



Land Watch Asia

Campaign Update 2010–2011

CAMBODIA

Fighting for Land Rights amid Shrinking Democratic Space¹

Cambodia is slowly recovering from the aftermath of its eventful history that saw years of French colonial rule and then harsh occupation by the Khmer Rouge, with political institutions slowly gaining strength and the economy charting consistent growth, at a rate of 8.4% from 1994 to 2006.

However, despite these largely positive developments partly reflected in Cambodia's elevation in the global competitiveness ranking of the World Economic Forum, Cambodia remains a poor country, especially in the rural areas where 85% of the poor live. As of 2004, 30% of Cambodians were classified as living below the poverty line.

One of the major reasons behind pervasive and debilitating poverty in Cambodia is the lack of access to land.

This dire situation can be traced back to the 1975–1979 Khmer Rouge regime, which put all of Cambodia's land under state ownership and destroyed all records, including vital cadastral maps and titles.

Cambodia had to start from scratch to develop and implement a legal and regulatory framework for land and natural resource management and administration, and while it has been more than 30 years since the fall of the Khmer Rouge, the legal framework defining land management and administration remains incomplete, with crucial implementing regulations yet to be drafted and adopted.

According to the NGO Forum of Cambodia, “The inadequate enforcement of laws and executive regulations in relation to the management of land and natural resources results in the spoliation of the natural and cultural heritage of Cambodian citizens, especially vulnerable groups living in remote areas, through the use of different practices, such as misinformation, intimidation, threats, land grabbing, illegal logging and illegal land sales.”

Exacerbating the complex issue of land access are the bigger problems of poor governance, lack of transparency and competence, corruption and shrinking democratic space as a result of proposed laws seeking to regulate civil society organizations (CSOs) working in Cambodia.

The Land Watch campaign in Cambodia is spearheaded by STAR Kampuchea in partnership with NGO Forum on Cambodia.

Because of these dynamics, land ownership in Cambodia has become disastrously skewed toward the rich and powerful.

In 1999, 5% of land owners held close to 60% of all privately held land. By 2003, this share rose to 70%, which means that the top 5% of land owners are increasing their control of private lands by 2% a year.

In contrast, 40% of households in Cambodia own less than half a hectare each. Some 20% of rural people are landless and farming households have to live on less than 1.5 hectares of land each. And as of the latest count, only 20% of the land owners in Cambodia hold a secure title to their land.

Landlessness has thus made a good portion of Cambodia's population highly vulnerable to poverty.

Considered especially vulnerable are female-headed households (the rate of landlessness among female-headed households is 21.2%), rural families, indigenous peoples, residents of informal settlements in urban areas, and residents who live in or next to areas designated for commercial or industrial use.

Further challenging the already tenuous hold of many Cambodians on their land is the surging demand for land as a result of economic growth and development. Already, land values are going through the roof due to the combined effects of land speculation, unregulated allocation of economic land concessions to attract investments, privatization of public lands, development of major infrastructure projects, and allocation of land to the military.

BOX

Increasing Competition for Land LAND GRABBING IN MONDOLKIRI PROVINCE

Slow and steady growth has resulted in some unmistakable improvements in the economy of Cambodia. But such growth also comes with significant challenges for the communities in some provinces being targeted for large-scale agricultural investments.

Take the case of the Mondolkiri province in northeast Cambodia, where the communes of Krang Teh and Bousra are located. Bousra commune is home

to 3,000 people from about 800 families; while Krang Teh commune is home to 339 families of about 1,750 people. Almost all of these families depend on small-scale farming for their survival.

Given the Royal Government of Cambodia's thrust to encourage private investments in sectors such as agriculture, an increasing number of farmers are being forced to give way to private firms who

make use of vital land for large-scale agricultural production.

In Bousra commune, roughly 2,386 hectares of land have been cleared for agro-industry, rubber plantations, and facilities and attractions for tourism. In Krang Teh, private companies' choice of development projects consists of rubber plantations and the associated infrastructure—buildings and local pathways necessary to run the business.

The Oddar Meanchey province near the Thai border, for instance, has seen a tripling in the price of land along the main road to Thailand, because of the anticipated boom in tourism and business. Other districts—especially along the national borders, coastal areas, urban centers, and roads undergoing rehabilitation—are reporting similar startling increases in the price of land.

Unscrupulous individuals, organizations and corporations have not been blind to the great profit potential of land; thus land grabbing has become rampant throughout the country, making it the main cause of land dispossession in both urban and rural areas in Cambodia.

Property theft has been made easier by the fact that local people rarely have titles to their land and that land

disputes are usually decided in favor of the elite. Unclear and complicated legal procedures have likewise made it extremely difficult for poor Cambodians to lay legal and solid claim on their land.

The campaign to improve access to land is set against these unfavorable conditions that have resulted in growing inequality and disparities among different social groups in both rural and urban areas, as well as more acute poverty considering that almost 60% of Cambodians depend on land and other natural resources for their livelihood and survival.

In 2007, companies began to cultivate rubber trees in the area, building up large rubber plantations and harvesting the resin to make rubber products. Local residents, unfortunately, have not benefited in terms of infrastructure (there have been no roads built to improve the local economy) or jobs (as few residents have been employed by the companies).

Citizens, thus, have had to suffer the difficulties of private

investment but were not able to gain any of its advantages. Private companies, on the other hand, flourished. The resin from thousands of hectares of rubber tree-lined land is a crucial product for export, as rubber is becoming increasingly in-demand.

This trend has deeply affected some 800 indigenous families in Bousra and another 339 families in Krang Teh who have relied on their land for decades.

Faced with intense pressure from private firms who want the land as well as government, which feels it badly needs the investments, very few are left with options other than to give up the land, especially among the indigenous communities who practice common ownership of the land on which they depend.

SOURCE: STAR Kampuchea, 2011. Case Study on Food Security Amidst Growing Competition for Land (draft)

The Land Watch Asia Campaign in Cambodia

Land Watch Asia (LWA) is a regional campaign that aims to ensure that issues of access to land, agrarian reform, and equitable and sustainable development in rural areas are addressed in national and regional development discussions.

In a bid to reverse the trend of consolidating land in the hands of large land owners and both foreign and local corporations, STAR Kampuchea formulated various initiatives such as its Advocacy Capacity Building Program (ACP) to develop and connect CSOs to promote the rule of law and influence public decisions for the benefit of poor and disadvantaged people.

The objective is for the vulnerable target groups to be able to claim and secure their land rights to access natural resources with improved support and capacity of Provincial Advocacy Networks (PANs) and Cooperating Organizations (COs), given that many Cambodians have poor knowledge or familiarity with the law.

More specifically, the ACP aims to build the organizational capacity of local NGOs and their provincial networks to increase their ability to advocate successfully for the benefit of poor and disadvantaged groups in the provinces, many of which face multifaceted land and natural resource problems.

Covered by the ACP are 11 of Cambodia's 24 provinces, including the capital of Phnom Penh. Direct beneficiaries are 11 COs, 11 PANs and commune council members. Indirect beneficiaries, on the other hand, include 35 members of land, forestry and fishery communities.

Key partners are authority members at the district and provincial levels; Ministries of Land Management Urbanization and Construction, Agricultural Fishery and

Forestry; and other CSOs in the target area that also work for the landless or those who face land grabbing, lack of fishing grounds and access to forestry resources.

To achieve its objectives, the ACP sought to accomplish the following:

- Increase the number of PAN/CO/CC participants who will gain and apply new advocacy knowledge and skills with communities, with 70% of the participants (30% female) understanding the additional input and 34% applying their newly gained knowledge and skills.
- Increase the number of men and women in the target communities who will gain information and understanding of their legal rights and participate in community/CO advocacy activities to claim their legal rights and secure their livelihoods. The target is for 70% of the participants (70% male, and 30% female) to understand the introduced information and topics and 45% actively use the new knowledge.
- Increase the number and type of natural resource conflicts/access rights resolved/secured in target communities with support from PANs/COs and commune councils. Specifically, the goal is to have two old forestry and fishery communities recognized; seven new communities registered; 11,122.5 ha of legitimate community land secured and five cases of illegal property grabbing won by communities.

In 2010, STAR Kampuchea held a series of focus group discussions with sectors such as farmers, indigenous peoples, forest users and human rights advocates, using the abridged version of the Cambodia Country Paper, "Overcoming a Failure of Law and Political Will" (from the ANGOC publication *Securing the Right to Land: A*

CSO Overview on Access to Land in Asia) as the starting point for generating inputs and CSO consensus for policy recommendations.

The discussions on land grabbing and land conflicts produced policy recommendations, that CSOs can put forward to government and donors. Training courses on the Land Law, land rights, land concessions, and land registration were provided to raise awareness on land issues in Cambodia.

Taking part in the discussions and training were representatives from non-government organizations (9), networks or PANs (12), commune council members (15), communities (15) and indigenous groups (7). All came from the 15 provinces targeted by STAR Kampuchea.

To determine the effectiveness of these training sessions, STAR Kampuchea required each participant to do a 100-item pre-test to measure the extent of his/her knowledge of vital land issues. A post-test was conducted after the training to determine if there was indeed an increase in knowledge and appreciation of these complex issues.

The results of the tests showed that there was an increase in knowledge after the training, from an average

score among the participants of 47.55% to 73.65%. Many of the participants also said that they developed a keener sense of the importance of issues related to land ownership and land rights after the series of training sessions.

Also, STAR Kampuchea has regularly shared information through its newsletter on various human rights issues, including land rights and natural resource rights. The newsletter, produced every two months, was distributed to other CSOs, as well as government officials and students all over the country.

It was also involved in the translation into Khmer of the aforementioned Cambodia country paper that detailed the status of access to land, water, opportunities and strategies for civil society advocacy. The document was distributed to civil society groups, including PANs, COs, police officials, researchers, students and indigenous people. These groups have expressed their appreciation for the document, saying that it was a valuable and much appreciated contribution to their knowledge.

STAR Kampuchea also recognized the importance of reaching out to media, which was why it took time to appear in radio talk shows so that issues on human rights, with special focus on land issues, can be discussed across a wider audience. It also reached out to those working in radio and print media to better disseminate information on land rights.

In the area of policy dialogue and advocacy, STAR Kampuchea conducted a roundtable discussion based on case studies related to land rights and food security. Attendance was good and STAR Kampuchea received positive feedback from other NGOs, saying that the discussion provided a platform for the concerned groups to share information and documents.



STAR Kampuchea was likewise involved in the Cambodian Donor Coordination Forum (CDCF), an annual meeting between the Royal Government of Cambodia, and donors and CSOs, which serves as an avenue for civil society groups to engage donors as well as government on key development issues, including land.

Gains of the Campaign

STAR Kampuchea believes that to be able to further the fight for land rights, there should be a critical mass of supporters and advocates informed on the complex issue. Thus it has exerted great effort to build its network and get as many groups and individuals as possible to join the cause through information dissemination.

Through the distribution of its regular newsletter and the Cambodia Country Paper, and engaging with the media, it has been able to go a long way in accomplishing its goal of providing factual information to partners as well as community beneficiaries to effect even a small change in the land rights landscape.

The full effect of engaging with the media, however, has been muted significantly by the fact that many people are afraid to bring public attention to their individual situations because of fear of retribution from the government.

During talk shows, for example, very few Cambodians phoned in to express their views on issues involving land rights for fear it would do them more harm than good. Land, after all, remains a contentious issue in Cambodia and must be approached with great caution considering that many of those involved in rights violations are government officials and military personnel.



In the area of policy advocacy, STAR Kampuchea was able to affect Cambodian government policy through roundtable discussions on land rights and food security; publication of an issue paper; documentation of a land grabbing case; and dialogue on land policy with government officials and top donors.

Its most effective work in relation to the campaign so far has been its involvement in the CDCF, which provided it the rare opportunity to engage both donors and government on land issues. For instance, during the 3rd CDCF conducted on 2–3 June 2010 in Phnom Penh, NGOs and development partners raised the importance of preparing a comprehensive land policy, and it was significant that Prime Minister Hun Sen said that a “white paper” was being prepared, containing a comprehensive land policy and roadmap for reforms.

At the same time, however, the government affirmed its intention to manage state resources and to pursue its Economic Land Concession Policy, which many see as a major barrier preventing ordinary Cambodians from securing the rights over their land. Also, government officials were mainly reluctant to involve themselves

in dialogues with civil society groups, and have not been very forthcoming with official data. Government also often ignores recommendations put forward by NGOs and partnerships have not been able to take root because of distrust and lack of transparency on the part of government. As a result, NGOs such as STAR Kampuchea have had to increase efforts to influence government policy.

As for capacity building, training sessions and workshops on advocacy topics and laws related to land rights have borne fruit, as seen in the ability of many of the trained PAN members, COs and CCs to mount their own training sessions, so that more people and target beneficiaries will be able to gain new or deeper knowledge of land rights issues.

Partners have learned to better organize and manage their advocacy work and now have the skills to create their own projects and conduct their own training, due partly to training received from STAR Kampuchea. Advocacy and legal skills workshops, for example, have provided partners with comprehensive and practical knowledge on how to organize campaigns, network and arrive at peaceful resolutions.



Lessons and Ways Forward

Despite the best efforts of the few NGOs involved in upholding Cambodians' rights to their land, land grabbing continues unabated and the elite continue to enjoy the benefits of economic growth, to the detriment of the majority of Cambodian citizens.

Compounding the difficulties of CSOs is the government system where citizens are afraid to raise their voice lest they court retribution. As a result, many citizens who are legitimate victims of land grabbing and eviction, or whose land rights have been violated, have preferred to remain silent and are paralyzed by fear. When they do take action, they face violence, threats and arrest—from police, military, government officials as well as rich land owners and companies.

Going forward, there is a need for local and national NGOs as well as bilateral and multilateral donors with differing mandates to combine their efforts and with one voice call on the government to account for its actions and ensure that development assistance reaches the people, and that their rights to land are protected.

There are reasons to be encouraged that change in the system will come despite the odds as there is an increasing number of Cambodians around the country who are standing up to claim their land rights through legal and peaceful methods in the face of injustice and threats.

Support from various institutions is critical at this juncture as individual freedoms of speech, expression, association and movement are increasingly coming under attack. By leveraging on institutional support, courageous Cambodians can then be further empowered to fight for their rights over their land.

Specifically, all NGOs working in Cambodia are urged to improve land tenure security in Cambodia through such means as studying the impact of land insecurity in different sectors; broadening the coalition of organizations involved in land rights; and convincing international and local donors to intervene in land conflicts to support the marginalized sectors.

Future efforts should also be concentrated on the crafting of a national and coordinated strategy to address land insecurity; holding the government accountable for the adverse impact of land grabbing, forced eviction and indiscriminate granting of land concessions; as well as extending assistance to grassroots, community groups and NGOs involved in land conflict cases. ■

Endnote

- ¹ Condensed by Ma. Cristina Dumlao based on reports and updates prepared by STAR Kampuchea. Edited by Catherine Liamzon and Nathaniel Don Marquez. Design and layout by Liza Almojuela.

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The International Land Coalition is a global alliance of civil society and intergovernmental organizations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue and capacity building.



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Founded in 1979, ANGOC is a regional association of 17 national and regional networks of non-government organizations (NGOs) in Asia actively engaged in food security, agrarian reform, sustainable agriculture, participatory governance and rural development. ANGOC member networks and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

ANGOC is a founding member of the International Land Coalition (ILC).

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Land Watch Asia (LWA) is a regional campaign to ensure that access to and control of land, agrarian reform and sustainable development for the rural poor are addressed in national and regional development agenda. The LWA is facilitated by ANGOC and involves civil society organizations in Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan, Philippines and Sri Lanka. LWA aims to: (i) take stock of significant changes in the policy and legal environments; (ii) undertake strategic national and regional advocacy activities on access to land; (iii) jointly develop approaches and tools; and (iv) encourage the sharing of experiences on coalition-building and actions on land rights issues.

This campaign update covers the period 2010–2011.