguments are used to justify modifying or changing land laws. Peasants are said to be abandoning the countryside in favour of work in the cities. We are told that large farms are more efficient and competitive and that corporate farming creates jobs.[5] Liberalised land markets, say donors and international lenders, create social stability and stimulate economic development.[6]

5. See, for instance the FAO's work on land tenure and administration in the Asia-Pacific region in cooperation with UN Habitat, the World Bank, IFAD, and UN Economic Commission for Europe (UNECE) in 2008 and at the FAO's 32nd regional conference for Asia and Pacific roadmap in 2014. In Burma, Lao PDR, and China, schemes are promoted for reducing rural poverty where small farmers are promised shares in the company's annual profit or waged labour as a 'reward' for giving up their lands.

6. Grimsditch, M. and Henderson, N., "Untitled: Tenure insecurity and inequality in Cambodia land sector," Bridges Across Borders Southeast Asia, Centre on Housing Rights and Eviction and Jesuit Refugee Services, October 2009.

January 2015: Indian farmers protest against displacement. (Photo: National Alliance of Peoples Movements)

None of these arguments hold up to scrutiny. Farmers across Asia are fighting for their land, not trying to flee it. The fact is, the growing adoption of industrial farming systems and increasing corporate control of distribution of food – changes supported by the new land laws – have led to a reliance on expensive inputs, the degradation of land and biodiversity and volatile price changes for produce. The impact on peasant farmers has been catastrophic, in some places triggering a wave of suicides among indebted farmers forced to give up their land.

If anything, it is the policies of Asia's governments that are creating conditions that compel peasants to migrate to urban areas to provide a cheap labour supply for export manufacturing.

The arguments about productivity and efficiency are also false. Asia's small farmers are among the most efficient and productive farmers in the world. The truth is that small farmers feed Asia. Despite having the highest percentage of small farms, Asian farmers areable to produce 44 percent of total world production of cereal. India is the highest dairy producer in the world with 85 percent of the national dairy sector handled by small scale and backyard dairy farmers. China's backyard farmers, rearing between 1 and 10 pigs per year, accounted for 27 percent of nationwide pork production. And five Asian countries with a majority of small farmers, China, India, Indonesia, Thailand and Vietnam, account for 70 percent of global rice production.[7]

Resistance

The transfer of land in Asia represents a fundamental shift away from small-scale, traditional agriculture and local food systems to a corporate food chain supplied by industrial agriculture. If they are allowed to go forward, these changes will have major impacts on everything from food safety to the environment, from local cultures to people's livelihoods.

Governments are choosing sides in a struggle over the future of land and food. The case of India is a good example: sustained popular mobilisation led the government to adopt legislation that required social impact legislation and broad consultation with affected communities before transferring land, but the land acquisition act of 2013 had barely been passed before a land ordinance that overturned it was rushed through by the executive at the end of 2014.

The land struggles that rural people are engaged in are taking on much larger social dimensions. This can

7. FAOSTAT.

Farmland in Taiwan's Miaoli Wanbao county. The 2008 Land Expropriation Act allowed the government to take over agricultural land to lease or sell to developers of industrial complexes, food processing industries and facilities for the export market. Farmers across the country have staged numerous protests. In July 2008, farmers in Miaoli Wanbao, with the support of the Taiwan Rural Front, launched a protest against the county government for approving the Houlong Technology Industrial Park development project on their lands. The protest went on for three years until the regional planning committee was finally forced to overrule the project in 2011. (Photo: Munch Kao/Taiwan Rural Front)

be seen in the street protests against the land acquisition ordinance in India or the creative actions to stop the conversion of farmlands in Taiwan. People across Asia are making it clear that they want farmland to remain with their farmers. They want their governments to stop facilitating a corporate take-over of agriculture.

The example of resistance in India – and powerful popular mobilisations around this issue are also taking place in Cambodia, Taiwan, the Philippines and elsewhere (see Annex 1) – shows the strength of joint efforts by rural and urban communities, as well as the importance of links between the local and regional levels in building effective political pressure.

There is an urgent need to further strengthen this resistance to the co-option of land reform in the interests of agro-industry. Farmers, indigenous groups and civil society organisations across the region are building coalitions to defend peasants' interests against trade agreements and national policies that facilitate the privatisation and commodification of farmland.

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Trade agreements and land transfers

Free trade and investment agreements role an important part in bringing about laws and policies that facilitate the transfer of lands from small farmers to big agribusiness. They do so both indirectly, by encouraging specialised, vertically integrated production of export commodities, and directly by obliging governments to remove barriers to foreign investment, including in agriculture.[1]

For example, Australia's free trade negotiations with China triggered a rapid and massive flow of investment from Chinese companies into Australian farmland, for the production of export commodities like dairy, sugar and beef. The investment was so intense and controversial that the government was compelled to negotiate a new regulation requiring its Foreign Investment Review Board to scrutinise farmland sales to foreign buyers that exceed a cumulative $15 million. That condition was written into the FTAs negotiated in 2014 with China, Korea and Japan, but the condition does not apply to foreign companies from the US, New Zealand or Chile because FTAs with these countries had already been concluded.[2]

In Cambodia, the adoption of the Economic Land Concession (ELC) law in August 2001 is intimately connected to the "Everything But Arms" (EBA) preferential trade scheme that it signed with the European Union a few months earlier in March 2001. The ELC established a legal framework for granting large scale, long-term land concessions of up to 10,000 ha for up to 99 years for the development of industrial agriculture. Several plantation concessions have since been awarded to companies for the production of sugar exports to Europe under the EBA.

A 2013 assessment found that that Cambodia's large-scale land concessions policy and the EU's EBA were together responsible for devastating human rights impacts. In Koh Kong province, for example, two villages and more than 11,500 ha of rice fields and orchards belonging to over 2,000 families were destroyed to make way for a sugar cane plantation. More than 1,000 men, women and children were left homeless.[3]

In Japan, the government's decision to revise its agriculture land law was tightly connected to its participation in the Trans Pacific Partnership (TPP). Although the TPP is still in early negotiations, Japan is already preparing for an eventual decrease in tariffs on agricultural produce by encouraging a shift from small scale farming to corporate farming, which it views as more internationally competitive. The government is thus loosening various regulations on the entry of private-sector firms into farming, encouraging farmland consolidation and establishing two strategic special zones for corporate farming.[4] These zones will include approximately 1.5 million ha of farm land – a third of the total 4.6 million ha currently under cultivation in the country.[5]

Trucks loaded with sugar cane in Kampong Speu Province, Cambodia (Photo: Thomas Cristofoletti)

1. Lorenzo Cotula, "Tackling the trade law dimension of land grabbing", International Institute for Environment and Development, 14 November 2013

2 Sally Dakis, "Trade Minister defends tighter foreign investment scrutiny," ABC Rural, 15 February 2015

3. Equitable Cambodia and Inclusive Development, "Bittersweet harvest: a human rights impact assessment of the European Union's Everything But Arms initiative in Cambodia", 2013

4. – Shimizu, K. and Mclachlan, P., "Showdown: the Trans-Pacific Partnership vs. Japan's farm lobby", The National Interest, 2 October 2014.

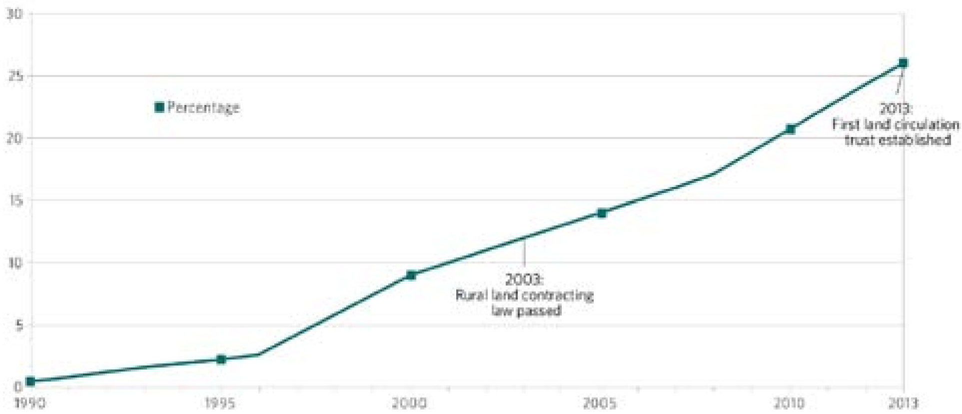
5. Japan's strategy for its agriculture in the globalized world, 31st policy recommendation of The Policy Council The Japan Forum on International Relations, January 2009.

China's "land circulation trusts"

In December 2013, China announced its latest agrarian reform policy a resolution by the central committee. The resolution is receiving considerable attention because it lays the foundation for a transformation of Chinese agriculture.

The resolution shows the government's strong support for the further transfer of land-use rights in rural areas and marks a big step towards a more complete privatisation of agricultural lands. This extends the de-collectivisation programme of China's farmland which began in the late 1970s when individual land-use rights were granted for the first time. With growing amounts of capital being invested in the countryside, these use rights are increasingly being transferred to corporate entities.

Graph 1. Percentage of China's agricultural land transferred



Source: based on L. Gao and J. Huang, "Butong leixing liuzhuan nongdi yu nonghu touzi de guanxi fenxi (Analysis of different types of land transfer and rural households' investment)", China's Rural Economy, 2011.

While farmland can still not be bought or sold, farmers can transfer their land-use rights to large-scale farming entities or convert these rights into shares in the entities. These new entities can be companies, cooperatives or "family farms" – a new concept referring to a relatively large commercial farm that also appeared in China's official policy documents in 2013, markedly different from the traditional rural household.[1]

To facilitate the transfer of land-use rights to these entities, some local governments are promoting a new scheme, called the land circulation trust. These trusts act as intermediaries. They acquire multiple land-use rights from farmers in a particular area, identify entities interested in the lands, and then arrange for the lands to be leased to the entity. The trust is like a bank where farmers "deposit" land rights for the trust to then rent out to much larger farming operations.

The first company to jump into the trust business was the giant state-owned financial company CITIC.[2] Its founder is China's former vice president Rong Yiren – one of Asia's richest men and one of the main politicians responsible for opening up the country's economy to foreign investment.[3] CITIC is also active in the acquisition of farmland abroad, notably for oil palm plantations in Indonesia and a massive 500,000 ha farm project in Angola.[4] In December 2014, two of Asia's largest agribusiness companies, Itochu of Japan and

1. The Chinese central government's 2013 policy document identifies the actors in Chinese agriculture as 'specialised big households', cooperatives, family farmers, and dragon-head enterprises. 'Specialised' refers to commodity specialisation though the distinction between big households and family farms is not clear.
2. CITIC Group.
3. Rong Yiren.
4. Li Jing, "Changing the face of real estate in Angola", China Daily, 17 November 2014.

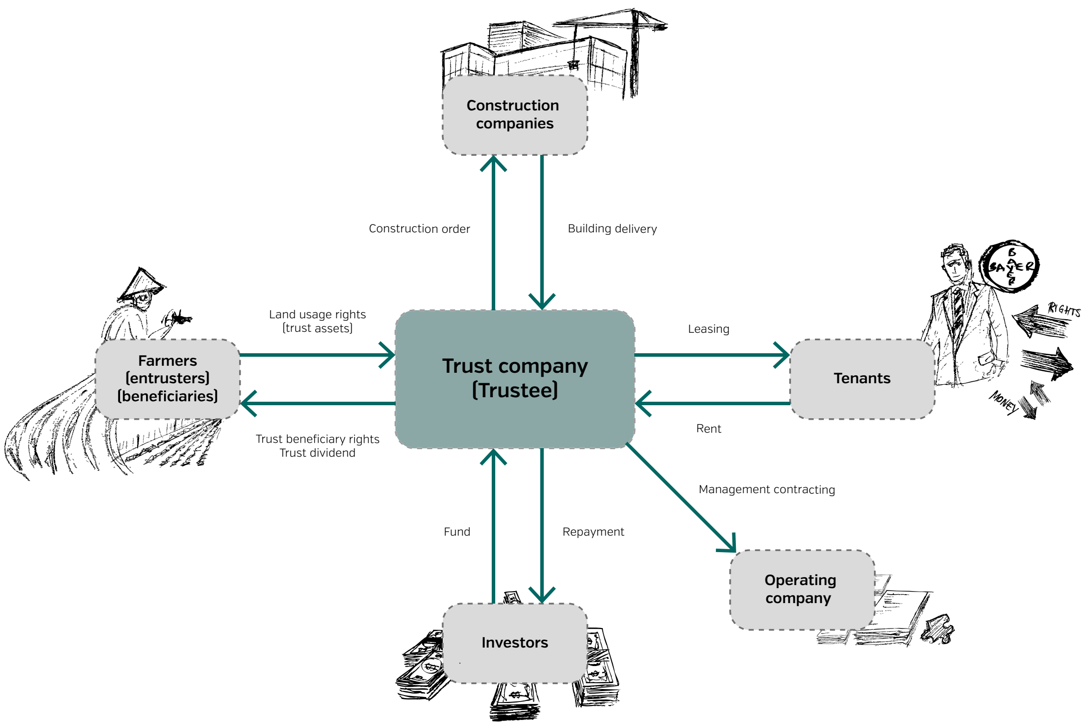
Charoen Pokphand of Thailand, announced a deal under which they would purchase a combined $1.9 billion stake in the company.[5]

CITIC's land circulation trusts in China are done in partnership with the German seed and pesticide corporation, Bayer CropSciences, and its trusts seek to integrate Bayer's products into the consolidated farm holdings that they manage. Their first land trust project in Anhui Province, East China, involves the transfer of 2,100 hectares farmland from local farmers, who expect to receive an average annual payment of 700-800 yuan (112-128 USD) each.[6] Anhui Province served as the pilot project area for this transfer scheme, and the Chinese government has gone on to launch a nationwide programme in 2015 to register the contractual rights of 200 million rural households over the nation's arable land to pave the way for further transfers.[7]

Other large companies have followed CITIC and Bayer into the trust business, including China's largest grain trader COFCO, the US seed company Pioneer, and even China's largest e-commerce merchant Alibaba.

The new land circulation trust scheme, combined with previous measures also designed to transfer lands from peasants to farming companies, have led to a massive loss of lands for China's small farmers. According to China's Ministry of Agriculture, use rights for 25 million hectares of arable land have been transferred – more than a quarter of the total land in farmers' hands. A significant portion of these transfers are between farming households, but there is an accelerating trend towards putting this farmland under corporate control..[8]

Figure 1. How a land circulation trust works[9]



5. Jonathan Browning, Yuriy Humber and Alfred Liu, "Japan's Itochu and CP Group said in talks to invest in Citic", Bloomberg, 5 December 2014.

6. Lin Yuan Zhong Yuan. 2014. The Agricultural Land Trust projects and more flowering CITIC Trust intends to re-enter the multi-province.

7. The Chinese government will spend 26 billion Yuan (4 billion US$) to carry out a registration process aimed at freeing up the rural land market. Mandy Zuo, "China to spend 26 billion yuan to register rights ahead of rural reforms", South China Post, 27 February 2015.

8. "Rural land reform in China will promote large-scale farms", Xinhua, 19 October 2014.

9. Rural land circulation in China gaining momentum: the increasing role of trust companies, 2014.

Table 1:
Old and new agriculture land laws and consolidated farmland

COUNTRY	FARMLAND REGULATION						IMPACT ON FARMLAND	Notes
	old regulation	summary	foreign ownership	new regulation	summary	foreign ownership		
Burma	Land Nationalisation Act 1953	All land is property of the state, limiting private ownership	No	2011 Farmland Bill; 2012 Vacant, Fallow and Virgin Lands Management Law; 2104 draft of National Land Use Policy	Land Use Policy establishes process for acquiring land for business purposes and ensures security of such investments	concession	4.7 million ha	4 million hectares transferred as part of 30 year master plan for the farm sector; another 1,75 million acres being transferred to 216 companies for commercial farming
Cambodia	1992 Land Law	Acknowledges right of Cambodians to own land after fall of the Khmer regime	No	2001 amendment of Land Law and sub-decree No.146 on Economic Land Concessions; May 2012 Order 01BB on Measures for Strengthening and Increasing the Effectiveness of the Management of Economic Land Concessions.	Land defined as economic asset, private companies allowed to lease up to 10,000 hectares for as much as 99 years.	lease or concession for up to 99 years	2.1 million ha	Area equal to 70% of Cambodia arable land transferred to industrial agriculture firms since 1993, accelerating rapidly after 2001 amendment.

COUNTRY	FARMLAND REGULATION						IMPACT ON FARMLAND	Notes
	old regulation	summary	foreign ownership	new regulation	summary	foreign ownership		
China	1970 Household Responsibility System 1970	Family-based agriculture contract system	No	2003 Rural Land Contracting Law; 2013: first land trust set up, in line with govt policy to "revitalise" land management rights	Allows farm land use rights to be transferred from farming households to entities such as land trusts, agribusiness, dragon-head enterprises	lease through contractual management rights	25 million ha	Equal to 28.8% of total farm land
India	post 1947 voluntary state land reform	Land reform and redistribution left to each state	No	2013/2014 amendment Land Acquisition Act	Land acquisition act is a revises colonial land law of 1984: state may acquire land for 'public purposes' such as agri-export zones, industrial corridors, rural and social infrastructure, security/ defence and other purposes	lease	n/a	
Indonesia	Basic agrarian law no.5/1960	Regulates ceiling for privately owned farm land, 5-15 ha irrigated land, 6-20 ha upland, varying according to population density and distribution of post colonial plantations	No	Presidential Decree No.1/2010 on accelerating implementation of national development priorities (large scale food investment/food estate)	Creates large parcels of farmland to be leased to industrial agriculture under food estate scheme.	concessions of up to 65 years, renewable	3 million ha	Area covered by the food estate scheme

COUNTRY	FARMLAND REGULATION						IMPACT ON FARMLAND	Notes
	old regulation	summary	foreign ownership	new regulation	summary	foreign ownership		
Japan	1947 Nochi Kaiho; 1952 Agriculture Land Act	Emancipation of land farming, land ceiling for private ownership maximum 3 ha; land should be cultivated by its owner	No, also have strict rules of 'owner-cultivator' principle	2009 Amendment of Agriculture Land Act; 2014 draft policy for direct payment to farmers	Relaxes restrictions on what constitutes an agricultural production corporation and enables general corporations to engage in tenant farming; regulates payment to farmers who give up their land for consolidation	no, but accepts foreign farmworkers under government-regulated programme for skilled agricultural workers.	1.5 million ha	1,5 million hectares will be consolidated under "Food Production Base Areas"
Laos				2014 draft of the first National Land Policy	Allows foreigners to purchase land for investments, draft completed Nov 2014	can own or purchase land	1.1 million ha	1,1 million ha of land already up for lease and concession
Pakistan	1977 Land Reform Act	Implements land redistribtion and sets land ceiling at a maximum of 150 acres irrigated and 300 acres non-irrigated land	No	2000 corporate farming ordinance and 2009 foreign agricultural investment package.	Allows 100% foreign ownership and exempts transfer of land from taxes	can own or purchase land	1.7 million ha	1.7 million hectares is available for corporate farming.
Papua New Guinea	1974 Incorporated Land Groups Act	Formally acknowledges social unit land right under customary tenure	No	2009 Land Groups Incorporation Act and Land Registration Act	Mobilises land held under customary tenure and creates Special Agriculture Business Lease (SABL)	lease or concessions	5 million ha	5 million hectares of customary land has been leased under SABL

COUNTRY	FARMLAND REGULATION						IMPACT ON FARMLAND	Notes
	old regulation	summary	foreign ownership	new regulation	summary	foreign ownership		
Philippines	Republic Act 6657/1988 on comprehensive agrarian reform program (CARP), amended CARPER 2009	CARP/CARPER orders redistribution of big farms/haciendas with market-based land reform managed by department of agrarian reform	Companies with up to 40% foreign owner-ship can own land, allowed to lease between 50-75 years	Republic Act 10601/2012 on promoting agriculture and fisheries mecha-nisation development, development of stra-tegic agriculture and fisheries development zone (SAFDZ)	Promote 'modern' farmland clusters with a minimum size of 50 ha, no maximum limit	unchanged: companies with up to 40% foreign ownership can lease land for up to 75 years		Initial mapping classified 12.8 million hectares of land suit-able for strategic agriculture development zones
South Korea	1949 Farmland reform Act,	Does not allow farmland ownership by enterprises, recognise the ownership and use by self-employed family farms, land ceiling maximum 3 ha	No	2005 Farmland Act revision	Establishes farmland banking project	can lease through farmland bank	12,973 ha	12.973 hectares recorded in the farmland bank project.
Taiwan	1950 land reform	Ensure that farmer can have land as long as they really work/farm on the land.	No	Land expropriation passed in 1990, but not used by local gov-ernment to take over land until 2005	Allows foreign corporations to legally own land in Taiwan and releases agricultural land for Special Economic Zones	can own or purchase land	6,248 ha	6.248 ha covering 20 projects

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COUNTRY	FARMLAND REGULATION						IMPACT ON FARMLAND	Notes
	old regulation	summary	foreign ownership	new regulation	summary	foreign ownership		
Thailand	1975 Agricultural Land Reform Act	Recognises occupancy rights of farmers who have cleared and farmed areas in areas classified as national forest reserve. Deforested (encroached) areas within national reserve forests could be allocated to farmers either through land settlement programmes or under provisions of the Agricultural Land Reform Act.[1]	No	No changes to agriculture land act, but an attempt to open up forest areas for concessions through Forestry Management Plan	The forest management plan aims to increase forest coverage from 33% to 40% in 10 years mainly through monoculture tree plantations of species like eucalyptus	concession or lease for maximum 50 years	3.5 million ha	3,5 million hectares targeted
Vietnam	1970 land to the tiller program; 1993 land law	Formalises the farm household as the main unit of agricultural production, ensures land use rights: 20 years for annual crops and 50 years for perennial crops, setting up land allocation and land ceiling of farmland 2 ha in central and northern province, 3 ha in southern province per household	No	2008 VCP resolution no 26	Reaffirms the transfer and exchange of land use rights, removes constraints of land ceilings, promotes rural land accumulation, and gradually establishes unified and fair market prices for land transfer.	can lease Land Use Rights (LUR) from the state maximum for 50 years	n/a	

SOURCES FOR TABLE 1:

Burma: McCartan, B. Land grabbing as big business in Myanmar. Asia Times. 2013; Franco, J. The draft land use policy: putting big business first. Mizzima. 2014; New Myanmar Land Laws. 2012 http://www.investinmyanmar.com/new-myanmar-land-laws/

Cambodia: Cambodia investment board: land; Licadho. Visualising land concession over time. 2013; Phalthy. The implementation of cambodia's land law on land tenure. Nagoya University. 2010 http://theredddesk.org/sites/default/files/the_implementation_of_cambodias_laws_on_land_tenure_0.pdf

China: Zhang et al. Research report: Development of Land Rental Markets in Rural Zhenjiang, 2001, personal communication; Xinhua. Rural land reform in China will promote large scale farm.

India: India Study Group. How "Faster" Land Acquisition and Environmental Clearances May Harm the Economy. November 2014

Indonesia: Badan Pertanahan Nasional. UU no5/1960; AwasMIFEE. 2012. Three years of MIFEE: A growing movement against big plantation in West Papua.

Japan: Mashima, Y. NOUMINREN. 2015. Report on the 2009 revision of Japan's Agricultural Land Law. Personal communication; Japan's strategy for it agriculture in the globalized world, 31st policy recommendation. 2009.

Laos: Schönweger O., Heinimann A., Epprecht M., Lu J., Thalongsengchanh P., 2012: Concessions and Leases in the Lao PDR: Taking Stock of Land Investments. Centre for Development and Environment (CDE), University of Bern, Bern and Vientiane: Geographica Bernensia; GTZ. Foreign direct investment (FDI) in land in Lao PDR. 2009

Pakistan: Pakistan Board of Investment. Agriculture and allied. http://boi.gov.pk/Sector/SectorDetail.aspx?sid=1

Papua New Guinea: Anderson, T. Land registration, land market and livelihood in Papua New Guinea. MILDA; ActNow. SABL land grab.

Philippines: Malaluan and Dacio. Agriculture and fisheries modernization: Remaining a pipe dream. NAPC. 2001.; The lawphil project. Philippines law and jurisprudence databank.

South Korea: Ministry of agriculture, food and rural affairs. Farmland bank project.

Taiwan: Jiun Ru-Chiang. Peasant as citizens: the case of Miaoli Wanbao. Personal communication. 30 January 2015.

Thailand: Baramee Chaiyarat. Assembly of the Poor. Personal communication; WRM, Thailand's New 'Forestry Master Plan': Same old strategy dressed up in new clothes; FAO. Land tenure data in Thailand. 2006.

Vietnam: Kirk and Tuan. Land tenure policy reform decollectivization and doi moi system in Vietnam. IFPRI. 2009; Vietnam law on land. 2004; Vietnam land regulations.

Food and Agriculture Organization Director-General José Graziano da Silva

Some of the most active promoters of corporate farming are intergovernmental bodies, such as the United Nations FAO and IFAD or the World Bank and Asia Development Bank. These agencies provide key technical, financial and policy support to implement the legislative changes. While the FAO carried the banner for the International Year of Family Farming in 2014, its Director General was cautioning Asian governments about "fragmented" landholdings and urging them to pursue more economically viable public-private partnerships for agriculture. (Photo: FAO)

Annex 1: Some country cases

Burma

Seventy percent of Burma's population lives in rural areas – one third of this rural population is made up of landless labourers.[1] In 2000, the Government of Burma launched a 30 year master plan for the farm sector to facilitate the transfer of 4 million hectares of land to agribusiness companies. In 2012, it enacted the Vacant, Fallow and Virgin Lands Management Law – called "the land-grabbing law" by farmers – which aims to make lands the government identifies as "vacant" or "un-cultivated" available as concessions of up to 20,000 ha for companies.[2]

Cambodia

In Cambodia, only 23% of the country's 1.5 million small farmers have land. In 2001, the government passed a Land Law and an Economic Land Concession (ELCs) law that enables private companies to own concessions of 10,000 ha of land for up to 99 years.[3] The law has enabled the transfer of 70% of the country arable land, equal to 2.1 million ha, to industrial agriculture firms and forced hundreds of thousands of farmers off their lands.[4]

India

In 2013, in response to fierce land conflicts over development projects, the Indian government adopted a new land acquisition law under which lands for development projects cannot be acquired without a the consent of 80% of the people from the affected communities and a social impact assessment. The law also prohibited the acquisition of multi-cropped irrigated land.

But in December 2014, the government of Prime Minister Narendra Modi announced a new ordinance that will eliminate the requirements for social impact assessments or consent from displaced communities as well as make it possible for companies to acquire multi-crop irrigated land. Mass protests have since broken out, led by farmers and farm workers calling for what they describe as a pro-industry and anti-farmer act to be withdrawn.[5] The land ordinance serves to ease land acquisition, including for development of the proposed mega food projects which aim to integrate the entire food value chain from farm to plate in the hands of a single companies. President Pranab Mukherjee has created a special fund of 2,000 crore Rupees (323 million USD) to provide credit for 72 food parks in 2015 budget session.[6]

Indonesia

Indonesia's Basic Agrarian Law No.5 of 1960 laid out a programme for the redistribution of the lands of the colonial-era plantations and it put a ceiling on the size of private farmland ownership. But the law was put on hold after the 1965 coup and never really implemented. Much of the country was opened up for large plantation and mining concessions.

In recent years, the process of consolidating forested areas and small plots into larger parcels for industrial agriculture has accelerated, aided by a series of legal changes like the Plantation Law and the Investment Law. In 2010,

1. Portia Larlee, "There's no voice for real farmers", Mizzima Business Weekly, 4 December 2014; Brian McCartan, "Land grabbing as big business in Myanmar", 8 April 2013.

2. Portia Larlee, "There's no voice for real farmers", Mizzima Business Weekly, 4 December 2014

3. Grimsditch, M. and Henderson, N. Untitled: Tenure insecurity and inequality in Cambodia land sector. 2009. Bridges Across Borders Southeast Asia, Centre on Housing Rights and Eviction, Jesuit Refugee Services.

4. Licadho, "The great Cambodian giveaway: visualizing land concession over time", 2013.

5. All India Coordinating Committee of Farmers Movement press release, January 2015.

6. India President Pranab Mukherjee made the pledge in February 2015 in his speech to Parliament at the start of the budget session. See the full text of the speech here: http://tinyurl.com/kykgkcl.

the government introduced a new mega-project called the Merauke Integrated Food and Energy Estate (MIFEE), covering 2.5 million ha of lands belonging to the Malind community of Papua. A 2014 national human rights commission (Komnas HAM) inquiry found that the project has led to increasing rights violations and intimidation of villagers, loss of livelihoods, and malnutrition of local people.[7]

Japan

In the post-WWII period, Japan implemented one of the most thorough land reforms in Asia. From November 1945 to August 1950, the landlord system was dismantled and more than 80% of the lands were redistributed to former tenants. The "owner-cultivator principle" was explicitly written into the Agriculture Land Law of 1952, "recognising that it is most appropriate for agricultural land to be owned by those who cultivate and till the land for themselves."

In 2009, the Japan Forum on International Relations – a think tank aligned with Japanese multinationals – proposed a new policy to designate 1.5 million hectares of land as "Food Production Base Areas" – an area covering approximately one-third of the 4.6 million ha currently under cultivation in the country. These areas would be considered as special economic zones exempt from farmland regulations, including the Agricultural Land Law.[8] As a step toward this goal, the Japanese government revised the Agricultural Land Law the same year. The 2009 revision abandoned the owner-cultivator principle and instead promoted the "efficient" use of farmland to maintain rights to land. It also opened up the leasing of farmland to all forms of corporations with almost no restrictions. Finally, the new law eased the requirements for who can use and own farmland. By raising the ceiling for corporate investment in agricultural incorporated bodies] that control farmland to anything up to 50 percent, the law essentially makes them dummies, effectively under control of their corporate investors.[9]

Pakistan

In Pakistan, despite a 1947 land reform initiative put forward by the Government Hari (Peasant) Enquiry Committee, 50 percent of the rural population is landless and most agricultural lands remain under the control of large landlords. Pakistan's farmland was recently opened up to foreign investors and large scale farm concessions through the Corporate Farming Ordinance of 2004, followed by the 2009 Foreign Agriculture Law.

These measures allow for 100 percent foreign equity on farming companies and offer generous financial incentives, such as exemptions on land transfer duties and the waiver of customs duties and sales taxes on agricultural machinery imports.[10] The Pakistan Board of Investment has identified 22.45 million ha of lands available for corporate investors.

Philippines

The Philippines began implementing its agrarian reform programme in 1988. CARP – the Comprehensive Agrarian Reform Program – was in response to powerful mass mobilisation throughout the 1980s demanding changes. The programme was supposed to favour owner-cultivators on economic-size farms as the basis for agriculture in the Philippines, but it provided landlords with numerous exemptions and loopholes.

An administrative order published in 1998 sets out guidelines for Agribusiness Venture Arrangements that create a wide range of options to exempt land held by large-scale commercial agriculture operations from being redistributed, including contract growing, lease arrangements, management contracts, build-operate-transfer schemes, and joint venture arrangements.

The programme and its successor, CARP/ER (the ER standing for "Extension with Reform), have so far failed to redistribute significant amounts of land to the country's peasants, farm workers and landless rural people. For this reason, CARP/ER has been labelled as a 'bogus land reform' by farmers movement. In recent years, the commercial farming developed further through the creation of agribusiness parks. In 2012, the government enacted new policy that designated strategic agriculture and fisheries development zones. The SAFDZ areas are identified by

7. AwasMifee, "Inkuiri Nasional Komnas HAM tentang hak-hak masyarakat adat sudah sampai ke Papua", November 2014.

8. Japan's strategy for its agriculture in the globalized world (pdf).

9. Nouminren Mashima. personal communication.

10. PSCS, "Corporate land grab: a neoliberal menace in Pakistan," 2015; Michael Kugelman, "Going gaga over grain", Dawn, 17 September. 2009.

Department of Agriculture for production, agro-processing and marketing activities to help develop and modernise the Philippines' agriculture and fisheries sectors.[11]

Taiwan

(See photo on page 3).

Thailand

There have been no changes to Thailand's agrarian law in the past 40 years. However, the Forestry Master Plan (FMP) issued by Thailand's Internal Security Operations Command and the Ministry of Natural Resources and Environment in 2014 opens the door for large concessions in forest areas to be allocated to companies, putting the small scale farmers who live and farm within these areas at risk of forced relocation. Thai groups see this as the latest in a long line of attempts since 1992 to expand monoculture tree plantations such as eucalyptus.[12]

In Lao PDR's Champassak province, the World Bank promoted an investment project where villagers received shares in the project in exchange for providing their lands to a company to farm. The promoters claimed that this would give the villagers an income and allow them to move out of farming into better paying jobs. A subsequent study, however, found that none of the villagers received payments from the project's earnings. It is also unlikely that the peasants who were made landless were able to find decent jobs in urban areas, as Lao PDR already has a surplus of unskilled labourers competing for low paid jobs in the industrial sector. (Photo: Kathryn Seattle/Flickr)

11. KMP, "Genuine agrarian reform: Still a distant dream from the Philippine peasantry", 2001; Republic Act No. 10601 an act promoting agricultural and fisheries mechanization development in the country.

12. Baramee Chaiyarat. Assembly of the Poor Thailand, personal communication 2015.

GRAIN is a small international non-profit organisation that works to support small farmers and social movements in their struggles for community-controlled and biodiversity-based food systems. *Against the grain* is a series of short opinion pieces on recent trends and developments in the issues that GRAIN works on. Each one focuses on a specific and timely topic.

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GRAIN,
Girona 25 pral., 08010 Barcelona, Spain
Tel: +34 93 301 1381, Fax: +34 93 301 16 27
Email: grain@grain.org
www.grain.org