

Table 1: Asia's agrarian reform in reverse: laws taking land out of small farmers' hands

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.

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China	1970s 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

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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 A 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 redistribution 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

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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 ownership can own land, allowed to lease between 50-75 years	Republic Act 10601/2012 on promoting agriculture and fisheries mechanisation development, development of strategic 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 suitable for strategic agriculture development zones
South Korea	1949 Farmland reform Act,	Does not allow farmland ownership by enterprises, 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 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 government 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 covering 20 projects

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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 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

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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://thereddesk.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](#).