

Economic Land Concessions: a Legal Framework to Legitimize Land Grabbing in Cambodia?



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General overview

I. General Mechanism of Land Grabbing

II. Legal framework of Economic Land Concessions

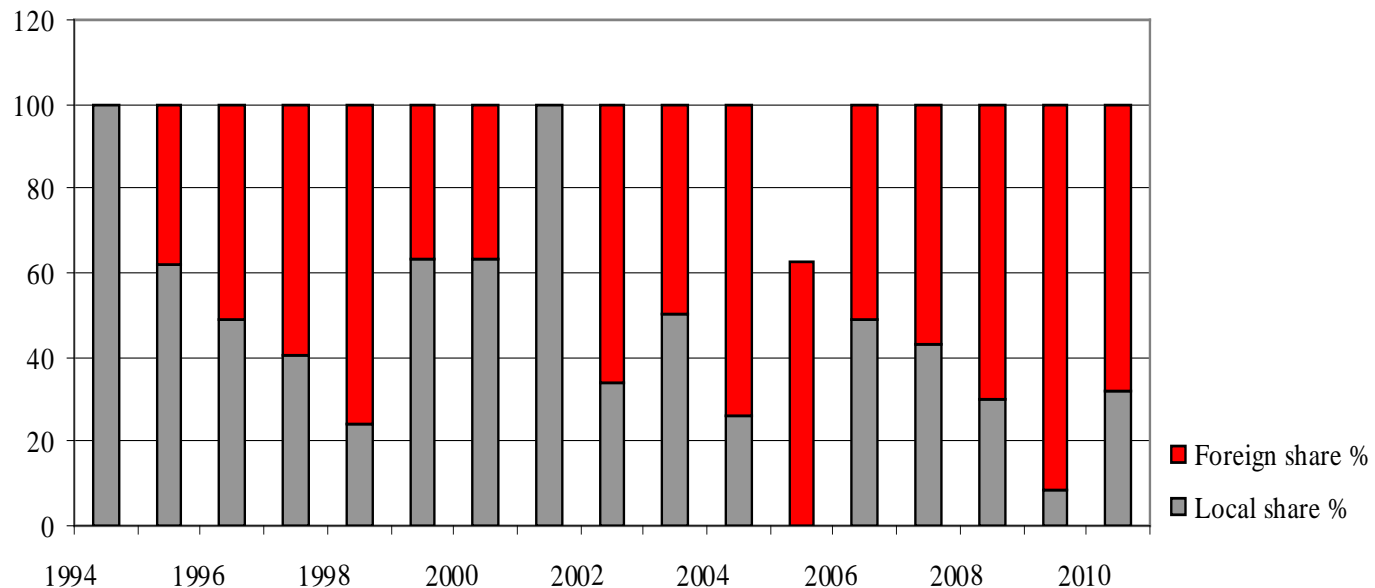
III. Law and Practices

IV. Controversial State Land Management

General Mechanism of Land Grabbing

- Chronic land tenure insecurity since the land reform in 1989
- Massive overseas investments in agricultural sector

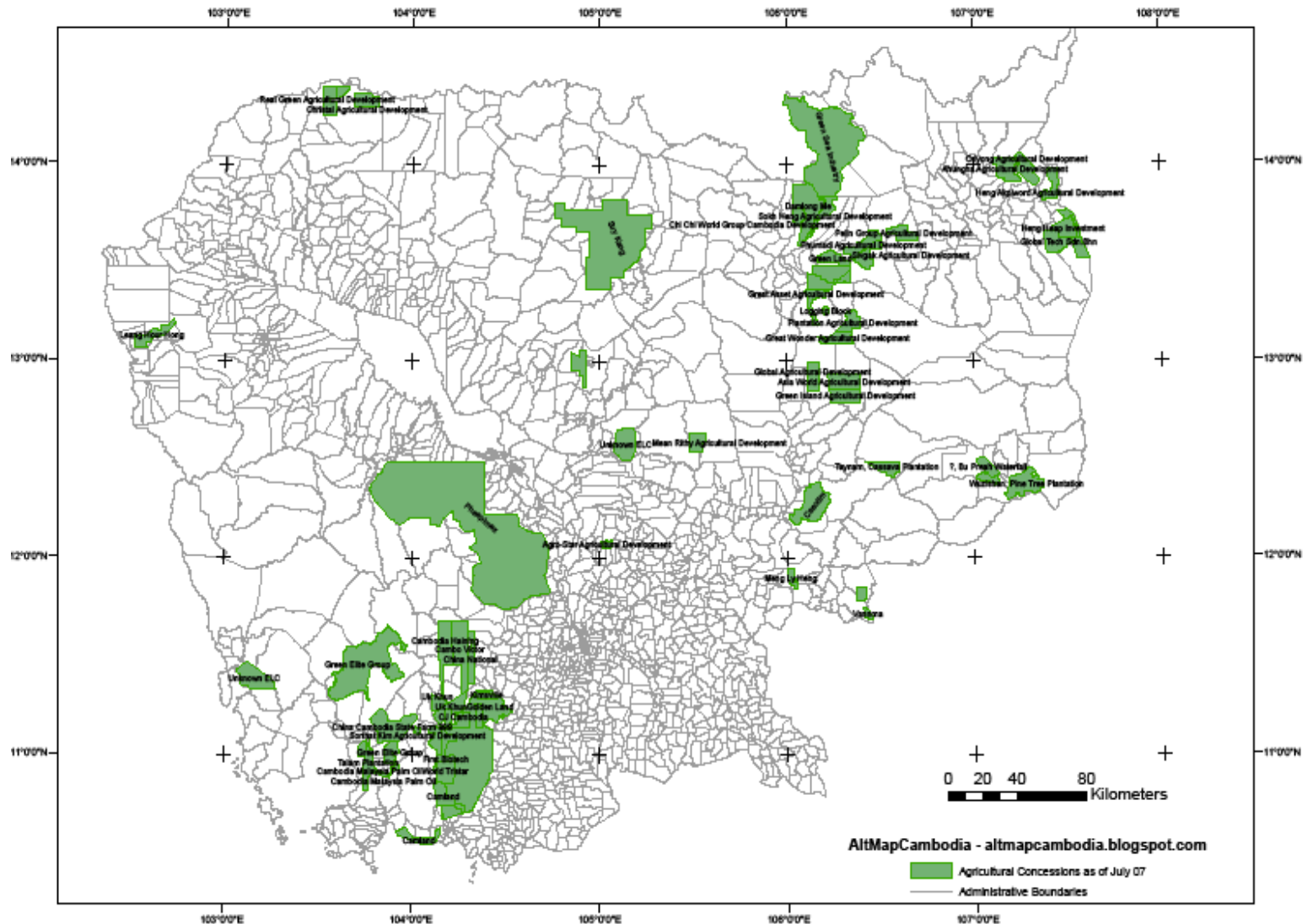
Capital shares, agriculture sector 1994-2010



- Lack of public regulation despite legal tools

Known Agriculture Concessions in Cambodia in 2009

(sources: Ministry of Agriculture, Forestry and Fisheries)



Legal framework of Economic Land Concessions

- **Land Law, 2001**
 - Maximum lease duration of 99 years
 - Maximum area limitation of 10,000 hectares
 - Non convertible to private property

- **Economic Land Concession sub-decree, 2005**
 - Land registration as state private land
 - Land use plan
 - Environmental and social impact assessments
 - Solutions for resettlement issues
 - Public consultations

Law and Practices

- Oversized concessions, land speculation, non-transparent process of granting, lack of public consultations.



Sihanouk-Ville, evictions, 2008

Controversial State Land Management

- Long-leases on Public State Lands: ambiguous notion of “public interest”.
- In practice, ELC is equivalent to possession/private ownership.
- ELC can be used by developers as a legal way to transfer state public lands into state private lands instead of maintaining a time-restricted right.