

THE IMPACT OF CIVIL SOCIETY ORGANIZATIONS ON LAND TENURE SECURITY

Analyzing CSO Influence on Land Tenure Policies in India and Cambodia

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ABSTRACT

The purpose of this thesis is to explore the impact of civil society organizations (CSOs) on policies that secure land tenure. Land tenure security is an important issue of which the relevance has increased since the new land grab movement. Land grab in developing countries is often accompanied by human rights violations, like forced evictions and food insecurity. CSOs are important actors in issues concerned with human rights violations and the increase in large scale land acquisitions is therefore likely to trigger CSO activism. This paper explores the impact of CSOs in India and Cambodia and shows that CSO activism alone does not explain why legal changes concerned with land tenure occur. Strong CSOs can bring about and influence legal changes in the domestic sphere, but most activism in both India and Cambodia focuses on awareness raising and local projects. Recent developments and neoliberal policies raised questions about the actual influence of CSOs. The focus on attracting investors in the policies, which decreases land tenure security instead of improving it, suggests that economic dependency might be a scope condition for future research.

ABBREVIATIONS

ADB	Asian Development Bank
ADHOC	Cambodian Human Rights and Development Organization
CCC	Cooperation Committee for Cambodia
CHRAC	Cambodian Human Rights Action Committee
CSD	Campaign for Survival and Dignity
CSO	Civil society organizations
ELC	Economic Land Concession
FDI	Foreign Direct Investment
FRA	Forest Rights Act (2006)
GDP	Gross Domestic Product
GNI	Gross National Income
GRAIN	Genetic Resources Action International
ICNL	The International Center for Not-for-Profit Law
IFAD	International Fund for Agricultural Development
ISD	Indices of Social Development
KEPA	Service Center for Development Cooperation
LARR Act	Land Acquisition, Rehabilitation and Resettlement Act (2013)
LASED	Land Allocation for Social and Economic Development Project
LICADHO	Cambodian League for the Protection and Defense of Human Rights
LMAP	Land Management Administration Project
NGO	Non-governmental organization
OCHCR	Office of the High Commissioner for Human Rights
POSCO	Pohang Iron and Steel Company
PSS	Anti-POSCO People's Movement
SEZ	Special Economic Zone
SLC	Social Land Concession
ST	Scheduled Tribes
TAN	Transnational Advocacy Network
UDHRM	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNRISD	United Nations Research Institute for Social Development
USAID	United States Agency for International Development

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1. INTRODUCTION

The Problem of Land Grab

The past years have seen a revaluation of land ownership, driven by the global crisis in food, energy, finance and the environment (Borras et al. 2011, 209). Because of this, land grabbing or land rush, the buying or leasing of large pieces of land in developing countries by domestic and transnational companies, governments and individuals, increased after 2008 (Alden Wily 2013, 5). States and companies aim for new land, mostly located in the global south, to secure their access to natural resources. The main trends that drive the increase in the rush for land or the land grab movement are the growing demand for food, a surging demand for agrofuels and other energy sources, the shrinking resource base and the liberalization of trade and investment regimes (Anseeuw et al. 2012, 10).

In response to the demands on land, national governments in states targeted by land grab set aside lands that are officially seen as marginal, government owned and empty. This seems to conform to statutory law. In reality, many of those perceived empty lands are not empty but used by the state's population (Alden Wily 2013, 1). They claim their land based on customary rights and do not have a legal title to their land (Ibid., 5). This leaves the population vulnerable to displacement or criminal charges for squatting (Brent 2013, 4). Only a small percentage of the land in most developing countries comprises titled land, which means that a majority of the people relies on customary law. Presumed empty land and land grabbing therefore brings a conflict between customary and statutory law.

Investments in land places the investors in competition with local communities for access to land, water, and other natural resources (Anseeuw et al. 2012, 10). It often requires the displacement of current occupants by violence, economic pressure or expropriation. In most cases there is no adequate compensation for the forced evictions. Large scale land acquisitions also have a negative impact on food security and they can result in local people losing access to the resources on which they depend for their livelihood (Cotula et al. 2009, 15; Oxfam 2012, 2). This is in conflict with global human rights.

In the article *The Law and Land Grabbing: Friend or Foe?*, Liz Alden Wily explores the impact of land grab on the law. In the article she argues that the rush for land raises demands for unregistered customary rights to be implemented into domestic laws (Alden Wily 2013, 3). The increase in land grab leads to a need for more legal policies regulating land grab. The environment of advanced communication, emergent mass empowerment and platforms creates opportunities to coerce modification (Ibid., 1). Based on some cases in Sub-Saharan Africa in which customary rights were successfully incorporated in the national law, she states that land grab could prove more legal friend than foe (Ibid., 1). This is interesting since it seems more obvious that a rush for land decreases the

status of customary rights because of economic benefits for the host country. This thesis therefore focuses on the legal changes in the domestic sphere concerned with land rights.

As implementing customary rights concerned with land in statutory law is only one way of protecting citizens' rights, this thesis will focus on securing land tenure in general. Land tenure, which means landholding, is broader than land rights. It can be defined as the way land is held or owned by individuals and groups, or the set of relationships legally or customarily defined amongst people with respect to land (UN-HABITAT 2008, 5). In other words, the method by which individuals or groups acquire, hold, transfer or transmit property rights in land. Improved land tenure security decreases the chances on human rights violations due to investments in land as it strengthens the position of the population. Considering the increase in land grab in the last decade and the need for legal changes in most target states, this thesis aims to answer the following question:

What explains legal changes concerned with land tenure security in target states?

Target states are those states where land grab happens, and they are mostly located in the global south. As Alden Wily focused on Sub-Saharan African states, this research explores legal changes, indirectly caused by land grab, and its incentives in Asia, which is the second most targeted continent by land grab after Africa. Based on constructivism and norm localization theory, the paper expects civil society activism to be a key incentive for governments in changing laws and policies concerned with land tenure security, as they are seen as important local actors in influencing the state and bringing about social and economic change in domestic policies (Clayton et al. 2000, 5). A strong civil society is likely to have an impact on state behavior and policies. The paper explores whether activism by civil society organizations (CSOs) answers the research question.

In order to explore the role of CSOs in bringing about domestic legal changes concerned with land tenure, this paper uses a most similar system design. The selected countries in this paper are India and Cambodia, as they are both highly targeted by land grab and share similarities in many areas, except for the strength of CSO activism. India has a relative strong civil society and the civil society in Cambodia is rather weak. This raises the expectation that India implemented more legal changes to increase land tenure security and protect its citizens from human rights violations caused by land grab than Cambodia. The research objective is to identify the impact of CSO activism on securing land tenure in India and Cambodia.

In the cases of India and Cambodia, it turns out that civil society alone does not explain legal changes concerned with land tenure security. Even though the findings support the expectation that a stronger and more developed civil society leads to the implementation of more legal changes that secure land tenure, CSO activism is not the main incentive for the government to implement legal changes. Instead of land grab being a legal friend, as, according to Alden Wily, is the case in Africa, land grab in Asia

seems to be a legal foe. Neoliberal policies of both states decrease land tenure security, despite CSO activists making demands on the state. Therefore CSO activism is not the answer to the research question. The findings suggests that CSO activism has influence in changing land tenure security policies, but it might need a scope condition in the form of economic dependency, which needs some further future research.

The thesis is structured as follows. It begins with the theoretical foundations for the assumed key role of CSO activism and its influence on domestic laws. These assumptions are mainly based on constructivism, norm localization theory and literature on CSOs influencing state behavior. In the next chapter, the paper elaborates on the research design and specifies the hypothesis, methods and variables. After this the findings follow, starting with the case of India which provides background information on land reforms and land allocation in India, followed by a short overview of land rights in India. In the analysis of India, civil society activism in India and its impact on land tenure security are analyzed. The influence of civil society activism on land tenure security depends on the type of activism and its effectiveness depends on the willingness of the state. The next section discusses the case of Cambodia, which also starts with a description of Cambodia's land system and the legal protection of land tenure under the Cambodian law. In the analysis of the case of Cambodia, the impact of civil society activism is reviewed. This is followed by a discussion of the cases of India and Cambodia, in which the comparison between the two states shows that civil society activism alone does not sufficiently answer the research question. In the conclusion, there are some final remarks on the topic and suggestions for further research with a scope condition.

2. THEORETICAL FRAMEWORK

In order to understand the focus of this paper on civil society organizations (CSOs) as an explanation for government changes in land tenure security, this chapter provides an overview of CSO influence throughout the literature and its theoretical foundations. As mentioned before, the assumptions about the influence of CSOs in influencing domestic laws and policies made in this paper are based on constructivism and norm localization theory. Constructivism is one of the bigger themes in international relations. It is a social theory and emphasizes the interaction between norms and social structures. The definition of norms that is used in this paper is *a standard of appropriate behavior for actors with a given identity* (Finnemore 1996, 891). In contrast to realism, constructivism also sees a key role for non-state actors.

Constructivism

The debate between rationalism and constructivism, two big themes in international relations, has become more prominent in the late 1980s (Katzenstein et al. 1998, 649). Rationalism and constructivism offer contrasting analytical orientations for research in the social sciences (Ibid., 683).

Both theories offer a framework for thinking about the nature of social life and social interaction, but they do not make any claims about its specific content (Finnemore and Sikkink 2001, 393). Rationalism comprises both realism and liberalism, two important state centered approaches in international relations. The dominance of rationalism in international relations was questioned, as its theories were unable to explain or predict the unexpected peaceful end of the Cold War and the collapse of the Soviet Union (Ibid., 671). This opened up space for constructivism.

According to constructivism, the reality, which includes state identity and behavior, is socially constructed within the environment of international and domestic politics (Finnemore and Sikkink 2001, 399; Katzenstein et al. 1998, 646). Every organization and actor are to some degree embedded in a relational or institutional context with a certain social structure (Meyer and Rowan 1977, 353). The structures are created in an interactive process by the ideas and communication between actors. The structure, consisting of norms, rules, ideas and logics, in its turn prescribes action and influences the behavior of the involved actors (Bacalso 2010, 28). Risse and Sikkink argue that the process in which global norms are internalized and implemented domestically can be understood as a process of socialization (Risse and Sikkink, 5). Important first steps in the theory were made by Meyer, who showed similarities across national policies and practices, which indicated the existence of shared norms (Katzenstein et al. 1998, 675).

It is now generally accepted that global norms influence actors, but there is no consensus among scholars about how norms work their effects in the domestic area (Checkel 1998, 473). Constructivist perspectives on socialization argue that local practices are made consistent with the external idea in the adoption process (Acharya 2004, 251). According to the logic of appropriateness, human action is driven by rules of appropriate or exemplary behavior, organized in institutions (March and Olsen 1995, 3). This logic suggests that all actors become isomorphic with their social environment on their own initiative, as the social environment presents the shared norms that prescribe action. Meyer argues that the willingness to adopt shared norms has to do with a script of modernity. International organizations often present what policies and norms national leaders ought to adopt in order to appear to be modern and progressive (Katzenstein et al. 1998, 675). In an article by Meyer and Rowan, it is argued that the willingness of actors to adopt norms is caused by the aim for legitimacy and resources. The adoption of global norms and becoming isomorphic with their social environment gives actors legitimacy and resources needed to survive (Meyer and Rowan 1977, 352).

Other scholars suggest that isomorphic change and the adoption of norms is not caused by the actor's willingness to fulfil global expectations as it does not always happen on the initiative of the actor itself. According to Checkel, the adoption of global norms by domestic actors either needs societal pressure or elite learning (Checkel 1998, 487). Societal pressure would be the primary mechanism to empower

norms at the domestic state level, and elite learning would be the secondary mechanism (Ibid. 487). Checkel's assumptions on mechanisms of norm empowerment are based on his research on the European Union and the empowerment of their shared norms in Germany. The focus on shared norms makes his assumptions relevant to this paper as well, as this research focuses on the implementation of shared norms in the domestic sphere .

DiMaggio and Powell identified three mechanisms of isomorphic change: coercive isomorphism, mimetic isomorphism and normative isomorphism (DiMaggio and Powell 1983, 150). These mechanisms explain how shared norms are adopted by actors. The first mechanism describes that isomorphic change results from both formal and informal pressure by international or domestic organizations. Mimetic and normative isomorphism do not result from pressure of a coercive actor, but stem respectively from uncertainty in how to act and from pressure brought about by professionalization (DiMaggio and Powell 1983, 152). These scholars showed that, in order for governments to adopt certain global norms, there can be a need for coercion or pressure from either domestic actors or international actors.

Norm Localization Theory

In contrast to the ideas describes above, where local norms are replaced by global norms, norm localization sees it the other way around: global ideas are adopted to meet local practices (Acharya 2004, 251). Norm localization theory is a part of diffusion research and provides explanations on how local norms and ideas change because of global and transnational norms. Diffusion of global norms can lead to convergence of norms, but also to norm modification. Norm localization theory stresses the importance of the local norms, traditions, beliefs and ideas. It states that global and transnational ideas of the institutional environment are often not displacing old local ideas; global and transnational ideas and norms are made suitable to fit into prior local traditions and practices (Acharya 2004, 244).

Norm localization emphasizes the role of local actors in the modification process by the norm adapters. Local actors fulfill an important position in the process of localization. There is some evidence that the ability of local agents to reconstruct a global norm and to ensure a better fit with prior local norms could explain variation in the acceptance of norms by organizations and states (Acharya 2004, 239). The stronger and more capable the local actors, the more global and transnational norms are localized. Norm localization also sees a role for domestic actors in changing norms and influencing domestic policies.

CSO Influence

A major focus of constructivism is Transnational Advocacy Networks (TANs). Keck and Sikkink are important authors on TANs, that they describe as pressure groups in which the activists cooperate across national borders. The relations among actors are open and they are organized to promote causes, principled ideas and norms (Keck and Sikkink 1998, 8). NGOs and local social movements are important actors in these advocacy networks, and they are particularly relevant in value-laden debates over human rights, the environment, women's rights and indigenous people (Ibid., 9). Human rights and access to land and resources, on which this paper focuses, correspond to these topics. Therefore TANs, and in particular NGOs and local social movements, can be important actors in explaining the adoption of global norms.

Civil society is an umbrella concept which also includes NGOs and local social movements. CSOs are the voluntary organizations in which citizens act to achieve collective goals, express citizen concerns, make demands on the state, address needs or hold state officials accountable (Diamond 1999, 221; Salamon et al. 1999, 38). They can vary from developmental NGOs, community groups, women's organizations, faith-based organizations, professional associations, trade unions, social movements and advocacy groups and they often advocate issues that they perceive to be neglected by the government. The collective goal that CSOs aim to achieve is often based on the pursue of self-interest in a context of broader public needs (Putnam 1993, 88). Based on the literature, there are two fields in which CSOs play a key role. These are human rights issues on the one hand and development aid on the other. According to a report by the United Nations Research Institute for Social Development (UNRISD), international development aid is increasingly bypassing national governments and is going directly to local, national and international CSOs (Krut et al. 1997, 10).

Human rights promotion used to be the main area in which CSOs worked and they managed to secure an effective implementation of human rights policies in many states (Marchetti 2010, 11). CSOs still have a crucial role in the normative battle for the protection of human rights (Ibid., 11). Finnemore and Sikkink state that CSOs can operate as agents of governance by promoting new norms and setting the agenda (Finnemore and Sikkink 1998, 899). Literature on CSOs shows that CSOs are especially relevant in areas concerned with human rights, environmental problems, climate change and women's rights and that CSOs have put these issues on the political agenda, which influenced legal changes. The reason for the relevance of CSOs in these topic areas, is that governments are often the main violators in these areas. CSOs see the gap left by the government, and try to influence state behavior and hold the government accountable for their actions, in order to fulfill the public needs.

In a report from the International Institute for Environment and Development (IIED) on civil society influence concerned with climate change, CSOs showed to be very effective actors in influencing

domestic laws. They have been pushing for new laws, programs, policies or strategies, or pressing governments to dedicate more resources to issues or places that they feel have been neglected (Reid et al. 2012, 22). This is similar to some of the types of influence identified by Keck and Sikkink. They identified five types of network influence. TANS can influence agenda setting, the positions of states and international organizations, institutional procedures, the policy of their target state and state behavior (Keck and Sikkink 1998, 25). By giving attention to certain issues and creating awareness among policymakers, they operate as agenda setter. Issue creation does not only happen at the national governmental level. CSOs also raise awareness among the population and on a local level, which also contributes to issue creation. According to the IIED report, environmental CSOs are particularly important for poor and vulnerable people, who often lack a political voice (Reid et al. 2012, 23). CSOs provide a political voice for those people.

Land grab and large scale land acquisition can, as argued in the introduction, lead to a violation of human rights. The Universal Declaration of Human Rights (UDHR) is the primary source of global human rights standards, and most declarations and covenants concerned with human rights are based on these standards (Hannum 1998, 146). The driving idea of the UDHR is that there are basic human rights that should be available to everybody. It provides for a range of rights, including an adequate standard of living, equality before the law and equal protection of the law and protection from arbitrary deprivation of property (Leuprecht 2004, 5). As the UDHR is seen as the global human rights standard and as India and Cambodia both ratified the UDHR, the rights as stated in the UDHR, and also in the International Covenant of Political and Civil Rights and the International Covenant on Economic, Cultural and Social Rights, are the global norms on which this research focuses.

An important right as stated in the UDHR is the right to adequate housing. Forced evictions as a result of land grab or investments in land without adequate compensation, therefore violate human rights (UN-HABITAT 2014, 1). According to article 11 of the International Covenant on Economic, Cultural and Social Rights, every state is obliged to ensure its citizens access to food. When leasing or selling land to investors deprives the local population from access to resources on which they depend for their livelihoods, it has a negative impact on their food security and violates this article. If land grab or large scale land acquisition leads to human rights violations, this is a likely trigger for CSOs to make demands on the state to adopt globally accepted norms. As forced evictions and other human rights violations due to land grab and a lack of land rights are similar to the fields in which CSOs mainly operate, and as governments are often responsible for these violations, CSOs are likely to advocate these issues and demand legal changes. Examples from the literature showed that CSOs proved effective actors, which increases their likeliness to be also effective in this field.

In *The Power of Human Rights*, Risse and Sikkink introduce a spiral model, which describes the dynamics of pressure on states in the norm socialization process (Risse and Sikkink 1999, 6). The spiral model acknowledges an important role for NGOs in the process of norm internalization and for NGOs as norm entrepreneurs. Risse and Sikkink signal the boomerang strategy, which describes the dynamics between NGOs or CSOs in repressive states and international organizations. In some cases domestic actors have to work together with international organizations to achieve their demands. When domestic activists demand rights and the government refuses to recognize these rights, the channels of participation between the domestic activists and the government are blocked. In that case, the international arena may be the only means by which domestic activists can achieve their goal (Keck and Sikkink 1998, 12). Domestic actors may approach international actors to express their concerns. The international allies then try to pressure the state to recognize the rights (Ibid., 12). Boomerang strategies are common in campaigns where the target is a state's domestic policy or behavior (Ibid., 12).

Risse and Sikkink identify different stages of socialization: instrumental adaption, argumentative discourses and institutionalization. Instrumental adaption can be described as an early stage of the socialization process, in which the actor makes tactical concessions. In argumentative discourses, the second type, the actors accept the validity and significance of the norms (Risse and Sikkink 1999, 12). Institutionalization is the final stage of the socializations process. Research suggests that tactical concessions by governments in the form of commitment to human rights treaties can prove very effective in the socialization process, and even more effective than rights protecting ones. Commitment to human rights treaties can be symbolic for those governments that are not held accountable, but it provides domestic activists with leverage to criticize their government (Hafner-Burton et al. 2008, 124). According to Keck and Sikkink, this also gives domestic actors some access to the boomerang strategy (Keck and Sikkink 1998, 12).

The research on TANs and norm localization suggest that CSOs can localize globally accepted norms and influence domestic policy on land tenure security, if the current land tenure security of the government falls short in the protection of human rights. CSOs are seen as important actors in influencing the state and bringing about social and economic change in developing and transition countries (Clayton et al. 2000, 5). The focus on domestic actors and activists in this paper results from the lack of distinct variation in international pressure on India and Cambodia. This suggests that both states adopted the same degree of protective land rights. As this is not the case in India and Cambodia, CSOs might be a more relevant explaining variable in these states. According to the theory, CSOs are likely actors in bringing about legal changes in topic that concern human rights violations. From norm localization theory it also follows that states with a strong civil society are better capable to ensure a fit with prior local norms and to conform to global norms than states with a weak civil society. States

with a relative strong civil society are likely to have more legal reforms that increase land tenure security than states with a weak civil society. CSOs can make demands on the government to improve land tenure security. This brings up the following hypothesis:

H1: Civil society activism leads to legal changes in domestic law that increases land tenure security.

3. RESEARCH DESIGN

This case study aims to explore whether CSO activism triggers legal changes concerned with land tenure in order to answer the research question *What explains legal changes concerned with land tenure security in target states*. Since Alden Wily's argument focuses on the influences of land grab on national law in Sub-Saharan Africa, this research will explore legal improvements in Asia, as Asia is, after Africa, the second most targeted continent by land grab with a paired comparison. The aim is to come up with findings of the legal effects of CSO activism in the global south in general.

The analysis is conducted with the help of process-tracing. This method is appropriate in this research because it traces the causal relation as stated in the hypotheses. Even though it is difficult to rule out that there are any other variables influencing the change in land tenure security, the explanation of civil society influence seems plausible. The dynamics between CSO activism and legal improvements concerned with land tenure security can be described as follows:

CSOs campaign for improvements that secure land tenure and protect population → campaign raises awareness among the population and state → awareness decreases public support for state and state legitimacy → (social mobilization might increase pressure on the state →) forces state to discuss issue → put land tenure insecurity on the political agenda → state responds by increasing land tenure security.

The step 'social mobilization might increase pressure on the state' is between brackets as this step could reinforce the process, but is not a necessary step in the arrow scheme as the awareness campaign and demands alone are also able to put the issue on the agenda.

Methods of Analysis

The research uses a most similar system design, or the method of difference. The target states that are the focus of this research are India and Cambodia. They exhibit many similarities, which are elaborated in the case selection below, except for the explaining variable: CSO activism. As CSO activism is the explaining variable, this paper expects a variation in legal improvements. With the help of process-tracing the causal relation between CSO activism and legal improvements can be traced.

Case Selection

India and Cambodia are both highly targeted by land grab and have a predominant rural society, as the majority of their population resides in rural areas (CIA Factbook 2014). The high percentage of presumed empty government owned lands in both India and Cambodia, for which it is difficult or impossible for people living on those lands to acquire any rights or ownership, in combination with the majority of the population residing in rural areas, which is often the target of investments, makes forced evictions likely to occur. This makes India and Cambodia likely to have CSOs that aim to stop forced evictions and human rights violations and increase land tenure security. They both have a colonial past, as India was ruled by the British and Cambodia by the French, and they became independent around the same time. India and Cambodia are both Asian states and are geographical near to each other, which rules out regional differences.

India and Cambodia vary on CSO strength. India has a fairly strong civil society, whereas the civil society in Cambodia is rather weak and inexperienced (Malena and Chhim 2009, 50). In general, CSOs in liberal democracies are stronger than those in non-liberal democracies. A liberal environment stimulates the existence of a strong civil society as the state can actively help to create social cohesion by ensuring that public services are provided fairly and efficiently and by treating all citizens equally. The state has a vital role in shaping the context and climate in which the civil society organizations exist (Easterly et al. 2006, 16). Even though civil society is separate from the state and individuals, a strong civil society depends on a strong state (Krut et al. 1997, 12). As India is, according to the democracy scores provided by Freedom House, classified as a free state, India is likely to have a strong civil society while Cambodia, classified as a non-free state, is likely to have a weak civil society.

Conceptualization

The independent variable is civil society activism. Civil society is the organizational life between the civic population and the public where citizens voluntary participate in formal organizations (Booth and Richard 1998, 780). This paper specifically focuses on the actions by civil society organizations to improve land tenure security. As stated before, CSO activism pressures the governments to make legal changes concerned with land tenure security. The pressure by domestic actors is a likely incentive for governments to adapt their laws concerned with land tenure security.

The dependent variable is legal changes in land tenure security. With a legal change this paper means a changed law, policy or ordinance. The definition of land tenure used in this research is the way land is held or owned by individuals and groups, or the set of relationships legally or customarily defined amongst people with respect to land (UN-HABITAT 2008, 5). The paper expects more legal changes that increase land tenure security in India than in Cambodia.

Operationalization of Variables

A common way to measure civil society activism and strength is to use a census of groups and group membership, including measuring the average group size (Fukuyama 2010, 12). One way to do this is to use the Indices of Social Development (ISD) Database, produced by the International Institute of Social Sciences (ISS). This database brings together indicators on how different countries perform along different dimensions of social development. In this thesis, there are two dimensions that are relevant for the measurement of civil society: civic activism and clubs and associations. Civic activism refers to the social norms, organizations, and practices, which facilitates citizen involvement in public policies and decisions. The index consists of data on, for example, access to the media, participation in demonstrations and petitions, the density of international organizations, and the CIVICUS civil society rating. Clubs and associations refers to the percentage of membership of the population. The scores of civic activism and clubs and associations are as follows:

Table 1: ISD Database indicators of CSO activism

	Civic Activism	Clubs/ Associations
India	0.49	0.569
Cambodia	0.43	0.854
Mean all data	0.459	0.503

On the dimension of civic activism, India has a higher score than Cambodia. This is in line with the expectation based on liberal and democratic values. This score is relative high, compared to the mean of all data. Cambodia's score is lower than the mean. On the dimension of clubs and associations, both India and Cambodia have a higher score than the mean of all data, but Cambodia scores higher than India. This dimension does not correspond to the expected outcome. An explanation for this might be that group membership and the number of groups on itself, according to some scholars, does not necessarily say something on the strength of the civil society. In many developing countries, there are many groups and organizations but they have little influence as they lack experience (Krut et al. 1997, 49). The growth of the number of CSOs provides strength in numbers, but not in experience.

The dependent variable is easy observable, as changed laws and policies are documented. This paper does not use any scale to measure the implemented changes. As it is a paired comparison, there is no need for a scale to identify the size of the change. The changed policies in India and Cambodia will be analyzed, as well as the suggested impact of CSO activism in the process of changes and implementation, and they are compared to each other in the discussion.

Data Collection

For the collection of data, this thesis uses existing materials to collect the necessary data. The main sources of information are primary sources, such as international legal materials and reports from international organizations, and secondary sources, like scholarly publications. In addition to this literature, the research also uses government documents and newspaper articles.

The data on actions of CSOs is derived from NGO reports, scholarly articles, websites of the organizations themselves and newspaper articles. Data on land tenure security is derived from primary legal sources, NGO reports and from scholarly articles on land acquisition and land grab. This thesis presents an overview of the land rights in India and Cambodia in the case descriptions.

4. CASE STUDIES

Case 1: India

Conflicts on land are an enormous problem in India. India is a predominantly rural country and has an unequal distribution of land, which has persisted from independence since 1947 (Mearns 1999, 13). During the British colonial period most rural land was feudal and in the late 1940s, 35 per cent of India's rural population was tenant farmer (USAID 2011, 5). In order to bridge the gap between the poor landless and the rich landed peasantry, a number of land reform legislations were introduced after independence (UNDP 2008, 7). The land reform legislations aimed to provide the poor with access to rural land, improve equality in land distribution and improve the efficiency in agricultural production (Mearns 1999, 8). As stated in the Indian Constitution, land reforms are not the federal state's responsibility but the responsibility of the individual states (Mearns 1999, 10). This resulted in some variation in land reform legislation across the different states, but most states used similar land reform measures. These included measures abolishing intermediaries, measures prohibiting or strictly regulating tenancy, the introduction of maximum landholding ceilings, and government allocation of *Bhoodan* land, which is land donated to the state by landowners between 1951 and 1969, and government wasteland, which are the lands that are barren or under-producing (Hanstad et al. 2005, 2).

Although the land reforms succeeded in reallocating some of the land in India from largeholders to the landless and land poor, the efforts had very limited success. Most of the land reforms did not have the desired effect and some legislative provisions resulted in unintended consequences (Hanstad et al. 2005, 2). Most of India's rural poor have not seen improvements in their tenure security or in their access to land. Even though the land-ceiling laws succeeded in reallocating 8.5 million hectares, they could easily be evaded by landlords (USAID 2011, 5). The tenancy reform laws have done little to

increase tenure security among the poor and, in many respects, have made it harder for poor families to access land through lease (Hanstad et al. 2005).

According to the data of a 2003-2004 survey of the National Sample Survey Office, 41.6 per cent of all agrarian households in India is absolutely landless or nearly landless (Rawal 2008, 45). Nearly landless means owning 0.2 hectares or less. Landless households are more likely to be poor, and a high percentage of landlessness poses problems to stability within the state as these households do not enjoy any legal protection to their land (UN-HABITAT 2008, 15). A majority of the population, 58%, depends on agriculture for its livelihood (Mearns 1999, 5). 63% of this group owns parcels smaller than one hectare, and less than 2% of this group owns parcels equal to or greater than 10 hectares (Ibid., 5).

Of the poor households, 84-100 per cent in some way uses the benefits of common property land, like collecting fuel wood, using the land or water for their livestock and growing crops (Jodha 1994, 7). These benefits make the land particular relevant to the landless population and the small agricultural laborer (Ramanathan 2002, 1). The land is officially government owned land, but every member of society has access and use-rights to both the land and its resources and nobody has exclusive property rights (Jodha 1995, 3278). Common property land covers about 27% of total land area in India. Despite the collective benefits that they offer, the area devoted to common property land has been steadily declining due to urbanization, industrialization and development projects (Hanstad et al. 2005).

Forced Evictions due to Large Scale Land Acquisition

Between 2005 and 2009, the government entered into hundreds of contracts with private companies for mineral exploitation and processing, infrastructure projects, such as dams and power plants, and development projects (USAID 2011, 12). In India, 65 per cent of the rural population is dependent on land, but at the same time a global economy wants the land for mining, industry, agriculture and biofuel plantations (*Al Jazeera*, 7 June 2011). According to the Land Matrix Database, there are 66 investors in large land acquisition in India, which covers areas of 200 hectares or more. In rural areas, these large infrastructure and development projects caused forced evictions and conversion of farmland. It also displaced individuals and communities from their homes as government records do not show that the land has been under cultivation by people living in these areas for generations (Chaudry 2014, 3; Sanhati 2010).

The government of India does not have any official data on forced evictions and displacement. The estimated number by civil society organizations of forced evictions and people that have been displaced since independence as a result of development projects is 65-70 million people (Chaudry

2014, 3). More than half of these people have been members of indigenous communities, which makes indigenous people important actors in the topic (USAID 2011, 5).

Land acquisition disproportionately affect the poorest segments of Indian society, including the indigenous population, because of a loss of livelihood, land, assets and social structure (Courtland-Robinson 2013, 17). It contributes to increased impoverishment of the affected populations. The majority of those displaced have not received any resettlement or rehabilitation benefits from the state (Courtland-Robinson 2003, 11). When there is no adequate rehabilitation, forced evictions result in homelessness, increased migration from rural to urban areas, and the loss of livelihoods, health, education and security (Chaudry 2014, 4).

One way to prevent these evictions is by increasing legal security, for example with an official title. Land can be acquired in India through purchase, inheritance and operation of various state land distribution programs (USAID 2011, 7). Ownership rights, which may be acquired through inheritance or the buying of land, are the most secure (Mearns 1999, 4). They are also the least likely to be enjoyed by the rural poor and other socially excluded groups.

India's Land Policy

Each state controls its land registration under the Land Registration Act of 1908: every state has its own land-records legislation and administration. India has a dual system as both national and state laws are concerned with laws on land tenure (USAID 2011, 8). The federal level offers some central guidance but the main responsibility is for the individual states (Mearns 1999, 8). The states generally have their own institutions overseeing land record maintenance, tax collection, land registration and dispute resolution. According to the USAID report, the dual system is inefficient and often does little to enhance tenure security and in some cases, actually decreases land tenure less security (USAID 2011, 8).

According to Robinson, realizing property rights on common property land, which is used by many people, is costly. The high costs of establishing and enforcing individual or group rights in an area with a low population density and low returns to land might be the reason for grazing areas in low-income countries to be open access (Robinson 2009, 409).

Legal Protection

There are several legal sources that should provide the population with secure land tenure. First of all there is the Indian Constitution, which was adopted by the Constituent Assembly in 1949 and came into force in 1950. The Indian Constitution encompasses fundamental rights and directive principles (Chaudry 2014, 22). Fundamental rights guaranteed by the Constitution are the right to protection of

life and personal liberty except according to procedure established by law (Constitution article 21) and the right of every citizen to reside and settle in any part of the territory of India (article 19 1^o). According to the directive principles, the state should secure the right to an adequate means of livelihood (article 39, 1) and it is the duty of the State to raise the level of nutrition, the standard of living and to improve public health (article 47).

Second, there is the Protection of Human Rights Act (1993), which provides for the creation of the National Human Rights Commission. The commission originates from the Vienna Declaration and Program of Action 33, and the creation of the United Nations Office of the High Commissioner for Human Rights in December 1993. It emphasizes that the Universal Declaration of Human Rights constitutes a common standard of achievement for all peoples and all nations and that this declaration has been the source of inspiration for the protection of Human Rights Act (Vienna Declaration and Program of Action 1993). Both the Indian Constitution and the Protection of Human Rights Act are in line with the Universal Declaration of Human Rights.

The last decade, two laws have been adopted, related to land grab and forced evictions. In 2006, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, also known as the Forest Rights Act or FRA, came into force. The FRA recognizes and gives rights over forest land to indigenous people or Scheduled Tribes (STs) and other traditional forest dwellers in order to ensure their livelihood and food security. It provides for recognition and vesting of forest rights to Scheduled Tribes that occupied forest land prior to December 2005 and other traditional forest dwellers who have been in occupation of forest land for at least three generations (UNDP 2008, 8). The Act, in its introduction, aims to give tenure and access rights to these people, including those who were forcefully displaced due to the state's development-based activities. In the case of forced evictions, they are given specific rights to claim rehabilitation and land compensation (Chaudry 2014, 24). The Act also provides rehabilitation, including alternative land in cases of illegal eviction or displacement from forest land (Chaudry 2014, 25).

The latest act concerned with land tenure and forced evictions is the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act (2013). The LARR Act came into force on 1 January 2014 and seeks to ensure a transparent and participatory process of land acquisition. It claims to provide just and fair compensation and adequate rehabilitation and resettlement to affected persons and families. The Act also aims to ensure that the outcome of acquisition is that the affected persons become partners in development, which will lead to an improvement in their post-acquisition social and economic status (Chaudry 2014, 26). In response to land conflicts over development projects, land for development projects cannot be acquired without the consent of 80 per cent of the people from the affected communities and a social impact assessment

(*Grain*, 30 April 2015). These requirements highly increased land tenure security. The Act replaced the original Land Acquisition Act of 1894.

However, in December 2014, the national government announced a new ordinance to supplement the LARR Act. The new land ordinance eases land acquisition and decreases land tenure security as it eliminates some of the important factors that secured land tenure for the population, including the requirements for consent from affected and displaced communities and the social impact assessment for certain sectors. If the land acquisition is concerned with national security, defense, rural infrastructure, industrial corridors or housing for the poor, there is no need for a social impact assessment and the consent of 80 per cent of the affected and displaced communities (Land Acquisition Ordinance 2014, chapter IIIA). The original LARR Act stated that the acquired land will be returned to the original owner if it is unused for five years. In the new ordinance, this timeframe is eliminated. According to the ordinance, the land will be returned if it is unused for the period specified for the project.

Civil Society in India

Civil society in India is one of the strongest in developing countries (ADB 2009, 1). This is a result of the long history and a strong tradition of partnerships and voluntary organizations. Those organizations were active in cultural promotion, education, health and natural disaster relief (Ibid., 1). CSOs as we know them today and social organizations outside the control of the state, however, only established after India's independence and mainly since the 1970s. Under the more authoritarian rule, the state remained highly watchful of its power and interpreted the emergence of CSOs as a challenge to its legitimacy (Ghaus-Pasha 2004, 6). After independence, the government recognized the potential for civil society to supplement the government (ADB 2009, 1). Because India borrowed the basic legal provision from colonial England through a system of legal ordinances, the environment for CSOs in India is rather open (Ghaus-Pasha 2004, 8). Despite the open environment for CSOs, the Indian state has retained its position as the main provider of social services, but CSOs play an important role in advocating on behalf of local people for improved state services (Clayton et al 2000, 5).

The activists in the first civil society movements that came about in the beginning of the 1970s advocated issues that they perceived as neglected by the state and political parties. The unresponsiveness of Indian political parties and government encouraged the Indian public to mobilize through nongovernmental organizations and social movements (Suar 2011, 65). The farmers' movement is seen as one of the most successful CSOs in India. They organized many demonstrations and pressured the government for higher prices on agricultural commodities and more investment in rural areas (Katzenstein et al. 2001, 259). Environmental organizations also proved effective, as they attempted to make the government more responsive to environmental issues and to redefine the

concept of development, in order to include respect for indigenous cultures and environmental sustainability.

According to an overview of the law of 2011 by the Ministry of Rural Development, the reasons for the adoption of the LARR Act are public concern, an outdated law and a need for a balance between the concerns of farmers and land acquisition (Ministry of Rural Development 2011). In the overview it is stated that public concern on land tenure issues increased and that the government aimed to address the concerns of farmers and those whose livelihoods are dependent on the land being acquired (Ibid.). This indicates that the concerns expressed by CSOs did explain the adoption of the LARR Act. CSOs also played a pivotal role in the process of the Forest Rights Act, as well in raising awareness for tribals and forest dwellers as in helping with the draft of the law (Bose 2010, 20). Most of the CSOs that were involved in the FRA Act are part of the Campaign for Survival and Dignity (CSD), a national platform of tribal and forest dwellers' organizations in ten States. Tribal and forest dweller organizations are concerned with indigenous people, who are often deprived by land acquisitions as their lands are forcibly taken away and handed over to private corporations in the name of public interest (Bose 2010, 10).

Currently there have been protests against the decision of the government to implement the new Land Acquisition Ordinance, to supplement the Land Acquisition, Rehabilitation and Resettlement (LARR) Act of 2013. The ordinance eliminates the land tenure security measures that were implemented under the original LARR Act. NGOs have challenged the governments' decision to withdraw the new Land Acquisition Ordinance and also involved the Supreme Court (*Times of India*, 9 April 2015). The four NGOs that were involved and were pushing for a new law were the Farmers 'Movement and three NGOs based in Delphi (Delhi Grameen Samaj, Gram Sewa Samiti and Chogama Vikas Avam Kalyan Samiti). In addition to the NGO pushes on the government to dismiss the land ordinance, mass protests have broken out since throughout India but there have been no changes so far (*Grain*, 30 April 2015). Despite these protests and the demands of the NGOs, the ordinance has not been withdrawn.

Since the emergence of CSOs in India, there have been some changes in their role. Current CSOs focus more on project-based programs and organize themselves in protest movements (Goswami et al. 2013, 3). Protest movements are prominent civil society voices against the neo-liberal policies of the government (Goswami et al. 2013, 8). There have been some effective protest movements concerned with land tenure. An example is the land acquisition of the mining firm Pohang Iron and Steel Company (POSCO) in 2005 in Orissa, one of the poorest states in India (Sanhati 2010). The POSCO Project would have been the largest foreign investment in India. According to the state of Orissa, it would include 90 percent of government owned land. As the majority of the government owned land has been under cultivation by the people living in the area, the project would result in enormous

evictions (Sanhati 2010). This led to social mobilization and mass protests of the population in Orissa in the Anti-POSCO People's Movement (PPSS), which eventually prevented the project from proceeding.

Other examples of successful tenancy reforms are India's land allocation and registration program, a program that aimed at increasing tenure security in West-Bengal and Orissa's tribal empowerment and livelihood program (Santos et al. 2013, 20). Not only CSOs, but also NGOs intervened in the private land markets in India to facilitate secure rental contracts for the poor (Secure land rights for all 24). Besides protesting against existing government plans, civil society movements in India have a supporting role for NGOs as they help to set up broad-based participation, raise awareness and monitor the use of state-power (Mearns 1999, 38). NGOs have achieved acclaim by CSOs for their efforts in defending land rights (Ibid., 38).

Analysis Impact CSOs in India

In an assessment of CSOs in India, Shah identifies four types of civil society action. The first type is the one that arises from compassion and charity. The second type, developmental NGOs, aims to bridge the gap between the failure of the market and the government (Shah 2014, 39). The third group is right based activism, which aims to empower people by making them aware of their rights. The last type is the kind of CSO that engages in state business and makes direct demands on the government (Ibid., 40). The goal of the last category is to transform the state. The third and fourth type are the focus of this research, as the process-tracing assumes that CSO campaigns raise awareness and create issues, to which governments respond, forced by pressure of CSOs.

Most CSOs in India and their actions can be classified as the third type of Shah's classification. CSOs in India are mostly focused on awareness raising and their goals are often located at the local level. The emergence of protest movements is seen as one of the main trends in CSO activism in India, together with a focus on project-based programs (Goswami et al. 2013, 3). Very few CSOs in India are directly involved in advocating policy reforms or implementing related programs (Ghimire 2001, 52). There are examples of the fourth type of action, of which the most successful ones are the realization of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act or FRA of 2006 and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act of 2013. The fourth type is often the most effective type of civil society action in India according to Shah, as it aims to achieve legal or policy changes (Shah 2014, 40).

The two recent laws that have been implemented concerned with land tenure security in India are the FRA and the LARR Act. The FRA secures land tenure for the indigenous population if this population fulfills certain requirements with regard to the time they occupy the land. The act empowers tribal families and increases their land tenure security (Bose 2010, 25). CSOs have played an important role in the establishment of this Act. CSOs and the Campaign for Survival and Dignity (CSD) raised awareness and stressed the position of tribal people and forest dwellers, with which they influenced agenda setting and created the issue. Besides raising awareness and campaigning for a national law, CSOs and the CSD platform were both involved in drafting the bill (Bose 2010, 21). CSOs influenced the institutional procedures and the policy change of the domestic laws. The Forest Rights Act is an example that CSO activism, in the form of protest movements and campaign politics, in India can influence domestic laws concerned with land tenure.

The non-indigenous population does not enjoy any land tenure protection under the FRA, but in 2013 their land tenure security was increased under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act of 2013. Land acquisition under this act required the consent of 80 per cent of the people from the affected communities and a social impact assessment, which significantly strengthened land tenure security (*Grain*, 30 April 2015). According to the Ministry of Rural Development, CSO activism influenced the realization of this law. The expression of public concern and of concerns of farmers were main reasons for the Ministry to adopt a new law that would replace the outdated Land Acquisition Act of 1894 (Ministry of Rural Development 2011). CSOs used their influence to put the lack of transparency and compensation after forced evictions on the political agenda.

In both laws, CSOs fulfilled important roles in setting the agenda and influencing the policy itself. The process as described on page 13 can be traced for both the FRA and the LARR Act. CSO campaigns raised awareness and put the issue on the agenda, which in both cases led to the implementation of laws that secure land tenure.

A successful example of CSOs making demands on the local state is the Anti-POSCO People's Movement. The demands were directed at the government of Orissa to put a halt to the POSCO project. Campaigns and awareness resulted in mass protests. The pressure on the state that resulted from the protests against the POSCO project prevented it to proceed, because there was no public support. Even though this CSO action did not lead to national legal changes, it influenced government behavior and increased land tenure security as it prevented the project to proceed. The success of the protest movements communicated a message that social mobilization can prevent land grab.

The protests against the implementation of the new Land Acquisition Ordinance at the end of 2014 are also an example of the fourth type of CSO action. In contrast to the Anti-POSCO protest movement, the protests against this ordinance did not achieve their goal. The new ordinance, which was implemented in December 2014, eliminated the major protective measures of the LARR Act and decreases land tenure security. The consent and the social impact assessment are not necessary if the land acquisition is meant for national security, defense, rural infrastructure, industrial corridors and housing for the poor. CSO influence showed less effective in preventing the implementation of the new Land Acquisition Ordinance. The first steps of the process-tracing scheme are present, as CSO campaigns led to awareness among the population and the state and even led to social mobilization, which was expected to reinforce the process, and as the issue is put on the agenda. However, the last step in the process, a legal change by the government, is absent. This is puzzling, as there are protest throughout the whole country which suggests a high amount of social pressure.

According to the minister of Finance, the ordinance was implemented as the provisions under the LARR Act were unclear and needed clarification (*DNA India*, 22 March 2015). According to the Indian newspaper DNA India, the more important underlying political reason is the message this new ordinance gives to investors. The new land acquisition ordinance promotes investment in India as it, by eliminating any difficulties for investors, makes investment more attractive (*DNA India*, 22 March 2015). CSOs have been campaigning against this ordinance, and this has led to social mobilization throughout India. Despite the demands of CSOs to withdraw the ordinance and despite the protests throughout India, the pressure did not lead to legal changes that reverse the decrease in land tenure security.

There are more examples of the fourth type of CSO action, which were directed to the provincial states, and which did not have effect. There have been several groups in different states, most of them with a Marxist background, demanding radical land reforms. According to Ghimire, important factors that stop these demands from being effective are the absence of a coherent land redistributive system and the fact that the landed and landowners control most of the political power at the provincial level (Ghimire 2001, 37). On a local level, the absence of a dynamic legislative land reform framework prevented CSOs from arguing for more comprehensive agrarian reforms measures (*Ibid.*, 37).

As stated before, most CSO activism that aims to increase land tenure security is not directly directed at the national or local governments but focuses on local projects and local awareness raising, like the land allocation and registration program, the tribal empowerment and livelihood program and various programs by the Society for Rural Development, which initiated a number of projects that focus specifically on empowering local communities (Santos et al. 2013, 20). These CSO actions do not make demands on states, but directly help the local people to strengthen their position by obtaining

official rights and by empowering them. This type of action can be classified as Shah's third type of CSO action, which emphasizes empowering people. Although this paper sees a role for Shah's third type of action, these projects are not relevant for the process-tracing scheme, as they focus on small groups and do not mobilize the people. Raising awareness can be part of the process that leads to legal changes, but this is not necessarily the case.

Besides the Land Acquisition Ordinance, the Special Economic Zone (SEZ) policy of 2005 also decreases land tenure security. Special Economic Zones in India are areas declared as quasi foreign territory in which private enterprises can benefit from a lucrative package of tax and regulatory exemptions (Rawat et al. 2011, 1). They are established largely to attract foreign investment and expand Indian exports. The Special Economic Zone Act was passed by the Indian parliament in 2005 (Rawat et al 2011, 3). A Special Economic Zone is a geographical region with more liberal economic laws than the country's typical economic laws. SEZ investors can receive financial and infrastructure benefits, as well as land on which to operate their business. Projects are developed in conjunction with the central or state governments, or a combination of both. As under the Land Acquisition Act, land acquired by the government for SEZs has led to large-scale involuntary displacement of landowners and land occupiers, and substantial conversion of agricultural land to non-agricultural use, especially in residential areas of indigenous people (USAID 2011, 12).

At the heart of the problem is the fact that the establishment of a SEZ generally requires the forced acquisition of land and the eviction of its previous users. This is possible for Indian states under the public purpose in the Land Acquisition Act of 1894 (Rawat et al. 2011,1). Public purpose was not defined in the Land Acquisition Act, which gives the governments the freedom to interpret it as they wish (Ibid., 5). The post-independence constitution of 1950 did not alter this situation. Article 372 of the constitution allowed colonial laws to remain in force until explicitly repealed (Ibid., 5). Despite popular resistance to SEZs all over India, the government did not change the SEZ legislation (Ibid., 10; Singala et al. 2011, 57). SEZs mainly lead to protests if a SEZ area is issued. There is no organized opposition against the SEZ policy, as its basis varies from place to place, from group to group, and between individuals (Jenkins 2007, 12).

In addition, individual states decide on land tenure and compete with each other to attract domestic and international capital (Mishra 2011, 5). Most states adopted a neo-liberal policy as a response to poverty and underdevelopment (Mishra 2011, 5). At the heart of the neoliberal policy lies the encouragement of private investments in the extractive industries. There has been a systematic approach to attract foreign direct investment to India, through policies of deregulation and generous concessions to capital. The SEZ policy is an example on national level, as it provides economic benefits for investors in India. Within the federal governance structure in India, provinces or states

have been in competition with each other to suitably amend their policies as well as images, in order to remain attractive to both foreign and domestic capital (Mishra 2011, 5). According to Mishra, state governments in India find themselves competing against each other to attract domestic and international capital.

The ordinance decreases land tenure security, and it is even more decreased by the Special Economic Zone (SEZ) policy of 2005 and by the fact that the individual states, who are in charge of securing land tenure, compete with each other to attract investors. Activist Shiva argues that these neoliberal policies facilitate land grab in India (Al Jazeera, 7 June 2011). The implementation of the FRA and the LARR Act are success stories in increasing land tenure security, which can be explained at least partly by CSO activism and the demands they made on the government. Demands by CSOs and concerns expressed by CSOs did result in land tenure security in the form of the FRA of 2006 and the LARR Act of 2013.

The success of the LARR Act is only a short story, as the new Land Acquisition Ordinance decreased most of the land tenure security that was created by the LARR Act. The inability of demands by CSOs and of protest-movements throughout the whole of India to stop the implementation of the ordinance that decreases land tenure security, is puzzling.

Case 2: Cambodia

In Cambodia, there are also many conflicts on land as the majority of the population lacks land rights and land tenure security. The absence of land tenure security for the majority of the population has its roots in the different political regimes. Land rights and land distribution in Cambodia changed significantly under the different regimes (Sovann 2010, 4). In the period following independence from France in 1953, Cambodia's monarchy recognized private property rights. These rights were abolished under the Khmer Rouge regime and the creation of Democratic Kampuchea, which lasted until 1979. In this period, most land tenure records were destroyed and all land came under state control (Sovann 2010, 4). This also meant that all industry came under state control and that agriculture was collectivized (USAID 2011, 5).

The communist system and the collective ownership lasted from 1979 till 1989 (USAID 2011). After the failure of the communist system, Cambodia signaled a need for a new property system (Ibid., 5). In 1989, a multiparty democracy was established within the framework of a constitutional monarchy and the government began shifting towards a free-market economy (Sovann 2010, 5). Cambodia introduced land privatization in 1989. The government initially recognized ownership rights in residential property, followed by the redistribution of the collective farmland (USAID 2011, 5). In

pursuit of equity, the government distributed agricultural land based on household composition: larger families would receive more land (Ibd., 5).

In this land allocation program, the government of Cambodia distinguished three different types of land: residential land, agricultural land and concession lands (Sovann 2010, 5). Ownership rights could only be acquired for residential land and were provided to families whose occupation of houses was recognized by the local authority (Phalty 2010, 57). For the other two types of land, agricultural and concession land, it was only possible to acquire possession rights (Sovann 2010, 5). Only residential land and productive land were redistributed to people to be owned and possessed. The remaining land was kept as state land for future developments (Sovann 2010, 5). Village chiefs were responsible for land allocations. According to the USAID report, the distribution of land in some areas served political rather than equitable interests (USAID 2011, 5).

Cambodian law recognizes five categories of land: private land; state public land; state private land; common property; and indigenous land. Most land is owned and controlled by the state, which results in land deals primarily in the form of long-term leases allocated by government agencies (Cotula 2014, 14). State land, which includes both state public and state private land, accounts for approximately 75 to 80 per cent of Cambodia's total land area. This is a significant higher percentage than in India, where it accounts for only 27 per cent. The reason for this high percentage can be found in the communist history and the lack of private property. Unregistered land held in collective land ownership by indigenous communities is considered to be collective property on state public land (USAID 2011).

As almost all ownership records were destroyed during the Khmer Rouge regime and because land ownership from earlier regimes were not recognized as legal, landholdings needed to be registered for the ownership to be official according to the law and in order to secure land tenure (Engvall and Kokko 2007, 7). Due to the large number of applications for titles after 1989, most of the land holdings of the 1989 land distribution program are not properly documented (Ibid., 7). The procedure for land registration is time consuming and difficult for most of the Cambodian rural population. Few poor households completed the registration procedure. Therefore the initial property allocation was mainly embedded in community knowledge (Phalty 2010, 57). The lack of documentation of the 1989 land reforms and the 1992 Land Law, which states that ownership can be claimed on the basis of five years possession, resulted in an easy situation for land grabbing and power abuses (Engvall and Kokko 2007, 7).

Despite the efforts for an equitable distribution of land, land distribution has in fact become more inequitable. Since the 1980s, 20–30 per cent of the country's land has passed into the hands of less

than 1 per cent of the population. There is no reliable national data on the number of landless people in the country, but many rural households in Cambodia suffer either from landlessness or near landlessness (USAID 2011, 5). As in India, involuntary landlessness and near landlessness are considered primary contributors to poverty and weak human development in Cambodia. The causes of the increase in landlessness are varied. There has been an increase in population, which increased the demand for land. After the Khmer Rouge regime, refugee repatriation, economic growth and population growth also increased the pressure on land (Ibid., 5). However, in many cases landlessness results from insecure tenure (Ibid., 5).

Land Acquisition and Human Rights Violations

The issue of land right violations and human rights violations have increased in significance since the land prices and financial returns rose (Kepa 2013, 4). This increased investments in land. According to the Land Matrix Database, Cambodia has 156 land deals that cover areas bigger than 200 hectare (Land Matrix Database 2015). Economic Land Concessions (ELCs) are a common cause for land grab and forced evictions. Under the ELCs, domestic and foreign investors leased more than 2.2 million hectares of land (Marks et al., 33). Even though, according to the law, ELCs are restricted to state-private land, the land often overlaps with communities' areas (Ibid., 33).

In Cambodia, there are many cases of forced evictions. Often the government is involved in the forced evictions and uses threats, intimidation, violent force, and police detention to suppress community resistance (Mgbako et al. 2010, 43). The slow registration policies and the increased demand on land in Cambodia resulted in conflicts on land and resulted in many forced evictions of the population.

Legal Protection

Even though the Cambodian government has problems with land ownership as described before, there are legal safeguard policies to secure land tenure. First of all, the Cambodian Constitution of 1993 stipulates that all persons, individually or collectively, have the right to own land, as long as it is not in conflict with public interests (Mgbako et al. 2010, 44). Cambodia provides for a full range of fundamental rights and freedoms, including the right to private ownership and to ownership of land. Article 31 further incorporates international human rights norms into the domestic legal order (ADHOC 2013, 6). Article 44 states that families that lose their property to land acquisition have a right to fair compensation (Constitution of the Kingdom of Cambodia 1993).

In 1989 land was privatized by the Land Use and Management Policy, and people could obtain rights for residential property. The Cambodian population could obtain ownership rights for residential land, and possession rights, which is less secure than ownership rights, for agricultural and concession land (Sovann 2010, 5). In order to obtain the official rights, registration was needed. The large number of

applications for titles after 1989 resulted in the fact that only 12 per cent of all applications successfully issued land certificates. Many landholders who already applied for land certificates did not receive them (Phalhy 2010, 29). Even though only a small part of the population enjoyed secure land tenure, the Land Use and Management Policy resulted in an increase in land tenure security as from now on it was possible to obtain ownership rights for some land.

Cambodia adopted two land laws, one in 1992 and one in 2001, in addition to the Land Use and Management Policy of 1989 (Phalhy 2010, ii). The 1992 Land Law was mostly concerned with the registration of ownership and possession (Ibid., 19). As there were some loopholes and uncertainties of the procedure of land registration in the 1992 Land Law, a new Land Law was adopted in 2001.

The 2001 Land Law extended private property rights to agricultural land. This means that ownership rights could also be acquired on agricultural land. It also governs lease rights and it established a system for systematic titling of land (USAID 2011, 5). The Land Management and Administration Project (LMAP), a project in cooperation with the World Bank, issued that land titling can occur through either the systematic or sporadic registration system. Systematic titling is conducted by LMAP teams in pre-selected areas, whereas sporadic titling is conducted after an application made by the individual household to local authorities (Grimsditch and Henderson 2009, 3).

A factor of the LMAP design that excluded many households from being eligible for titling is that areas that are likely to be disputed and areas of unclear status are not targeted by the titling system (Grimsditch and Henderson 2009, 3). The terms 'disputed area' and 'area of unclear status' have not been explicitly defined by the project or by the 2001 Land Law. This resulted in a lack of access to the titling system for those households and communities that lie in an area with planned developments or concessions (Ibid., 3). Most beneficiaries of the systematic titling programs are those living in rural areas that have not been sought by developers or investors (Ibid., 4). The project targets areas unlikely to be disputed.

The Land Law also provides some land tenure security for the indigenous population. Under article 23 of the 2001 Land Law, indigenous communities have a right to collective ownership of land and are entitled to manage their community land in accordance with traditional custom (Grimsditch and Henderson 2009, 21). It also recognizes their right to assert and enforce their interests against third parties (USAID 2011, 6). Indigenous community land includes residential and agricultural land and encompasses land reserved for shifting cultivation. Under the law, indigenous communities may continue to manage their community land according to their traditional customs. In order to practice these rights, indigenous people also need registration and an official title. The Sub-decree on Procedures for Registration of Land of Indigenous Communities (2009) requires communities to

register as legal entities before registering their land rights (Grimsditch and Henderson 2009). Even though it turns out that in practice only three of such communities have received collective land titles more than a decade after the adoption of the Land Law, Oxfam mentions that Cambodia is the only state in the region that is issuing communal land titles (ADHOC 2013, 13; Oxfam, 25).

According to the Cambodian Human Rights Committee (CHRAC), the Land Law provides some tenure security and has the potential to provide protection for citizens' land rights, but the lack of accurate application decreases land tenure security (CHRAC 2013). The slow registration procedure and the large number of applications resulted in 12 percent of successfully issued land certificates out of all applications. Many landholders who already applied for land certificates did not receive them (Phalmy 2010, 29). Even though the land privatization opened up possibilities for secure land tenure, only a small group enjoyed this secure position.

The 2008 Land Policy Declaration states the governments' vision on land policy in Cambodia (USAID 2011, 6). This includes administering, managing, utilizing and distributing land in an equitable, transparent, and sustainable manner in order to contribute to achieve the national goals of poverty alleviation, food security, natural resources and environmental protection and socioeconomic development oriented towards a market economy (Ibid., 6). It also stresses the importance of developing an appropriate land administration system, which is still unsuccessful until now. The Land Policy Declaration is the result of the aim of the Cambodian government to solve problems like the high rural poverty rate, high land concentration and illegal claim of ownership of state land and protected areas (Thiel 2010, 169).

Civil Society Activism

Civil society is a relatively new concept in Cambodia. The first civil society organizations only emerged in the 1990s, due to initiatives of foreign development actors (Kepa 2013, 1). Before that time, most social groups that sought to express their opinions in the public sphere were suppressed by the state (Malena and Chhim 2009, 8). Since the emergence of the first CSOs, Cambodia has seen a rapid increase in the number of CSOs, which is also visible in the data of the ISD Database as the percentage of clubs and associations is very high (table 1, page 8). In contrast to the civil society in India, where the government remained its position as the main social service provider, many Cambodian civil society organizations support and even replace the state authorities' work on service delivery in rural development, education, health, and social development sectors (Kepa 2013, 1). Another contrast with India is that there is no existing legal framework to govern the CSOs, except for the fact that the Cambodian Constitution of 1993 does recognize civil organizations (Ibid., 2). CSOs have five key roles in the Cambodian society according to the NGO Forum on Cambodia. Those key

roles are service delivery, dialogue facilitation, advocacy, awareness raising and the provision of policy advice (Ibid., 2).

Despite the huge increase in CSOs in the last decades, Cambodia CSOs face some problems. There is a very low level of grassroots participation and most local CSOs are not embedded in the local society. The inability to demonstrate popular support undermines the credibility and influence of the CSOs and has caused government officials to question their legitimacy and representativeness (Malena and Chhim 2009, 8). Most CSOs emerged out of the initiative of foreigners and were created via a top-down approach, which might be an explanation for the lack of grassroots participation in the Cambodian CSO sector.

As Cambodia is not a democracy and lacks freedom of expression and press freedom, it is difficult for the population to come together, express opinions and organize collective action (Malena and Chhim 2010, 8). The non-liberal environment does not stimulate a strong civil society. CSOs that promote human rights, build social accountability and good governance, and support equitable social change sometimes find themselves in conflict with the government, private companies or other holders of power (CCC 2012, 13). Issues that are concerned with access to productive resources such as land rights, access to natural resources and identification of special areas for unhindered economic activities are often involved in conflicts with the government (Ibid., 13). In 1997, the Law on Associations and Non-Governmental Organizations was first proposed, which has been largely perceived as an attempt to limit the space for independent civil society (Kepa 2013, 3). However, the law has until now not been enforced.

Even though the political climate does not stimulate the existence of a strong civil society, there are two important human rights organizations that aim to improve land tenure security. The Cambodian Human Rights and Development Organization (ADHOC) and the Cambodian League for the Protection and Defense of Human Rights (LICADHO). Both organizations are very active in protecting human rights concerned with land tenure and forced evictions in Cambodia. LICADHO pursues its activities mainly through a Monitoring and Protection Program and a Promotion and Advocacy Program. These programs focus on monitoring the human rights situation and supporting smaller CSOs with for example training sessions. They also conduct advocacy at the national level to bring about reforms, and work with other local and international NGOs to influence the government.

ADHOC also organizes training sessions on land rights. However, a report by the organization describes that CSO activities are difficult to accomplish. According to the report, authorities attempted to disrupt different training sessions, arguing that ADHOC had requested no authorization to hold the meeting from the District Governor (ADHOC 2012, 30). According to a NGO survey in Cambodia by

the International Center for Not-for-Profit Law, NGOs involved in advocacy, legal rights and human rights are seen by the RCG as unwanted opposition (ICNL 2015).

Apart from these big organizations, there are also smaller CSO initiatives in Cambodia. A report by the Cooperation Committee for Cambodia (CCC) explored the influence of CSOs on development in Cambodia, and found that CSOs provide important contributions to awareness raising, information sharing and empowerment (CCC 2012, 31). The information in this report is based on a survey under 309 Cambodian CSOs. The actions include raising awareness of universal human rights and the rule of law, as well as their relevance to local situations, such as displacement and land and resources issues (Ibid., 31). CSOs focused on improving awareness and the understanding of the law and rights, and representation or advocacy possibilities for people affected by land conflict (CCC 2012, 33).

There is an increase in mobilization of indigenous communities, protesting against business activity (Subedi 2012,63). An example mentioned in the report of the OCHCR is the Prey Lang forest movement. The Prey Lang forest movement aimed to protect the remaining dense forest, as it is the source of food for many inhabitants. Their activities included awareness raising and emphasizing the importance of the forest for the livelihood of the population, community forest patrols and the organization of peaceful marches and demonstrations (Subedi 2012, 63). Government responses in some cases included the crackdown of peaceful demonstrations, community activism and civil society education initiatives. The government responses are in line with the conflictual relationship between CSOs and the government that is often found when CSOs are engaged in advocacy work concerned with land and resource issues (CCC 2012, 13).

Analysis Impact CSOs in Cambodia

Although the 1993 Constitution and the 2001 Land Law assure that private ownership is protected by law and that the acquisition of land is allowed only for public interest with fair and just compensation in advance, there are various development plans in Cambodia that violate these laws (Phalthy 2010, 29). The lack of titles due to the ineffective registration process is the most important cause of land tenure insecurity. Many people lack a title while they should, according to the law, be issued ownership rights.

Land tenure in Cambodia has been strengthened by government policies since the inception of land privatization in 1989, but only a small group actually enjoyed this land tenure security. The most recent law that has been implemented concerned with land tenure security is the 2001 Land Law, the amendment on the 1992 Land Law. The 2001 Land Law attempts to solve the registration problem by providing an opportunity for landholders to register their land through sporadic land registration and

establishing new systematic land registration (Phalmy 2010, 26). The law establishes a system for the systematic titling of land, governs lease rights and extends private property rights to agricultural land, which increases possibilities for the Cambodian population to obtain a title for their land. CSOs were involved in the incorporation of some articles of the law, especially those articles concerned with indigenous peoples rights. The law provides tenure security and rights for indigenous people, of which the incorporation can be linked to NGO efforts, especially by the Non-Timber Forest Products Project (Oxfam, 25). Partners of Oxfam have been active and engaged with the government in efforts to ensure that the law is implemented in a way that is beneficial to communities, particularly indigenous communities (Oxfam, 25).

The process in Cambodia is more difficult to trace than in the case of India. The data of this research includes no examples of CSOs campaigning and demanding the Cambodian state to improve the national legislation on land tenure, while there are relatively strong CSOs that are concerned with improving land tenure security. The type of CSO action that is most common in Cambodia when it comes to land tenure security, is the third type of Shah's classification: rights based activism. CSOs in Cambodia aim to improve land tenure security, but they try to achieve their goal through local projects which help people obtaining a title. The NGO Forum identified five key roles for CSOs in Cambodia (Kepa 2013, 2). They include service delivery, dialogue facilitation, advocacy, awareness raising and the provision of policy advice. This suggests that CSOs in Cambodia are mostly outsider groups. Outsider groups are groups that are excluded from consultation by the government (Leach 2008, 153). This is partly due to the political environment in which the Cambodian CSOs exist. Most repressive governments see human rights promoters as opposition which diminishes their ability to influence legal changes.

Bigger organizations, such as Oxfam, are sometimes involved in government-decision making or the implementation of laws as was the case with the 2001 Land Law. Oxfam had some influence on the Land Law, and also provided policy advice on how to effectively implement the law and how to make sure that the registration process would be effective. The lion share of the Cambodian CSOs that aim to improve land tenure security, focuses on awareness raising, information sharing and empowerment (CCC 2012, 31). As the unregistered ownerships is the main problem of land tenure security in Cambodia, most Cambodian CSOs are involved in actions concerned with local awareness raising. These actions include training sessions concerned with land rights and help people obtaining a title to their land. According to the CCC, Cambodian CSOs made important contributions to awareness raising, information sharing and empowerment (Ibid., 31).

Cambodia has many civil society organizations, but their influence is relatively small as most organizations are inexperienced and as the state represses many CSO activities. Cambodia made some

small steps towards improving its land tenure security, but the position of the majority of the population remains insecure. This is partly due to the political climate, which leaves little space for CSOs to advocate human rights or land access issues, and partly because of the land concessions that are incorporated in the 2001 Land Law.

Similar to India, Cambodia also has policies emphasizing the state's economy, which facilitate land acquisition and decrease land tenure security of the Cambodian population. Concessions of land for agricultural commercial exploitation are classified under the 2001 Land Law as land concessions for economic purposes (Leuprecht 2004, 3). The 2001 Land Law aims to provide a fair land distribution and aims to improve economy through the equitable use of natural resources by land concessions. There are two different types of land concessions: social and economic (Subedi 2012, 10). Social Land Concessions (SLC) are a mechanism to grant land, often state private land, to poor landless families to achieve a fair land distribution (USAID 2011, 6). Economic Land Concessions (ELCs) on the other hand focus on providing state private land for investors in order to exploit agriculture and industrial agriculture. The goal of ELCs is economic development. A land concession is a legal right provided by the government in which a legal entity or group of persons is allowed to occupy the concession land and to exercise the rights set forth by law, but it is different from ownership.

As it concerns government owned land, the land concession holder must engage an activity contingent on state approval and subject to the terms of the state (Phalhy 2010, 13). Similar to concession holders of ELCs, SLC concession holders are also required to fulfill special requirements, set forth by the authorities, in order to get land (Phalhy 2010, 15). Under the Land Law, economic concessions provide investors with exclusive rights to manage and harvest land for up to 99 years. They are granted in exchange for certain investments and fees (Leuprecht 2004, 3).

An increase in ELCs resulted in an increase in protests, according to a report by ADHOC. The social mobilization and pressure by CSOs has led to some initiatives by the government. The prime minister issued a moratorium on the granting of new ELCs and called for a review of all existing concessions in order to check their compliance with relevant laws and regulations (ADHOC 2013, 34). A problem of the Land Law is that not all areas are targeted by the registration process. Disputed areas and areas of unclear status are not discussed and are not targeted by the land registration, which results in a remaining insecure position for people living in these areas. Land classified as owned by the government is not considered by the registration process, which makes the group residing on this land extra vulnerable to evictions as their land is used by governments for SLCs and ELCs. The government initiatives left this issue unaddressed (ADHOC 2013, 1).

Even though the CSO sector in Cambodia is relatively young, there are many organizations and many are concerned with the promotion of human rights. As forced evictions caused by land grab is a big issue in Cambodia, there are many CSOs aiming to improve land tenure security. The way in which they do this is not by making direct demands on the state, but rather make sure that people obtain a title which provides them with legal safety. CSO activism in Cambodia thus leads to improvements in land tenure security, but it has no significant impact on legal changes so far.

5. DISCUSSION

The findings in India and Cambodia suggest that both states find themselves in the instrumental adaption stage of the socialization process. This is the earliest stage of socialization in which governments make tactical concessions. Commitment to human rights treaties are argued to be more effective and costly than rights protecting ones (Hafner-Burton et al. 2008, 124). India and Cambodia both ratified important human rights treaties, which provides domestic activists with leverage to criticize their governments. This resulted in CSO activism and especially in India this has led to legal changes that improved land tenure security. Keck and Sikkink argued that commitment to human rights treaties gives domestic actors some access to the boomerang process, but this process is not explicitly visible in these cases, as most CSOs in India and Cambodia focus on local projects. The strength of Cambodian CSOs raised little expectations for its influence on government policies, so these findings support the central hypothesis. Civil society activism is able to influence the government and strong local actors are better able to adopt global norms.

There are some similarities between the CSO activism in both states, but also differences. The four types of CSO actions that are identified in India, varying from charity NGOs, developmental NGOs, rights based activist organizations and organizations that make direct demands on the state, show some similarities with the key roles for Cambodian CSOs that were identified by the NGO Forum. Those key roles consists of service delivery, dialogue facilitation, advocacy, awareness raising and the provision of policy advice and suggests a more supporting role for CSOs in Cambodia.

Most CSOs that focus on land issues in both India and Cambodia can be classified as rights based activism. They focus on making people aware of their rights, help them to obtain ownership rights and provide training sessions. Although these activities increase land tenure security, this type of action does not necessarily change or increase legal policies at the national or provincial state level, although it can be part of the process which leads to legal changes: awareness raising can lead to social mobilization and increases pressure on the state. The fourth type of CSO action engages in state business and makes demands on the state, which is therefore seen as most effective action in bringing about legal changes.

In India, this type of action was present in the establishment of the FRA, which increased land tenure security for indigenous people, and the LARR act, which provided rights for all people that were affected by investments in land. The LARR Act significantly increased land tenure security for the Indian population as investments in land were only able to proceed with the consent of 80 percent of the affected people. This also required an assessment of the impact of the investment. CSOs in India were involved in the agenda setting process and they influenced both the FRA as the LARR Act. In the case of the FRA, CSOs were also involved in the process of the draft (Bose 2010, 21).

Most of the Cambodian CSOs are not involved in government decision making. The most effective law concerning land tenure security in Cambodia is the Land Use and Management Policy of 1989, which opened up possibilities for the Cambodian population to obtain ownership rights over their land. Only a small part of the population succeeded in documenting their land ownership (Phalthy 2010, 57). The 1992 Land Law did not improve this situation much. The most recent law in Cambodia that provides some land tenure security, is the 2001 Land Law, as the law extended possibilities for private property rights and aimed at providing more people with a title with the titling program. During the draft of the 2001 Land Law, Oxfam and partner organizations were involved in the process and their influence increased land tenure security for indigenous people. They helped with legal changes concerned with land tenure security, but they did not trigger the Cambodian government to implement legal changes.

Considering Keck and Sikkink's types of influence, CSOs in India have more influence in bringing about legal changes than CSOs in Cambodia. CSOs in India influence agenda setting, the policy (the FRA and the LARR Act) and state behavior. CSOs in Cambodia have limited influence on the policy, even though some organizations were involved in the draft of the 2001 Land Law. Protest movements of the Cambodian population against land policies did not lead to legal changes. This is not to say that CSOs in Cambodia do not have any influence concerned with land tenure security. As most land tenure insecurity in Cambodia results from the unregistered land ownership, many CSOs concerned with the issue of land focus on local projects, in which they help people obtaining ownership rights by training sessions and awareness raising projects. Most Cambodian CSOs increase land tenure security by making people aware of their own rights and by helping them to obtain a title, and not through legal changes. In both states there are few CSOs that are directly involved in advocating legal reforms or implementing government programs (Ghimire 2001, 52).

In India, it is possible to process-trace the causal relationship between CSO activism and legal changes for the FRA and the LARR Act. In Cambodia, this is more difficult, since this research does not have data where Cambodian CSOs make direct demands on the state. If Cambodian CSOs make direct

demands on the state to improve land tenure security, this has not been effective yet as the last legal changes concerned the Land Law of 2001. Cambodia misses the liberal political environment in which CSOs can develop (Kepa 2013, 3; Easterly et al. 2006, 16). The main problems that prevent the civil society from being effective is the lack of freedom of expression, the absence of information and the absence of transparency (Kepa 2013, 3). Many actions by CSOs in Cambodia are blocked by the government, as they see CSOs promoting human rights as opposition.

Currently, CSOs activism in both states is not able to increase legal changes, despite their demands, protests and actions. The land ordinance of December 2014, which is implemented to supplement the LARR Act, decreased most of the land tenure security brought by the LARR Act and received a lot of resistance. CSOs protested against the ordinance, and tried to stop the implementation via the Supreme Court. Despite the success of former protest movements, for example in the case of the POSCO movement, these protest movements did not have any influence. Demands by the CSOs did not have any influence and CSO activism did not succeed to prevent the implementation of the new land regulation.

The fact that in this case CSOs did not have any influence, is puzzling. In the case of this specific ordinance, the first steps of the process-tracing scheme can be traced, but the demands and social pressure did not result in legal changes. This suggests that CSOs have an impact on legal changes, but they do not explain legal changes concerned with land tenure on themselves.

Alden Wily's assumption that land grab could prove a legal friend, raised the expectation that states targeted by land grab would increase their land tenure security. The recent implementation of the land ordinance in India and India's and Cambodia's neoliberal policies do not support this expectation. They raise new questions. Land tenure security is undermined by the neoliberal policies of the governments. India's SEZs and Cambodia's ELCs, which can be established in order to pursue public interest, provides a certain freedom of interpretation to the governments. The establishment of an SEZ generally requires the forced acquisition of land and the eviction of its previous users. The same goes for ELCs, which resulted in many forced evictions (*Grain*, 30 April 2015). Even if people do enjoy legal security, this can be undermined by the government as the ELCs and SEZs pursue a public interest. Many ELCs in 2012 have been approved despite breaches of legal requirement (ADHOC 2013, 1).

The suggested goal of these neoliberal policies and of the implementation of the land Ordinance in India is to attract investors. Although there has not been an assessment on the economic impact of SEZs and ELCs on the economic development of both countries, the investments and companies attracted by the special policies are thought to have a positive effect on the economy. This suggests

that not civil society, but economic incentives trigger governments to either implement land tenure security policies or to not implement these policies. In a report by Grain, it is stated that decreasing land tenure security is a trend in many Asian states. Governments across Asia are introducing changes to land laws that threaten to displace millions of peasants and undermine local food systems instead of securing them (*Grain*, 30 April 2015). Governments remove policies that prevent foreign and national companies from acquiring large areas of farmland (*Ibid.*, 2). These developments reject CSO activism alone as explanation for legal changes in policies concerned with land tenure.

However, the findings of CSO influence in India are relevant and support the hypothesis. Therefore, CSO activism as an explanation for legal changes needs not to be rejected in the case of land tenure security, but might need an additional scope condition. From this comparison it can be concluded that CSOs have an impact on legal changes concerned with land tenure as the findings in the cases of India and Cambodia support the hypothesis, but CSO activism is not valid as an explanation to the research question alone. The current developments in India's legal policies decrease land tenure security in comparison with the original LARR Act, as do the neoliberal policies in India and Cambodia that sets aside land for investment in the form of SEZs and ELCs. The new land ordinance, the Indian SEZs and the Cambodian ELCs all aim to attract investment which decreases land tenure security. Economic incentives suggest to be important in explaining legal changes concerned with land tenure security. The policies in India and Cambodia concerned with attracting investors, suggests that economic dependency might be used as a scope condition in order for CSOs to be effective.

6. CONCLUSION

The increase in land grab in the last years resulted in more attention to the topic and its problematic consequences. Land grab often results in the violations of human rights, as investments in land place investors and local communities in competition for access to land and natural resources. The majority of the population in most target states lacks official rights: improved land tenure security through legal changes would help in protecting them from human rights violations. Alden Wily's suggestion that land grab might be more of a legal friend than foe was the cause for this research to focus on legal impacts of land grab concerned with land tenure security. She states that the increased attention to land grab raises demands for improved national law status of land tenure security in Sub-Saharan Africa. As land grab apparently leads to legal changes concerned with land grab, the aim of this paper is to find out what triggers governments to implement legal changes concerned with land tenure, and especially land tenure security. This aim is reflected in the research question: *What explains legal changes concerned with land tenure security in target states?*

According to Alden Wily, the environment of advanced communication, emergent mass empowerment and new platforms for land law coerces modification. This suggests that legal changes

that increase land tenure security often involves external coercion. Constructivism and norm localization theory see a key role for non-state actors, and stress the ability of local non-state actors to influence governance and local norms. Based on this theory and on literature on CSOs, this research decided to explore whether CSO activism answers the research question. As Asia is the second most targeted continent by land grab after Africa, the paper decided to focus on Asian states, and selected India and Cambodia for a paired comparison as both states are highly targeted by land grab and vary on CSO activism. The research analyzed and identified the role and impact of CSO activism in securing land tenure through legal changes.

The hypothesis, *civil society activism leads to legal changes in domestic law that increases land tenure security*, expected more legal changes in India than in Cambodia as India has a relative strong civil society, whereas Cambodia has a relative weak civil society. The findings, which followed from the paired comparison between India and Cambodia, supported the hypothesis that CSO activism leads to legal changes concerned with land tenure security, but recent developments and domestic policies that set aside land for investments, suggest that CSO activism alone is not the answer to the research question.

Alden Wily's assumption that land grab could prove a legal friend, raised the expectation that states targeted by land grab increase their land tenure security. The implementation of the land ordinance in India decreased the land tenure security of the population. Also, investments in land under the SEZ policy or under the ELC policy can evict people despite possible rights. These policies are still powerful, despite many CSO protests and demands in both states. CSOs showed to have an impact and important role in the realization of laws that secure land tenure in India, and also in securing land tenure on a local level, but they fail to explain these policies. Land grab in India and Cambodia proved more a legal foe than friend to land tenure security.

The findings of the research raised new questions. CSO activism and demands were effective in the case of the FRA and LARR Act, but not in the recent implementation of the land ordinance. As the policies that decrease land tenure security all aim to increase investments, economic factors seem to be an important in answering the research question. In a future research, it would be interesting to include economic dependency, including dependency on foreign direct investment, as a scope condition to see whether this provides an answer to the research question. As this would require a variation in economic dependency between the states, I would suggest to incorporate Argentina, Brazil or Colombia in a future research about this topic as these states are also highly targeted by land grab, and vary on civil society activism and on economic dependency.

Limitations

It is important to readdress the shortcomings of this research to determine the value of the conclusions. As it is an in-debt case study focusing on India and Cambodia, it is difficult to make any generalizing remarks on this topic based on this paired comparison. The idea that land grab in Asian states is more a legal foe than friend is supported by the article by Grain, but would need further research in order to explore whether this is also true for other Asian states.

Another important limitation is the difference of political climate of the two case studies. The main reason for the selection of Cambodia as a case study, is the absence of a strong civil society and the relevance of land grab in the country. The absence of a strong civil society, its lack of effective impact on the state and the political climate seem to be interconnected in the case of Cambodia. The strong variation in civil society strength seemed convenient at first, but in a future research the political climate should be taken into consideration. Although the absence of a strong civil society was needed for this paired comparison, the political climate turned out to be relevant in this topic as it blocks CSO activism. Future research might select cases with similar political climates, even though this would complicate finding significant differences in civil society strength as it is difficult to measure. This brings us to the last limitation.

Civil society is difficult to measure. The ISD database used by this research does not specify in what kind of clubs people are enrolled. Clubs and associations in the database include religious organizations, sport clubs, cultural centers and youth clubs. It does not specify the membership in voluntary organizations. The table showed that the enrolment of people in organizations in Cambodia was higher than in India, but this indicator alone does not say much on CSO activism. Therefore the measurement of CSO activism in a future research should include broader indicators, especially if cases in future research have a less significant difference in CSO strength. This research was not bothered by this limitation, as the difference in civil society strength and activism between India and Cambodia are so significant. To summarize, it is important to keep in mind that also this research has its limitations.

Final Remarks

Alden Wily's assumptions that land grab could prove a legal friend were based on cases in Sub-Saharan Africa. As this research focuses on Asia, there might be some regional differences that explain the different outcomes, as land grab in India and Cambodia did not prove a legal friend but foe. The regional differences between Africa and Asia that explain the variation in legal changes concerned with land tenure security, might be an interesting topic for future research.

7. BIBLIOGRAPHY

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