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### Land grabs still plague Myanmar and Cambodia

Mahdev MOHAN

*Singapore Management University, mahdevm@smu.edu.sg*

Vani SATHISAN

*Singapore Management University, vanisathisan@smu.edu.sg*

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## Land grabs still plague Myanmar and Cambodia

February 28, 2013 | Filed under: Business, Cambodia, Myanmar, Opinion | By: Mahdev Mohan & Vani Sathisan

Splitting the hairs between corporate responsibility in Myanmar and Cambodia

A comment by Mahdev Mohan and Vani Sathisan

To many, Cambodia and Myanmar are at different points on the arc towards democracy and development. Hun Sen's Cambodia is often viewed as an authoritarian state mired in endemic corruption. Myanmar is regarded as an emerging success story, transitioning from military dictatorship to democratic rule.

But the similarities in both countries regarding business-related human rights abuses are striking. Two high profile land-grabbing cases concern the stalled development of Phnom Penh's Boeung Kak Lake and the confiscation of farmlands in Myanmar's western Rakhine state.

Shukaku Inc – owned by Cambodian ruling party senator Lao Meng Khin – reportedly filled the historic lake and acquired vast tracts of protected land in the area for a real estate development project with a Chinese state-owned enterprise. More than 4,000 families around Boeung Kak Lake, since 2008, have been forcibly relocated without adequate compensation. Today, Boeung Kak evictees remain under close surveillance by Cambodian authorities and are routinely subject to malicious prosecutions. In December 2012, human rights defender and Boeung Kak Lake evictee Yorm Bopha was sentenced to three years for 'committing intentional violence', despite the apparent absence of credible evidence to support the charges against her.

In Myanmar's Rakhine state, traditionally cultivated agrarian land has also been unjustly confiscated. Myanmar's armed forces have seized these farmlands to make way for the Shwe Gas Project, a joint venture between China National Petroleum Corporation and Myanmar's Oil and Gas Enterprise. The project envisions the construction of oil and gas pipelines that will span 800 kilometres across Myanmar and that will cut across 21 townships. Besides displacing vulnerable communities and affecting their livelihoods, such relentless land acquisition will also have a detrimental environmental impact.

Conflict, graft and complicity contribute to significant business-related harm that threatens basic standards of living in Cambodia and Myanmar. They flout the UN's Guiding Principles on Business and Human Rights that have been unanimously endorsed by the UN Human Rights Council. These principles underscore not only a state's obligations to protect its people from human rights abuses, but also the corporate responsibility to respect human rights, and their joint duty to provide recourse to remedies where abuses do occur.

There is some cause for hope. In January, a Cambodian prosecutor-general commenced an appeal against a controversial decision by the Svay Rieng provincial court not to prosecute Chhouk Bandith, the former Bavet governor, suspected of shooting into a crowd of unarmed female garment workers protesting outside a textile factory and brutally

wounding three. This move may signal a rare departure from impunity and the vindication of years of advocacy by Cambodian civil society actors.

In Myanmar, 14 cases of agrarian land confiscation in Rakhine state are currently being investigated by the Union Parliament's newly formed Land Investigation Commission. While laudable, more needs to be done by Myanmar to hold corporations, including those linked to foreign states, responsible for their conduct and complicity in human rights abuses. For instance, a resettlement plan providing sufficient compensation, the guarantee of basic standards of living and access to livelihoods should be implemented if relocation is unavoidable.

In states with weak institutions, such as Cambodia and Myanmar, the risks of fresh and intractable violence erupting are very real. Branding these two governments as being on different sides of the line that demarcates acceptable reform may be expedient for Western states keen on winning the hand of resource-rich Myanmar, but it may conceal tipping points within these countries and the ambitions of regional corporations and governments.

*Assistant professor Mahdev Mohan and Vani Sathisan are director and research manager respectively of the Asian Peace-building & Rule of Law programme at the Singapore Management University's School of Law. They are both international lawyers associated with Access to Justice Asia.*