

ELC Grip on Rural Communities' Land Finally Being Challenged:

2020 Cambodia Land Conflict Monitoring Report

Nhek Sarin, STAR Kampuchea (SK)

Rationale of the study

STAR Kampuchea (SK) is one of the members of the Asian NGO Coalition and Rural Development (ANGOC) and the Land Watch Asia (LWA) Campaign. In 2010, ANGOC and LWA initiated the Land Reform Monitoring Initiative to contribute to the process of building capacities of civil society organizations (CSOs) in undertaking monitoring of land tenure and access to land for evidence-based advocacy.

This study *2020 Cambodia Land Conflict Monitoring Report* now builds on the earlier monitoring initiative in 2018 by implementing more systematic data gathering and reporting on land conflicts (ANGOC, 2019). Following a regional training on land conflict monitoring held in Jakarta in March 2020, STAR Kampuchea (SK) gathered information and data on land conflict and rights violations from multiple primary and secondary sources, including CSOs, community complaints, media reports, government agencies, as well as the private sector. For Cambodia, land conflict is a grave concern since 85 percent of its 16 million people depend on agriculture. Thus, the study provides an overview of the country context, through the following specific objectives:

- implement a common system for collecting data and information on land conflicts;
- describe the prevalence and types of land and natural resource conflicts;
- examine the nature and causes of land and resource conflicts;
- discuss the impacts and outcomes of land and natural resource conflicts on communities, as well as on land rights defenders; and,
- draw up recommendations based on the study findings and consultations in Cambodia.

Concepts and definitions used in the study

- **Land conflict.** Cases of land conflict are defined as situations wherein “two or more stakeholders perceive that their interests are incompatible, express hostile attitudes or...pursue their interests through actions that damage the other parties. Interests can differ over: a) access to and distribution of resources; b) control of power and

decision making; c) cultural, social, and political identity; or, d) status, particularly those embodied in systems of government, religion, or ideology.” In all studies, land conflicts also cover disputes over water resolution, trees, forests, and rights to natural resources.

It is also important to differentiate between two types of land and resource conflicts.

Land dispute. A “land dispute” involves conflicting claims to rights of land by two or more parties, focused on a particular piece of land or resource, which can be addressed within the existing legal framework. These may include cases involving inheritance, boundary disputes, legal titles, and commercial transitions. Such land disputes may or may not reflect some broader conflict over land.

Land conflict. By contrast, a structural land conflict involves competing claims to large areas of land by groups, of a breadth and depth not easily resolved within existing laws. There is often no consensus on the roles to be applied, and the parties may have quite different understandings of the nature of the conflict. As used in this study, conflict implies tension and the danger of violence, but not necessarily violence itself, unless this is specially mentioned. The country study here will focus on structural land conflicts. Many of these land conflicts raise questions of land governance, as they are related directly to national and local government policies, and to decisions of public officials. They involve not just individuals or single families but may affect entire neighborhoods and communities in significant numbers, causing physical and psychological harm, with extensive impacts on their social, economic, and political lives, as the study will show.

- **Forms of violence.** All the case studies had an incidence of violence that occurred within the period covered. The most visible form of violence is physical (i.e., killing, injury, incarceration, torture, eviction, and displacement). However, violence can also be psychological (grave threat, verbal abuse, harassment, defamation, discrimination), economic (denial of access to resources, services and opportunities, subjecting people to servitude, undue debt and exploitative conditions) and/or political (denial of participation and self-determination, stifling of protests or curtailment of political and civil rights).

Note: These concepts and definitions are extracted from ANGOC (2019): *In defense of land rights: A monitoring report on land conflicts in six Asian countries*. Quezon City: ANGOC.

Methodology and data sources

Following the agreed methodology in the ANGOC/LWA training held in Indonesia, the writer conducted desk review through collecting secondary data (recorded by the public, NGO, and private sectors, and both mass media and social media), based on articles, reports, and studies done previously related to land in Cambodia. In addition, the writer

conducted semi-structured individual interviews and focus group discussions (FGDs) to collect primary data from 36 participants from NGOs and grassroots communities in Prah Vihear, Kampong Chhnang, and Pursat provinces, as well as in Phnom Penh. In addition, the writer quotes some case studies for further emphasis on the causes of land disputes, proposed solutions, and new initiatives either by government and/or non-State actors.

The report also obtained data recorded in the Land Monitoring Data System of STAR Kampuchea, as collected from various NGOs, communities, newspapers, and social media. The system analyzes the gathered data according to indicators, such as who are involved in the conflicts, number killed, number harassed, conflict types, the situation of the conflicts, etc.). The system also analyzes the causes and impacts of land conflicts.

To confirm the results of the studies as well as to formulate recommendations, an online validation workshop was conducted on 30 June 2021, participated in by 30 NGOs and community members including affected IPs and non-IPs. Such inputs have been valuable in making this report more reliable; thus, it can be used for evidence-based advocacy.

Scope and limitations of the study

The monitoring report covers the calendar year January to December 2020. The contents include: a) brief overview of the country context and legal framework, b) effective mechanism for land conflict resolutions, c) prevalence of land conflicts, d) impacts and outcomes of land conflicts, e) responses to the conflicts, and f) recommendations. This study reports both vertical and horizontal land conflicts across the country, covering both rural and urban areas. However, this study does not focus on *land disputes*, i.e., small cases which occur between families or within a family. Rather, it focuses on high-profile cases between the powerful and the communities, especially those related to Economic Land Concession (ELCs).

The *first limitation* of the study is the limited sample size due to budget constraints. The sample size for the interview and focus group discussions (FGDs) was relatively small, involving around 20 people from NGOs, the government, and land conflict-affected areas.

The second limitation is the limited access to cover all the appropriate types and large geographic scope of the sample size. The interview questionnaires were developed based on random sampling and the report mostly relies on secondary data. Despite this limited access, the writer redesigned and restructured the questionnaires in a way that the findings are still reliable.

Furthermore, in terms of the case studies, not all areas of the country could be covered. Even though the number of participants of the validation workshop – which was attended by local and international NGOs, government representatives, and affected people – was not large, the reliability of the report was validated.

The *third limitation* is that most of the available prior studies used the term *land dispute* instead of *land conflict*, although on the basis of the concepts and definitions above, the cases are categorized as land conflicts.

The *fourth limitation* is the time constraint. This study was conducted when the Corona virus, known as COVID-19, was spreading all over the world. Therefore, the face-to-face meeting plan with other stakeholders and people concerned was cancelled. The writer re-scheduled the activities to allow the target participants to alternatively hold online meetings instead, through telephone calls, Telegram, WhatsApp, and Skype.

Brief overview of the country context and legal framework

Legal framework

Cambodia has a judicial framework and policies that can be used to address land conflicts and promote land governance. They include:

- **1993 Cambodian Constitution.** Article 44 of the Cambodian Constitution stipulates that “all persons, individually or collectively, shall have the rights to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land.” Thus, the Constitution prohibits any foreigner, either a natural person or legal entity, to own land. Article 44 also states that “the right to confiscate property from any person shall be exercised only in public interest as provided for under the law and shall require fair and just compensation in advance.”
- **2001 Land Law.** In 1998, the Ministry of Land Management, Urban Planning and Construction (MLMUPC) was established. The Ministry was responsible for drafting a new law, which led to the promulgation of the Land Law 2001. The aim of the law is to “improve tenure security and access to land through a market-based land reform including land titling, cadastral commission, and liberalized land market. Under the new legal provisions, the land remains as the property of the State unless it has been legally privatized” (Regino-Borja et al., 2019). In addition, the Land Law says, “All Cambodians are entitled to occupy, use and sell land and land property,” but property rights that existed before 1979 were not recognized (Article 7). Article 33 also states that if the immovable property is taken violently or by abuse of power of the authorities, the property shall revert to the State and could not be the subject of any new possession if there is no claim from the lawful possessor of the immovable property of which he was dispossessed (ANGOC, 2019). According to the Land Law, there are five different categories of properties (as cited in Feldt, 2016):
 - Private land: land with full legal private ownership;
 - State private land: State land that is not public; can be legally privatized;
 - State public land: State land with a public interest such as roads, buildings and services, forest, water bodies; cannot be privatized;
 - Monastery land: under collective ownership, owned by Buddhist monasteries; and,
 - Indigenous community land in collective ownership: residence areas of indigenous communities who may practice traditional swidden agriculture.

Article 25 of the Land Law specifies that indigenous people and communities can exercise collective ownership over land where they have established residence and carry out traditional agriculture.

- **Expropriation Law.** The Expropriation Law, promulgated on 4 February 2010, provides clear procedures on acquiring private properties for national and public interests. The law ensures reasonable and a legal right to ownership of private property; ensures payment of reasonable and just prior compensation; and, that such land acquisition serves the public and national interests. Article 12 says that an expropriation committee shall be established and headed by a representative from the Ministry of Economy and Finance (MEF) and composed of representatives from relevant ministries and institutions. Article 22 states that “an amount of compensation to be paid to the owner of and/or holder of rights in the real property shall be based on the market value of the real property or the alternative value as of the date of the issuance of the *Prakas* on the expropriation scheme.”
- **Law on Forestry, 2003.** The Law on Forestry “defines the framework for management, harvesting, use, development and conservation of the forests in the Kingdom of Cambodia. The objective of this law is to ensure the sustainable management of these forests for their social, economic and environmental benefits, including conservation of biological diversity and cultural heritage” (Article 1). The law also:
 - provides the framework for forest classification;
 - provides the creation and management of community forests (i.e., communities are granted an area within the Permanent Forest Reserve to manage and derive benefit from);
 - guarantees the entry rights of local communities into forest concessions;
 - prohibits logging of certain trees available to local communities as well as trees and areas of cultural or religious significance, such as spirit forests; and,
 - mandates the sustainable logging of natural and plantation forests.
- **The Protected Area Law (2008).** This law “defines the framework of management, conservation and development of protected areas. The purpose of the law is to ensure the management and conservation of biodiversity, and the sustainable use of natural resources in protected areas. It recognizes the right of forest-dependent and indigenous peoples to sustainably use the natural resources, and to reside, within protected areas” (Article 1). The law divides the protected area into four zones, and each zone is defined by its land use and management: core zone, conservation zone, sustainable use zone, and community zone (Article 11). So far, full zoning has only occurred for one national protected area. The law also provides for the establishment of community protected areas (CPAs), which usually cover parts of the sustainable use zone and community zone. The goal of establishing CPAs is to gain the involvement of communities and other relevant stakeholders in the planning, management, monitoring and evaluation of protected areas. Resource users are supposed to benefit from biodiversity conservation and forest protection, livelihood subsistence and the maintenance of cultural and spiritual values. Yet, local people are not allowed to use natural resources for commercial purposes, although they can collect non-timber forest products (NTFPs) in traditional ways (FAO and MLRG, 2019).

- **Directive 01.** As a reaction to the rise in protests against the forced resettlement due to ELC investments, in May 2012, Prime Minister Hun Sen issued a moratorium, called Directive 01, in relation to granting of ELCs. Directive 01 reads that land that is already occupied by families should be acknowledged within ELCs through the “leopard skin strategy,” which allows communities to live side by side with the concession land and protected areas (Feldt, 2016).
- **Sub-Decree No. 146 on Economic Land Concessions.** Article 1 of this Sub-Decree aims to “determine the criteria, procedures, mechanisms and institutional arrangements for initiating and granting new economic land concessions; for monitoring the performance of all economic land concession contracts; and for reviewing economic land concessions prior to the effective date of this sub decree for compliance with the Land Law of 2001.” This Sub Decree also outlines the scope and criteria for awards of economic land concessions, establishing a ceiling of 10,000 hectares, and requires the concessionaire to conduct prior public consultation with the local community and comply with safety measures.
- **Sub-Decree No. 83 on Communal Land Titling.** In the context of IPs, the Royal Government of Cambodia (RGC) had adopted the “Procedure of Registration of Land of Indigenous Communities.” This Sub-Decree supports the rights and culture of IPs with the objective of providing indigenous communities with legal rights over land tenure, to ensure land tenure security, and to protect collective ownership by preserving the identity, culture, customs, and traditions of each indigenous community (RGC, 2009).
- **Sub-Decree on State Land Management, 2005 and Sub-Decree on Community Forestry, 2003.** These Sub-Decrees give the principles and mechanisms for the identification, registration, and classification of State land, and provides the mechanism for transferring private or State lands to landless poor for residential and/or family farming purposes to meet their basic needs.

Major forces and factors that fuel land conflicts in the country

In Cambodia, land conflicts have been gradually increasing since 1999, one year after the very last Khmer Rouge fighters were defeated along the Thailand border. Land conflicts definitely intensified after the government passed a new Land Law in 2001 (Sun, 2017), particularly in cases where both rural villagers and urban dwellers have been involved in these conflicts. The UN Special Rapporteur for Human Rights in Cambodia said that land conflicts can, in fact, threaten the country’s stability (RFA, 2015). Hence, land conflicts have become a serious and persistent issue in Cambodia since then.

A major problem has been the many Economic Land Concessions (ELCs) which were granted in order to attract investors to Cambodia, while title registration was still ongoing. An ELC means that the government leases State-owned land of up to 10,000 hectares to private investors for a maximum of 99 years (Sun, 2017). However, the government has reduced the investment period for contracts from 99, 80 and 70 years to 50 years for 16 firms, the first to see their terms shortened as part of a new government initiative

(*Cambodia Daily*, 2015). Overall, the RGC granted a total 1,934,896 hectares of ELCs to 230 companies, 122 of which received licenses from Ministry of Agriculture, Forestry and Fisheries (MAFF) while 133 others received licenses from the Ministry of Environment (MoE). The total figure for the land area for which ELCs have been granted is similar to that estimated by NGOs. The government has earned USD 80 million income from ELCs since 2012 (ODC, 2015). The economic development through such ELC regime however has also led to land rights abuse and environmental degradation, including harmful impacts on land occupied by the indigenous peoples (CCHR, 2017).

Legal activists pointed out that the powerful elite, including high-ranking government officials, are involved in most of the land conflicts. Approximately 400,000 people have been personally affected by land conflicts – among them, around 6,000 who, according to ADHOC, a Cambodian human rights group, have been forcibly evicted from their homes. Many ELCs have resulted in forced evictions and violent protests all over the country (Sun, 2017).

Another major force driving the conflicts is related to agriculture, urban development, manufacturing industries, mining rights, and the construction of hydropower dams (Ill Oeun et al., 2018). Latt Ky of ADHOC highlighted that the government failed to assess the situation on the ground properly before granting ELCs until the impacts began being noticed. Moreover, the Environment Impact Assessment was not conducted as required (Sun, 2017), and without free, prior, and informed consent (FPIC). This means that, very often, the communities are not informed until a development project starts to affect their land and livelihoods (CCHR, 2017). This is evidenced by Theng Nan, research associate, who states in his briefing note for the report on Land Dispute Resolution Mechanisms in Cambodia, that “infrastructure development projects and economic land concession without proper study and public consultation required by law have often led to land disputes” (Theng, 2016).

According to various reports, land disputes in Cambodia also arise from “increased land value, ineffectiveness of law enforcement, lack of community’s knowledge in legal and policy matters, and unclear roles and responsibilities of key responsible authorities” (Schwedersky, 2010). Furthermore, conflicts arise from the “unclear legal framework; weak institutions, lack of land ownership certification documents; authorities are not being clear regarding to the boundaries between land concessions; and, lack of concern towards public, private State land and community land” (Phan, 2016, as cited in Nan, 2016). Other major causes that drive the conflicts include State-led land grabbing of unregistered land of citizens; private land grabbing of unregistered lands by powerful people/public officials; economic land concessions (plantations, mining, hydropower dams, etc.); evictions from city developments (property markets and establishments); establishment of Special Economic Zones and government infrastructure projects (roads, railways); and, encroachment on community forest lands, communal forests, and land for indigenous peoples (ANGOC, 2019).

Furthermore, when there is a conflict, too often the villager community voices are unheard (Sun, 2017). As a result, some land conflict cases have been ongoing for several years, compromising the living conditions and livelihoods of the affected people (Oeur, et al., 2018).

In response to this, the government stopped leasing large plots of land to private-sector investors a few years ago (Sun, 2017). In 2012, after years of forced evictions and protests, the government put a moratorium on the issuance of new concessions and limited the duration of future leases to 50 years.

The Prime Minister, as mentioned, issued Directive 01 which set up a land-titling program under his own name. With this initiative, he sent scores of students across the country to investigate conflicts and provide land titles to smallholders with lands under concession (Sun, 2018). “Following the issuance of Directive 01, the number of newly-granted ELCs has dropped dramatically between 2012 and 2015” (NGOF, 2016).

Effectivity of existing land conflict resolution mechanisms

Five layers of land conflict resolution bodies have been established to address land-related conflicts. They are:

- **Commune Council (CC):** When a conflict begins, the citizens are advised to first lodge a complaint with the Commune Council or CC (CCHR, 2019), which is mandated to reconcile differences among citizens of communes, but does not have the power to make decisions (Sub-Decree No. 22 ANK). This works effectively for conflicts which are relatively small-scale and not involving powerful people.
- **Administration Commission (AC):** The 2001 Land Law established the AC under the supervision of the MLMUPC, which has the authority to identify properties, to hear possession claims, and to register people’s land. The Commission can resolve the conflicts on possession claims only (ANGOC, 2019). The AC was formed in all areas in which the systematic land registration operates. It is the first commission given the role of solving land cases that arise during the land registration process. The AC has no power to issue decisions; however, they may mediate between the parties in conflict to reach agreement. If the conflicts cannot be resolved, the AC forwards the case to the Cadastral Commission.
- **Cadastral Commission:** The Cadastral Commission was established under the 2001 Land Law and is under the supervision of the MLUMPC, which has authority to solve the conflicts in order to officially obtain legal ownership and also to identify properties, establish cadastral index maps, issue ownership titles, register land, and inform people about the status of each parcel of land (ANGOC, 2019). “The Cadastral Commission is responsible for solving the conflicts over unregistered land occurring outside of areas, being adjudicated for systemic land registration, as well as the conflicts that emerge during adjudication that cannot be resolved by the Administration Commission” (2001 Land Law, Article 47, as cited in Nan, 2016). The Cadastral Commission is responsible for conflict *mediations* that generally involve traditional Khmer conciliation

techniques. The Commission is comprised of the National Cadastral Commission, Provincial/Municipal Cadastral Commissions in all 24 provinces and all municipalities, and District/Khan Cadastral Commissions in all 194 Districts/Khans. Only the District/Khan Cadastral Commission has the power to mediate between the parties in conflict and, if the parties cannot reach an agreement, the case will be forwarded to the provincial level. If the case can still not be solved at the provincial level, the case may be forwarded to the National Cadastral Commission which has the power to issue decisions over land disputes. The Cadastral Commission's authority on land dispute decisions, however, is limited to those involving unregistered lands (Then, 2016).

- **Court:** According to the joint *Prakas* No. 2 between the MLMUPC and the Ministry of Justice, the courts have jurisdiction to address any land conflicts over those lands that have been registered at the Cadastral Commission, officially covered by land titles, known as hard-copy certificates, issued by the Cadastral Administration. The disputes over land-related contracts that are not registered, such as conflicts over inheritance distribution, buying, selling, and leasing contracts, are also addressed by the court (Oeur, et al., 2018). If the parties “are not satisfied with the decisions of the court of first instance, they can file with the Court of Appeals. Likewise, if the parties are not satisfied with the decision of the National Cadastral Commission, they may also file an appeal with the Court of Appeals” (Land Law Article 23, as cited in ANGOC, 2019).
- **National Authority for the Land Dispute Resolution (NALDR):** In February 2006, the NALDR was established by a Royal Decree (Theng, 2016), “which is composed of 17 high-ranking officials of various ministries. However, the members have largely delegated their tasks to others and this body became ineffective in practice” (Royal Decree on the Establishment of National Authority for Land Dispute Resolution, as cited in ANGOC, 2019). The NALDR is mandated “to hear cases which are beyond the competence of the National Cadastral Commission and receive complaints throughout the country involving land conflicts” (Theng, 2019).

Challenges of implementing the land disputes resolution mechanism

The conflict resolution mechanisms described above still face some key challenges due to several factors. The first factor is a lack of clarity over the jurisdiction of each mechanism that leads to confusion for the complainants. The second factor is the poor access to these dispute resolution mechanisms by individuals and communities due to bureaucracy and procedural burdens, which lead to higher financial costs for the submission of complaints. While there is no official fee for a case, the complainant needs to shoulder additional expenses for transportation and fees for legal assistance before the dispute resolution bodies. Moreover, the complainants have complained that decisions issued by the existing bodies are inconsistent and subject to external pressure. The same report highlighted that, in cases which fall under the jurisdiction of the Cadastral Commissions, the weaker parties may not file cases due to lack of faith in the process and the outcomes (Theng, 2016).

Prevalence of land conflict in Cambodia

Number, distribution, and size of land conflicts

Land conflicts occur in other regions too. However, they are strikingly concentrated in the rural areas. “It matters, of course, that 85 percent of Cambodia’s 16 million people depend on agriculture. Having land for cultivation is their top priority” (Sun, 2017). The evolution of land conflicts and its solution have been changed from year to year (Oeur, et al., 2018).

Since 2003 until November 2020, the Municipal, Provincial, Khan/District Cadastral Committees received a total of 8,961 complaints. Out of this total, 4,289 cases have been completely solved by the Cadastral Commission, while 2,969 cases were rejected and the remaining 752 cases remain unresolved (MLMUPC, 2020).

Table 1. Cases received and solved by the Municipal, Provincial, Khan/District Cadastral Committees

Year(s)	Received	Completely solved	Rejected	Withdrawn	Being solved (as of 2020)
2003 to 2020	8,961	4,289	2,969	0	752

Source: 2020 Annual Report of the MLMUPC

From 2005 until November 2019, the Cadastral Commission solved land conflicts involving 21, 725 families, covering 6,550.37 hectares (MLMUPC, 2019). The information from CCHR about 223 land conflicts in the last four years since 2017 reported that 47,342 families have been affected or could be affected by the covered cases. An additional 768,862 people may have been or have been affected by these cases (Oeur, et al., 2018). Even worse, land conflict evictions can be brutal. For instance, in March 2018, armed forces shot at protesters over a land dispute with a rubber plantation in Snuol district, Kratie province, and three people were injured by the gunfire (Sun, 2018).

The year 2008 saw the greatest increase of land disputes when the price of land rose to its highest. In 2010 and 2011, land conflicts rose again, but from 2015, the number has been decreasing compared to 2012.

In 2012, a 14-year-old girl was shot to death when soldiers fired shots during a protest similar to the one which happened in Kratie province (Sun, 2018). In 2016, the number of land disputes began to increase more rapidly (Oeur, et al., 2018). Then, in one among other cases, in June 2018, hundreds of villagers from Koh Kong province came to Phnom Penh for several days to demand proper land compensation from the government (Sun, 2018).

In 2019, along with the NALDR, the MLMUPC received a combined total of 2,713 complaints of land disputes, of which 1,871 are under review. Of the total, the Ministry received 817 land dispute complaints. 81 cases were solved and 24 referred to relevant authorities, while the remaining are yet to be investigated (Soth, 2019).

Based on the 2019 MLMUPC report, the Ministry received 290 cases. Out of this, 169 cases were completely solved involving 723 families and 95 cases were rejected as they are out of the authority of the Ministry. Out of this total amount, the mobile dispute resolution team solved 141 cases and rejected 89 cases. The rest of 22 cases were withdrawn (MLMUPC, 2019).

In the same year, NGO Forum on Cambodia (NGOF) updated its statistics on land conflicts in 13 out of the 25 provinces and cities. This update was done through meetings and consultations with 117 representatives, 16 of whom were women, from the relevant provincial and local authorities and NGOs which are members of NGOF. The 115 cases recorded are presented in Table 2 (NGOF, 2019).

Table 2. Status of land conflicts in 13 provinces of Cambodia

No.	Provinces	Updated cases	Completely solved	Forwarded to 2020
1	Preah Sihanouk	24	4	20
2	Rattanakiri	19	4	15
3	Mondulkiri	15	1	14
4	Preavihear	11	1	10
5	Kratie	10	8	2
6	Pursat	14	9	5
7	Kampong Chhnang	14	3	11
8	Kampong Speu	11	3	8
9	Siem Reap	6	0	6
10	Kampot	9	1	8
11	Stoeung Treng	7	5	2
12	Kampong Thom	8	1	7
13	Kampong Cham	7	0	7
	TOTAL	155	40	115

Source: Report on Statistics and Experiences on Land Conflicts, NGOF, 2019.

In 2020, H.E Seng Laut, the Director General and Spokesman of the MLMUPC, announced during a press conference on the development and future directions of the MLMUPC at the Ministry of Councils that the Ministry received nearly 12,000 cases. Of this total, the working groups have solved more than 10,000 cases, leaving nearly 2,000 cases still unsolved (Khoun, 2020). The largest land conflict reported was in the Prey Lang area, affecting about 700,000 predominantly indigenous peoples. Phnom Penh had the highest number of land conflicts with 10 percent out of the total land conflicts. This was followed by Banteay Meanchey and Rattanakiri with eight percent each of the total conflicts; then by Battambang and Preah Sihanouk with six percent each of the total (Oeur, et al., 2018).

The Government claimed that the number of land [disputes] is decreasing – citing that the department working “on land dispute resolution received 637 complaints in 2015, 757 in 2016, and 511 in 2017” (Economist Intelligence Unit, 2018).

With both financial and technical support from ANGOC, SK collected data related to land conflicts that occurred in 2020 from different sources. Out of 25 provinces and cities in Cambodia, there were 78 cases reported from 20 provinces and Phnom Penh City. These 78 cases covered over 310 thousand hectares and affected more than 47 thousand households. Further results of the monitoring are detailed in Table 3.

Table 3. Total number of cases, hectares, and households affected by land conflicts in Cambodia in 2020

Category	Total Number
Cases monitored	78
Hectares affected	316,475.66
Households affected	47,940

Among the 78 reported cases, 30 have remained unsolved between six and 10 years, 27 cases have been unsolved between 11 and 15 years, and one case remains unsolved after 21 years.

The highest number of cases occurred in Prah Vihear (17 cases) and Phnom Penh (nine cases); while four provinces were recorded as having only one case each.

Table 4. Duration of conflicts by number of years as of 2020

Duration	Number of Cases
One year or less	2
2 to 5 years	7
6 to 10 years	30
11 to 15 years	27
16 to 20 years	4
21 years or more	1
Not specified	7
TOTAL	78

Table 5 shows the land conflict cases in 2020 by region/province, number, and area of occurrence; while Figure 1 depicts the distribution of cases in Cambodia.

Table 6 illustrates the types of rights holders and aggressors in the reported conflicts. It shows which types of rights holders, such as indigenous peoples, smallholder farmers/producers, forest protectors, and landless, were affected by which types of aggressors (government, private companies, powerful individuals, military, and land brokers).

Table 7 shows the different types of conflicts that characterized the 78 reported cases. The conflicts derive from clashing tenure systems, government projects, private investments, public-private partnerships, resistance to land reform, resource conflicts, and others.

Below are examples of these types of conflicts that happened in different areas in Cambodia.

- **Clashing tenure systems:** Evictions of communities occurred within Phnom Penh, followed by relocation to assigned State land in outskirt areas.
- **Government project:** There was a conflict between 14 former soldiers’ families and the Royal Cambodian Armed Forces (RCAF) division over land which those families

Table 5. Land conflict cases in 2020 by region/province, number, and area of occurrence

Name of Region/Province	Number of Cases	Area (Hectares)
CITY		
Phnom Penh	9	528.60
PROVINCE		
1. Pailin	1	2,102.00
2. Kep	2	N/A
3. Stung Treng	6	45,664.61
4. Kratie	1	N/A
5. Takeo	1	30.00
6. Kampong Chhnang	2	158.00
7. Svay Rieng	3	1,355.00
8. Pursat	1	4,420.00
9. Koh Kong	5	1,346.09
10. Ratanakiri	2	56,223.00
11. Oddar Meanchey	4	85,514.00
12. Battambang	2	165.00
13. Tbong Khmum	1	400.00
14. Sihaknouk	5	19,909.00
15. Banteay Meanchey	3	114.00
16. Mondulkiri	4	7,605.00
17. Kampong Thom	2	6,710.00
18. Kampong Speu	5	45,495.00
19. Siem Reap	2	1,487.00
20. Preah Vihear	17	37,249.36
TOTAL	78	316,475.66

Table 6. Stakeholders in Conflict

RIGHTS-HOLDERS	AGGRESSORS							
	Gov't	Private companies/corporations	Powerful individuals	Military	Community land's broker	State-owned enterprises	Others	Total
Indigenous peoples	-	8	2	-	-	1	-	11
Smallholder farmers/producers	10	33	6	8	-	-	1	58
Tenants	-	-	1	-	-	-	-	1
Forest protectors	-	1	-	-	-	-	1	2
Landless	2	1	-	2	1	-	-	6
TOTAL	12	43	9	10	1	1	2	78

Figure 1. Map depicting the distribution of cases in Cambodia

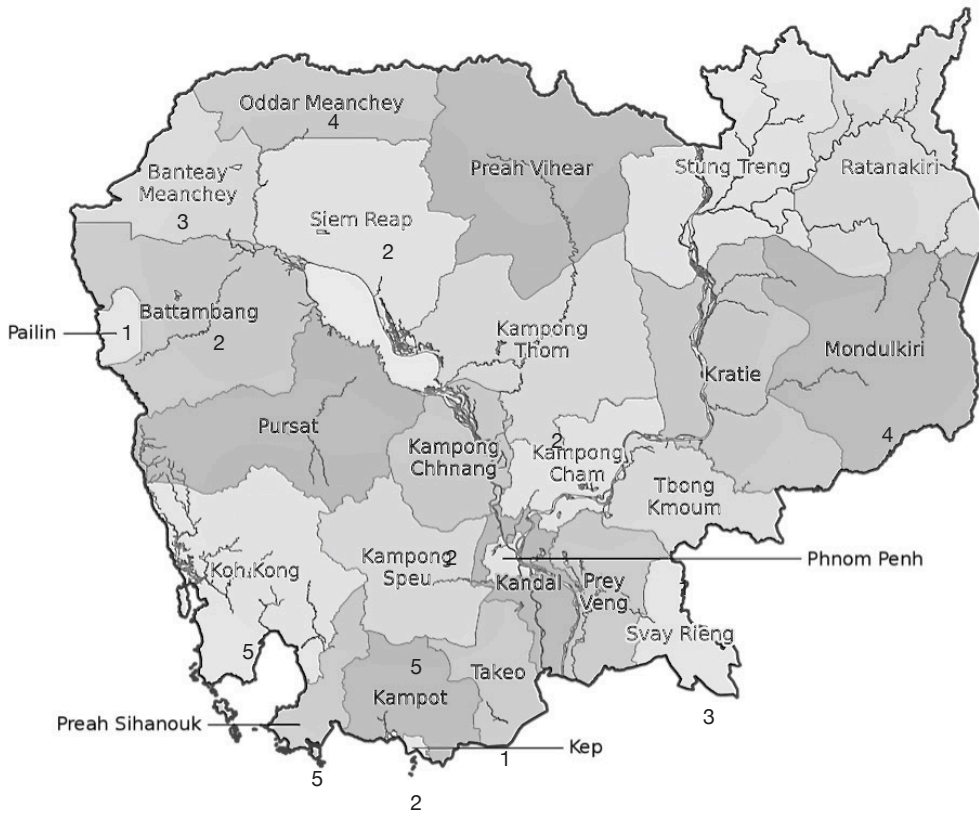


Table 7. Types and sub-types of conflicts in the cases reported

Type of Conflicts	Number of Cases
Clashing tenure systems	8
Government projects	4
Private investments	47
Public-Private Partnerships	6
Resistance to land reform	7
Resource conflicts	4
Others	2
TOTAL	78

had been granted permission by the former RCAF Division Commander to live and farm it since 1993. However, the new RCAF Division Commander forced them to move in 2005.

■ **Private investment:** A land dispute has been ongoing since 2008 in Koh Kong province between citizens and a Chinese private company, Union Development Group (UDG). In 2008, the government granted 36,000 hectares of concessional land in Kiri Sakor and Botum Sakor to UDG for commercial development and construction of a massive resort. UDG's

concession forced 1,143 families to abandon more than 10,000 hectares of land, and 1,500 houses were dismantled and cleared. According to Koh Kong provincial authorities, as of 11 June 2020, they had resolved the grievances of the affected families and were still resolving those of the remaining families.

- **Public-Private Partnership:** The Oddar Meanchey Community Forest REDD+ (OM CF REDD+) project was initiated in 2008 and implemented through a partnership between the Cambodian Forestry Administration (CFA), Pact, Terra Global Capital (TGC), and several local actors from the village, commune, district, provincial, and national levels. The establishment of the OM CF REDD+ project has followed a “mosaic” methodology, in which 13 different Community Forests (CFs) were linked together, covering a total 64,318 hectares of land. Several points of conflict with different actors have arisen, surrounding the CFs being part of the REDD+ site. First, the granting of forest land to private companies, via the ELC system, is done without proper consultation. Second, the growing military presence to increase security along the border with Thailand has also caused an increasing construction of roads within the forests. Finally, issues of benefit sharing might aggravate the conflicts further during the project implementation (Environmental Justice Atlas, 2015).
- **Resistance to land reform:** On 4 September 2010, the houses of three villagers in Samki district, Sreng Treng province were dismantled by a group of officials including local authorities, forest administration officials, military police, and local police. At the same time, some 200 other families living in Samaky village, Samaky commune, Stung Treng town, Stung Treng province were facing forced eviction. Then, on the 6th of September, the affected villagers filed a complaint with Stung Treng town officials accusing the authorities of violently dismantling their houses. The villagers demanded that their materials be replaced in order to re-construct their homes. Villagers claimed that they had lived on the land since 1997, while the authorities stated that the villagers in question had illegally settled on State-owned land since 2008. Stung Treng Town Chief Phoek Soben asserted that a 2,000-hectare plot was kept in reserve for a social land concession in 2008, concluding that villagers who had settled in the area before 2008 would be granted a social land concession.

- **Resource conflict:** More than 200 Bunong IP families in Modulkiri province urged the authorities to return their five hectares of community forest, as they claimed that the area was secretly stolen from them by speculators (Soth, 2020).

Table 8. Community responses to conflicts

Response of community to conflict	No. of Cases
Conflict management – administrative mechanism	20
Conflict management – Court, legal remedy	13
Conflict management – customary mechanism	7
Conflict management – negotiation	9
Peaceful demonstration and other non-violent acts	6
Retaliation	3
Do not know	17
No response	3
TOTAL	78

Table 8 presents the different community responses to the conflicts. It shows that 20 cases were solved through administrative mechanisms, and 13 cases were solved by courts or legal remedy. In nine of the cases, the communities used negotiation to deal with the conflict, while in six cases, peaceful demonstrations and non-violent acts were employed.

Table 9. Corrective action taken by government, company, or third party?

Corrective action taken	Number of Cases
Yes, by company	2
Yes, by government	18
Yes, by third party	1
No	5
Do not know	52
TOTAL	78

In the 78 reported cases, corrective actions were taken by government agencies, such as the Battambang Provincial Court Prosecutor, the Ministry of Interior, the Prime Minister, representatives of the Ministry of Agriculture, and Division 3 of Cambodian Mine Action Center (CMAC); by ANZ Company; and, by a third party.

Such corrective actions were in the form of facilitation through Alternative Dispute Resolution (ADR), intervention from relevant ministries to resolve disputes, and contributions of gross profit from the company. However, in 52 out of the 78 cases, it is not known whether corrective action was taken by the government, a company, or a third party.

Table 10 illustrates five types of individual violence by perpetrators, – physical violence, psychological violence, economic violence, political violence, and cultural violence. Below are examples of these types of violence that happened due to land conflicts.

- **Physical violence** is an act in which an individual attempts to harm others physically through detainment, abduction, eviction, and assaults. As an example, in 2015, Heng Roy Company charged four people in Kalot village, Sangke Pei commune, Chhep district, Preah Vihear province to the prosecutor's office for intentionally destroying rice crops of the Company. By 2018, the three communities in the above villages reacted angrily to the Chinese, but the Cambodians were not seriously injured, while the Chinese could not put up a fight and ran away.

- **Psychological violence** is a form of violence involving harassment, trauma, threats of killing or detainment. For instance, a Chinese company accused five villagers of encroachment on forest land, but the four were acquitted by Investigating Judge Chien Sros and one was sent to trial. Initially, the provincial court sentenced him to five years, but this sentence was suspended.
- **Economic violence** is that which causes economic harm or damage to property of individuals. For example, the Preah Vihear Provincial Court sentenced four men for burning a contentious fence during a 2014 protest against an ELC in Kulen district held by the Malaysia (Cambodia) Plantation Company. Srayong Cheung village residents, Sing Dy, Huon Chan Thoeun, Touch Sam Bul, and Koy Chamroeun, who had been identified as the ringleaders, were suspended for one year and fined with KHR 1 million (USD 250), according to provincial prosecutor Ly Lon.
- **Political violence** is an act perpetrated by individuals or the government to achieve political goals, including denial of decision-making, labelling, or criminalization. For instance, four families in Oddar Meanchey province's Samrong town have filed a complaint with their commune hall, alleging that a military official and a village chief are trying to block them from receiving land titles because the families support the Cambodian National Rescue Party.
- **Cultural violence** refers to attacks on aspects of culture through discrimination, conversion, or disturbance of way of life. One illustration of cultural violence is a land dispute in Preah Vihea between the community and a private company called Roy Feng. The company was granted ELCs in 2011, which were demarcated over indigenous land. In 2015, an incident occurred that prompted the company to file a lawsuit against five indigenous people. However, the accused asked for a postponement in order to find a lawyer. By mid-2020, Investigating Judge Leng Kimthol had issued re-arrest warrants, but the five did not receive the warrants. The judge later issued an arrest warrant for the five. This is considered as a cultural violence as the five who were arrested are the Kuy indigenous people who protested against the company to protect their customary land and their cultural identity.

There were at least 60 victims of individual violence, including four males and four females. In most of the cases, the gender of the victims was unspecified in available reports.

With regard to community violence, Table 11 depicts the type of violence, number of incidence and the affected number of households in the reported cases. Noticeably, lack of FPIC affected the highest number at 32 percent of the total affected households, compared to threat of displacement which is slightly higher than actual displacement, affecting 25 percent and 22 percent, respectively.

Table 12 presents the types of community violence by a variety of perpetrators of land disputes in Cambodia. As shown in the table, forcible entry/faulty FPIC is the leading form of community violence, compared to the others. It is followed by threat of displacement and displacement itself. Among eight types of perpetrators, the army/military is reported

Table 10. Individual violence by perpetrator

Type of violence	Perpetrator									TOTAL
	Soldiers	Authorities	Business	Military	Municipal Police	Non-State armed group, insurgent group	Others	Police	Powerful individual	
PHYSICAL VIOLENCE										
Detainment	3	-	-	-	2	-	-	2	8	15
Disappearance, abduction, illegal detention or arrests	-	-	-	-	-	-	1	-	-	1
Eviction	4	1	-	-	3	3	4	2	2	19
Injury or assault	3	-	1	-	2	-	-	2	2	10
TOTAL	10	1	1	-	7	3	5	6	12	45
PSYCHOLOGICAL VIOLENCE										
Harassment, intimidation, persecution, trauma	5	-	-	-	-	-	1	-	1	7
Threat (of killing, injury, detention)	3	-	1	-	2	-	1	1	4	12
Threat of displacement	5	1	-	1	7	3	4	5	5	31
TOTAL	13	1	1	1	9	3	6	6	10	50
ECONOMIC VIOLENCE										
Denial of benefit	1	-	-	-	-	-	-	-	1	2
Destruction of property	6	1	1	-	8	3	4	3	4	30
Loss of job/employment	5	-	-	1	1	1	1	1	5	15
Unfair contract	-	-	-	-	-	-	-	-	1	1
TOTAL	12	1	1	1	9	4	5	4	11	48
POLITICAL VIOLENCE										
Criminalization	-	-	-	-	-	-	-	-	1	1
Denial of decision-making participation	1	-	1	-	-	-	-	-	-	2

Dispossession	1	-	-	-	-	-	-	-	1	2
Forcible entry, trespassing, encroachment	1	-	-	-	-	-	-	-	4	5
Tagging/ coloring/ labelling	-	-	-	-	2	-	-	-	-	2
TOTAL	3	0	1	0	2	0	0	0	6	12
CULTURAL VIOLENCE										
Conversion	1	-	-	-	3	-	1	-	1	6
Discrimination	-	-	-	-	1	-	-	-	-	1
Disturbance of way of life	11	1	1	1	6	4	4	6	15	49
TOTAL	12	1	1	1	10	4	5	6	16	56

to be the most frequent perpetrator in land conflicts; while municipal police, (local) police, and powerful individuals are equally reported. A few illustrations follow:

- The inhabitants of Pu Kong Village, Srae Preah Commune, Kaev Seima District, Mondulkiri Province, are indigenous *Bunong*. The community, comprising of over 70 families, has lived in harmony with the forest surrounding Pu Kong since 1944, leaving the area briefly during the late 1970s because of threats faced from the Khmer Rouge regime. The community has completed two of three stages towards obtaining legal protection of their land under a collective land title. In 2012, Binphouc Kratie Rubber 1 Company Limited (“Bin Phouc 1”) came to the forest surrounding Pu Kong to demarcate 8,926 hectares of land that they had been granted, by way of an ELC in October 2011, which was reduced a year later to 5,100 hectares. The company, without first consulting relevant stakeholders, began to cut trees within the legally protected forest area, beyond the territorial limits of their ELC. After Binh Phouc 1 had cleared

Table 11. Community violence by number of incidence and number of affected households

Type of violence	Number of incidents	Number of households affected by the violence (only including incidents where HHs affected were reported/accounted)
Displacement	12	1,161
Forcible entry/lack of or faulty FPIC	18	22,042
Threat of displacement	14	1,109
Others	12	5
TOTAL	56	24,317

Table 12. Incidences of community violence by perpetrator

Type of violence	Perpetrator							TOTAL
	Army, military	Business	Municipal police	Non-State armed group, insurgent group	Others	Police	Powerful person	
Displacement	3	1	2	1	-	4	2	13
Forcible entry/ lack of or faulty FPIC	7	-	2	3	2	1	3	18
Threat of displacement	1	1	4	-	2	3	3	14
Others	1	-	2	-	1	2	2	8
TOTAL	12	2	10	4	5	10	10	53

roughly 4,750 hectares of land, affecting the livelihoods of approximately 73 families, “powerful men” from neighboring provinces began to occupy the cleared land. The villagers claim that this group – which includes the Commander of the Mondulhiri Provincial Military Police, the Commander of the Kaev Seima District Military Police, and a relative of both these police commanders and one of their subordinates – has frequently supported Binh Phouc 1. Fortunately, the community has received some support from the local authorities. For example, in May 2016, members of the commune council helped the villagers take back 50 percent of the land that had been grabbed by the powerful men and are helping the villagers to prevent further land grabs.

- Since 1991, approximately 1,300 families had lived on the 387-hectare land granted to Overseas Cambodia Investment Corporation (OCIC) through a 99-year concession in 2011. Sixty-five families living on Phnom Penh’s Chroy Changva peninsula say their lives are in limbo with tycoon Pung Khieu Se’s OCIC trying to seize their land to build a USD 3-billion satellite city. The remaining families are holdouts who refused a November 2014 offer from the authorities whereby they could keep 10 percent of their landholdings if they let OCIC take 40 percent and let Phnom Penh City Hall take the other half.

Table 13 shows the types of ecological violence and the number of households affected by such violence. Below are illustrations of ecological violence in areas of land conflicts:

- The villagers of Dakpor Village have lived there since the time of their ancestors. Situated by the Slakuo River, the villagers have planted the land with rice, cucumbers, cassava, potatoes, and other vegetables. Even during the Pol Pot regime, the villagers remained at Dakpor Village, despite their lands being used as collected land following the land policy of the regime. After 1979, the villagers began to farm the land once more. The affected villagers have a clarification letter for the land where they live but not for the adjacent land along the riverbank where they farm. This land is owned

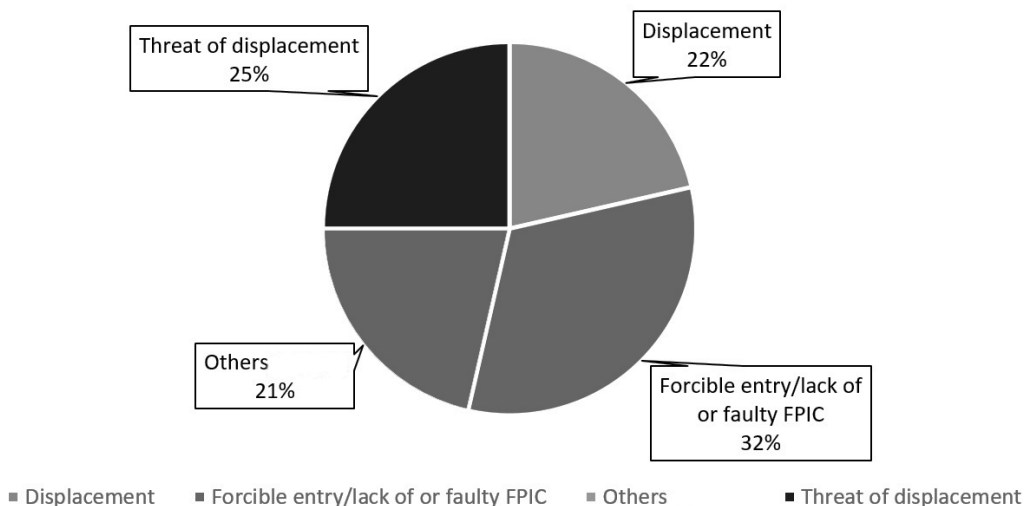
Table 13. Ecological violence by number of incidents and number of affected households

Type of violence	Number of incidents	Number of households affected by the violence (only including incidents where HHs affected were reported/accounted)
Contamination of resources, pollution	9	2,293
Deforestation, destruction of biodiversity, depletion of forest/wildlife/ecosystem	13	9,654
Depletion of productivity	18	11,525
Increased climate vulnerability	6	302
Others	10	-
TOTAL	56	23,774

by the State. On 9 April 2013, the villagers noticed that “across the river in Rom Pak Pen village, Tram Kak district, two bulldozers, three excavators and several trucks, had begun constructing a road from the south of Slakou bridge to what would later become the Hav Un Sand Pumping Work Site” (CCHR, 2016a). At this work site, the company also constructed its building. The company representatives asked the villagers to sell their land, but offered only 15 percent of the price that the villagers had determined. A village chief threatened to sell the villagers’ plots of land, and 14 affected families reluctantly sold their land, while the other families were still protesting for the company to stop pumping sand to the river.

Figure 2. Types of community violence recorded in 2020

Types of Community Violence



- A conflict has been ongoing since 2010 in Romeas Hek district, Svay Rieng province between 440 families who have lived there and NK Ventures, an Indian-owned company which was granted a 1,200-hectare ELC early 2010 to develop a sugarcane plantation (Phok, 2011). NK Ventures started to clear the villagers' farmland mainly used to grow cassava. In January 2020, villagers came to Phnom Penh to hand over petitions for intervention. Representatives of the Ministry of Agriculture and the Ministry of Interior who received the petitions said they would send them to their higher-ups for resolution.
- "In 2010, more than 1,500 families were evicted from the land they had cultivated since the fall of the Khmer Rouge regime in 1979 to make way for the company's mega-plantation" (Ry, 2019).
- A twin sugar company, ANZ, was granted an ELC of over 23,000 hectares, which is more than twice the figure allowed under the Cambodian Land Law. In February 2010, the company started grabbing farms and residential land belongings of more than 1,500 families in Thpong and Oral districts. Crops, such as rice, mango, jackfruit, banana, and coconut trees, were seized and cleared. An estimated 100 families in two villages were forcibly evicted from their homes and resettled onto small residential plots without any infrastructure or services. The company used the police and the military to intimidate people and force them to accept unfair compensation for losses, including infertile replacement land. Facilitated by the Australian National Contact Point, and participated by Equitable Cambodia and Inclusive Development International (IDI), "ANZ agreed to contribute the gross profit it gained from the loan to help alleviate the hardships faced by the affected communities and support their efforts toward rehabilitation. ANZ also agreed to review and strengthen its human rights policies, including its customer social and environmental screening processes and grievance mechanism" (IDI, 2020).

Table 14 depicts five key types of ecological violence with eight key perpetrators. It is shown that the depletion of productivity, with the Army/Military having the highest number followed by deforestation, destruction of biodiversity, depletion of forest/wildlife/ecosystem by powerful individuals. And the least-found ecological violence is increased climate vulnerability, with only five cases. Below are some examples of ecological violence from actual reported cases.

- A dispute between the district authorities and 12 families living in Siem Pang village, Sekong commune, Siem Pang district, Stung Treng province, arose when the latter were ordered to remove all fences from their land and hand them over to the authorities. On the 5th of July 2010, the affected villagers were called to a meeting at the district office to inform them that the authorities were planning to build new office structures, including an Information Department, Rural Development Department and Land Department. The authorities demanded part of the land for their plan. The villagers refused as they had owned the land for a long time. They reported that the district used to have a reserve plot of 700 x 2,000 meters; but between 2009 to 2010, the authorities had sold it. According to Kri Vanna, an affected villager, in 1997 former

Table 14. Ecological violence by perpetrator

Type of violence	Perpetrator							TOTAL
	Army, military	Business	Municipal police	Non-State armed group, insurgent group	Powerful individual	Police	Others	
Contamination of resources, pollution	3	-	1	1	2	1	1	9
Deforestation, destruction of biodiversity, depletion of forest/wildlife/ecosystem	2	1	2	1	4	2	1	13
Depletion of productivity	5	-	4	2	2	4	2	19
Increased climate vulnerability	1	1	-	-	1	2		5
Others	1	-	3	-	1	1	1	7
TOTAL	12	2	10	4	10	10	5	53

District Governor Sok Sovann had provided each family with a plot of 40 x 50 meters of land so that the villagers could use it to earn supplementary income.

- In 2011, the Cambodian government granted ELCs to Hoang Anh Gia Lai (HAGL), which is known as a company involved in rubber plantations, particularly in Ratanakiri province. In March 2019, the government announced it would give back more than 700 hectares of the HAGL concession to local indigenous groups. However, satellite images generated by the investigators in Cambodia show that the lands in these areas were cleared during the height of the COVID-19 outbreak in the country (Tatarski, 2020).
- An ELC with a coverage of 7,000 hectares in Oyadao district, Ratanakiri province was granted by the MAFF in July 2009 to Heng Heap Investment Co., Ltd. This size was reduced to 5,657 hectares in its master plan. Later, it was totally taken back by the government due to non-compliance with the legal requirements such as EIA, registration as State private land, and proper consultation with affected communities. As perceived by the local community, the company was not willing to invest or has faced financial problems as they could only grow rubber and cassava in a certain part of the concession area, leaving large areas of the cleared forestland idle and reporting it as unfertile land (Chan and Ngorn, 2018).

Table 15 shows that, among the six types of data sources on land conflicts, Mainstream media is the most used source of data for the land database, having 34 cases out of 77,

Table 15. Types of sources of data on 2020 land conflicts

Sources of Data	Number of Cases
Mainstream media (print, online, radio)	34
CSO/NGO	20
Community, People's Organizations	16
Social media	4
Government agencies	2
Academe	1
Other	1
TOTAL	78

followed by 20 cases found through CSOs/NGOs, and only one case reported through academe.

Nature and Causes of Cambodia's Land Conflicts

Nature of the conflicts and actors involved

Based on the 2020 SK data base, SK found that conflicts are caused by double land titles that are issued by the relevant authorities, lack of clear land boundaries, clashing tenure systems, government projects, private investments, public private partnerships, resistance to land reform, resource conflict, and others.

“Land ownership is a vague and often contentious issue in a country where the Khmer Rouge destroyed all land records between 1975 and 1979. During this period, the regime pushed its utopian Communist ideal of an agrarian society forcing thousands from the cities to work in the fields in the countryside. An estimated 1.7 million people died during the Khmer Rouge reign” (Chiou, 2011).

Attitudes changed as peace was restored and market-oriented development emerged. When the economy grew with the high influx of capital investment ready to reap benefit from speculation and the structural weaknesses of the land management system, tackling the land issues has become even more difficult (Sim, 2019). Also, once good land became scarce, the battle for it has become increasingly intense, persistent, and serious in Cambodia (DANDC, 2017).

Currently, Cambodia is facing complex structural challenges to deal with land disputes (Sim, 2019). In addition to the land conflicts occurring in cities and remote areas, “some cases haunt remote forest regions where indigenous communities have a traditional lifestyle that relies on natural resources found in the forests” (Sun, 2017).

In general, most of the conflicts are between communities and the powerful elites, including high-ranking government officials and, in some cases, also involve the State

and companies/corporations to whom land has been granted by the State in the form of ELCs. Often, the perpetrators in land conflicts are the armed forces, private guards of the companies/corporations, and powerful elites. When the conflict turns violent, the community members are victimized and accused of illegally taking State private land or destroying others' property, and sometimes they are labelled [colored] as activists for the opposition party. An article published in the *Khmer Times* in 2017, observed that "sometimes the issues are politicized, demonized and victimized" (Sim, 2017). Most of the victims are intimidated, arrested, tortured, or even killed. Citizens who claimed that they were threatened by authorities, moved to other provinces and gave up their attempt to find justice (Pech, 2017a).

However, some argue that it is difficult to identify who the real victim is. The conflicts arise between parties where one is rich and the other is poor; and, may also involve parties that are both rich. For instance, a commune chief issued an overlapping soft land title over the same plot of land claimed by two different tycoons. Threatened by the two powerful parties, the commune chief is left with a difficult decision. On the other hand, it is not always the case that the "poor" are the victims in land disputes. In some cases, certain individuals encroach on public land by labelling themselves as "poor" and "vulnerable" but, in fact, they are illegal land encroachers (Sim, 2019).

The root causes of the conflicts arise from the following factors: a) corrupt and politically-subservient judicial system; b) misuse of the armed forces, including soldiers; and, c) collusion between the well-connected companies and the authorities (Prashanth, 2015).

A land rights activist in Phnom Penh observed that while violent protests were common, police investigations on these protests were rare (Chandran, 2019). "According to the data, State-owned private land grabbing is the most frequent cause, followed by private land grabbing by powerful people" (ANGOC, 2019). In another example of violence, "a man was shot and a 10-year-old boy was injured in the clash between nearly 300 villagers and 200 policemen in Preah Sihanouk province" (Chandran, 2019).

Based on the 2021 SK data base, the causes of conflict are: a) ELCs and Social Economic Zones without EIA and FPIC, b) overlapping land titles, c) forced eviction without proper and adequate compensation, d) land grabbing, e) Social Land Concessions overlapping with the villagers' and community land, f) lack of clear boundary of the communal IP land, and g) encroachment on public State land.

Land conflict hurts women

"Women tend to be particularly active in land disputes because they depend on land and houses. In Cambodian society, women are not expected to travel far. Many women are willing to risk their lives fighting for their land. When things turn violent, however, men mostly lead the protests" (Sun, 2017). These days, "women spend their days campaigning for the return of their land, while men look for new ways to earn a living" (Chandran, 2017).

Women, due to land conflicts, have suffered from violence against their rights. In response to this, even though women are not expected to go far, they are particularly active in land disputes (Sun, 2017). Land conflict disproportionately affects women due to gender bias. This links between land disputes, domestic violence, and family breakdown. When women give up their household role to engage in the land security campaign, decisions fueled by cultural pressures are exerted on mothers – contributing to increased domestic violence (CCHR, 2016b).

Ms. Them, 52 years old, with her voice shaking, said that her land and forest were taken without consultation, but with a little compensation. The land is her livelihood, her life. She wants the concession to be cancelled and the land to be returned to her (Chandran, 2017).

Based on the study on *Cambodia's Women in Land Conflict* conducted by the CCHR, women who experienced land conflicts were usually subject to threats, harassment, arrest, or violence by the authorities or land concession actors, including private security forces or company employees. The study also reports that 94.5 percent of women in land conflicts experienced threats, 73.1 percent experienced harassment or intimidation, 33.6 percent experienced violence, and 2.1 percent experienced arrests by authorities (CCHR, 2016b).

In practice, depending on the law is not an option. The laws are instead often used to threaten the victims affected by land grabs. For example, on 24 May 2012, the Phnom Penh Municipal Court sentenced the 13 human rights defenders to two and a half years in prison after an unfair trial. Their arrest followed a peaceful demonstration against the destruction of homes and the forced eviction of thousands of families living around Boeung Kak Lake, in Cambodia's capital Phnom Penh (Nasim, 2012).

The Cambodian Center for Human Rights (CCHR) demanded that the government intervene immediately after finding that 98.2 percent of women involved in land disputes with private companies were suffering from serious psychological after-effects and nearly half of the women who participated in the CCHR survey said they had thought about suicide (May, 2016).

Impacts and Outcomes of Land Conflict

In general, land conflict heavily affects human rights, food security, sovereignty, tenure security and other rights. NGOs working in this field say that over half million Cambodians have lost their land (land rights) over 20 years (LICADHO, 2018). A Cambodian human rights group reckons that 60,000 people have been forcibly evicted from their homes (housing rights) (Sun, 2017). Moreover, almost 50 percent of adults working in agriculture have no land for their produce (CS Monitor, 2017).

Furthermore, based on the 2020 SK database, land conflicts trigger: a) Physical violence [disappearance, illegal detention or arrests, abduction, and injury or assault];

b) Psychological violence [harassment, intimidation, persecution, trauma]; c) Economic violence [denial of benefits, destruction of property, and loss of jobs]; d) Political violence [criminalization, coloring/labelling, denial of decision-making participation, dispossession, forcible entry, trespassing, encroachment]; and, e) Cultural violence [conversion, discrimination, disturbance of way of life].

The Blood Sugar Case in Kompong Speu

What came to be known as the “Blood Sugar Case” in Kompong Speu involved 179 families from Thpong and Oral districts and Phnom Penh Sigar. The Kompong Speu Sugar and Kampong Speu Plantation companies, owned by a ruling party senator and business tycoon Ly Yong Phat and his wife Kim Hean, were granted ELCs covering 22,095 hectares (Pech, S.2017). This ELC affected around 2,000 hectares due to encroachment by the above companies, with reportedly around 1,500 families from 21 villages. Based on average household size, this corresponds to roughly 7,000 people. The villagers who protested lost their jobs, had complaints lodged against them or were even arbitrarily arrested. Currently around 38 villagers who protested against the company’s encroachment and unfair compensations are facing criminal charges. The “disturbance compensation” of USD 25 per household was offered for the resettlement, and the farmers with irrigated rice plots were offered a compensation of USD 100/plot – which the villagers refused to accept. Unfair compensation and inappropriate solutions to the conflict do not only impact on food security of the villagers, but also destroy biodiversity (wildlife and agro-diversity) and damage crops. In addition, this conflict pollutes the water due to waste overflow, which degrades the water quality. Finally, the conflict impacts on human accidents, malnutrition, mental health problems including stress, depression and suicide, violence, displacement, lack of jobs, and dropout of children from schools.

Source: EJAtlas, 2016

Land conflict in Sihanoukville

Over 400 villagers from 13 communities in Sihanoukville protested to demand the local court to drop charges against the four community members who were detained by local authorities for “violently occupying” disputed property. The authorities detained the four members for four months pending trial. The conflict was between the four community members and a few wealthy people 11 years ago. The four claimed that they are the rightful owners of the disputed property; while the wealthy people reclaimed the land because the property prices had increased. The affected communities submitted petitions to the court for examination of the four local villagers’ cases and demanded that the court release them on bail because the charges against them are very unjust (RFA, 2018).

O’khsach villagers in Sihanoukville claim that they had occupied the contested land in Stung Hav district beginning in 1992 at a time when communist Khmer Rouge forces were continuing their activities against the government, despite the signing of the 1991 peace accord that formally ended the Cambodian-Vietnamese War. Problems arose in 2007 when a group of wealthy land speculators accused the four villagers of illegally occupying the land, claiming that they had titles to the property (Source: Chandran, 2019, and RFA 2018).

Conflict in Preah Vihea

Land grab conflicts have continued between Preah Vihear villagers and Hengfu Sugar subsidiaries, as locals accuse the companies of taking land without adequate compensation. Tbeng Meanchey district mostly inhabited by the Kuoy ethnic minority, who engage in small-scale farming and non-tiber forest products collection. In 2011, two

Chinese firms which are subsidiaries of the Chinese company Hengfu Sugar, were granted ELCs on villagers' land (Business and Human Rights Center, 2016).

This land grab conflict affected tens of thousands of people, as the five Chinese-owned companies were granted land concessions totaling more than 40,000 hectares. The affected communities lost their incomes as the companies converted rice fields, forests, pasture land, and streams into sugarcane fields. In response, they engaged in sustained resistance to the destruction of their livelihoods and culture. In addition, the sites of 19 temples were enclosed by the concessions which led to the loss of part of Cambodia's cultural heritage (CAN, et. al., 2017). The Asian Peasant Coalition (APC) strongly condemned the intense repression and land grabbing carried out by the Chinese-owned Hengfu Group Sugar Industry Co., Ltd. (Heng Fu) against the indigenous Kuy people of Preah Vihear province (APC, 2018).

Due to this prolonged conflict, thousands of indigenous Kuy people in Preah Vihear have lost their livelihoods, with almost entire villages falling into debt (Moniroth, 2019). Residents of Preus Kaak village in Chheb district's M' Lou Prey 2 commune estimated that 90 percent of the village was currently in debt (Moniroth, 2019).

The Voice of Democracy (VOD) found that the five companies linked to China's Hengfu International Sugar had skirted Cambodian laws and amassed ELCs four times larger in total than allowed for a single entity; razed forests before producing an environmental impact assessment, notifying villagers, or compensating those affected; and, cleared land too close to waterways (Moniroth, 2019).

As a result, various forms of resistance and mobilizations started, supported by local NGOs and Buddhist monks. On several occasions, villagers as well as NGO members and monks were temporarily held by the police and Hengfu filed a lawsuit against the villagers for destroying their sugarcane (EJ Atlas, 2019). The villagers in turn, filed a lawsuit against the companies, demanding a compensation of USD 600,000 for the destruction of their ancestral lands, community forests, and farming lands (Business and Human Right Center, 2016). "The Preah Vihear Provincial Court has placed more than 10 ethnic Kuoy villagers and an NGO official under court supervision on charges of collusion to detain and confine people illegally over a dispute with a Chinese-owned company" (Kimmarita, 2019).

Based on an article posted in the website of human rights organization LICHADO (2019), the Preah Vihear community representative, Sum Meun, disappeared after he was beaten and illegally arrested by armed military officials. His disappearance was part of a large number of arrests made over two weeks in January 2019 among the villagers involved in a conflict over a land concession granted to Metrei Pheap Kase-Ousahakam Co. Ltd. The company is apparently owned by tycoon, An Mady.

It was later learned that the 54-year-old Meun and his son, Meun Mean, were arrested on 20 January 2019 by military soldiers from Battalion 261 under RCAF Intervention Brigade 6, acting as security guards for the concession holder in Choam Khsant district's Yeang commune. These two villagers were then transferred to the Koulen Promtep Wildlife Sanctuary Headquarters where they were both detained overnight (LICHADO, 2019).

Meanwhile, Am Sam Ath, monitoring manager for LICADHO, revealed that companies operating in Preah Vihear and three other provinces were included in the European Commission's EBA rights compliance review (Moniroth, 2019).

Responses to Conflicts

Based on the 2020 Land Conflict Database, various responses to the conflicts emerged. Below are examples of such responses by the different stakeholders in the conflicts.

By the communities

- **Negotiation:** Some communities decide to pursue negotiation with the companies to end the conflict. This is normally facilitated by NGOs, some of which refer to this as the "Peace Table."
- **Legal remedy:** Some communities seek legal assistance from NGOs and lodge their complaints in the court as a means for solving the conflicts.
- **Intervention from the relevant institutions:** Some communities send their complaints or petitions to the National Assembly, the Senate, or the Cambodia Human Rights Commission for interventions; as well as to the Ministry of Councils and/or the Prime Minister for help to solve the conflict.
- **Administrative mechanism:** Some submit their complaints to the local authorities, then to the District Cadastral Commission, the Provincial Cadastral Commission, and the National Cadastral Commission.
- **Customary mechanism:** The customary mechanism is normally used by the IPs when conflicts arise. They go to the elder in the village to help them solve the problem.
- **Peaceful demonstration and other non-violent acts:** Most of the communities resort to peaceful demonstrations and other non-violent actions, as they have been trained by NGOs. One example of such action is the communities carry the picture of the Prime Minister and his wife and then go to a public place to display their banners and call for interventions. Some communities applied the traditional means/non-violence action by ordaining the trees with yellow robes. By doing this, they can protect the tree from clearance as respect the monks whose robes are yellow.

As an example of the response "seeking intervention from the relevant institutions," thousands of families in Kratie province agreed to end their land dispute with Memot Rubber Plantation Company by accepting a Land Management Ministry's social land concession deal of two hectares of land per family.

By the State

- The National Assembly wrote a letter to the Ministry of National Defense, the Ministry of Land Management, Urban Planning and Construction, and to the National Authority for Land Dispute Resolution to resolve the matter properly.
- Provincial authorities and relevant officials came to negotiate with the communities by using the formula of dividing the land into two equal parts.
- The Ministry of Interior ordered the release of a Kep municipal police officer detained over a land dispute with Princess Norodom Marie Ranariddh.
- Prime Minister Hun Sen gave instruction to KDC Company to resolve the problem for villagers in an appropriate manner.
- Representatives of the Ministry of Agriculture and the Ministry of Interior received petitions for intervention and sent them to their higher-ups for resolution.
- The government offers relocation to the community through public dialogues.
- The government sends experts to investigate and find a solution for both sides.
- The military and the governor offer the communities monetary compensation.
- Sometimes, the relevant local authorities forcibly evict the people from the land.
- Sometimes, the government cracks down on and/or detains community members.

By CSOs

- CSOs conduct regional annual conferences and the National Annual Conference (NAC) with decision-makers, development partners, national and international NGOs, private sector representatives, and community representatives to discuss land governance issues and address land conflicts.
- They conduct provincial dialogues with Parliament members, relevant local authorities, local NGOs, representatives of the private sector, and the affected people to address land issues at the local level.
- They enter into joint plans with the local authorities for monitoring and following-up all the steps of conflict resolutions. Land monitoring, data gathering, and processing are scaled up at the country level and connected to the regional and global levels.
- CSOs provide technical support and capacity building on the Land Law, related laws, and Alternative Dispute Resolution (ADR) to NGOs, provincial government officers, commune councils, and Community Accountability Facilitators (CAFs).
- They provide legal assistance to community members who are arrested.
- They conduct training on legal rights advocacy to access, manage, and secure the land.
- They conduct training and coaching on monitoring and research/investigations on cancelled/revoked ELC land monitoring, and the simplified process of CLT/land conflicts and solved cases.
- They conduct research/investigation and document data on land allocation, housing of revoked ELCs, and simplified CLT process.
- They advocate and mainstream the issues of target communities related to natural resource management and land governance through various means such as social media, local dialogues, and meetings on advocating for legal rights to land and resources (NGOF).

By the companies

- Some companies granted pieces of land to the affected families.
- An Independent Examiner of the Australian National Contact Point facilitated a meeting involving representatives of ANZ, Equitable Cambodia, and Inclusive Development International with the Cambodian families, which resulted in a landmark agreement to resolve the communities' complaint. ANZ agreed to contribute the gross profit it earned from the loan to help alleviate the hardships faced by the affected communities and support their efforts toward rehabilitation. ANZ also agreed to review and strengthen its human rights policies, including its customer social and environmental screening processes and grievance mechanism.

Recommendations

In addition to the above, a multi-stakeholder dialogue/validation workshop was organized by SK on 30 June 2021, where the 2020 Cambodia Land Conflict Monitoring Report was presented before 35 NGOs and representatives from communities. The workshop produced the following recommendations:

Government should:

- Ensure that the investors consider the interest of the community especially the IPs;
- Conduct an inventory of the public State land and the public private land to avoid the abuse of State land which can be classified as social economic land concession;
- Speed up the registration of the systematic land registration;
- Strictly implement the law and ensure that all respect the law in compliance with Article 196 of the Civil Law;
- Fast-track the amendment of the Land Law;
- Facilitate the approval of the Environmental Code which includes EIA and FPIC;
- Be open-minded and allow the people to enjoy their right to express their concerns and stop arresting land activists;
- Strengthen the implementation of the laws and create mechanisms to protect the land and natural resources and provide responsive mechanisms;
- Resolve land conflicts peacefully with the engagement of the community and civil society;
- Strengthen the practices of FPIC and EIA as endorsed by UNDP;
- Eliminate the use of impunity in addressing land conflicts; and,
- Eliminate nepotism in government and work closely with NGOs, considering them as valuable partners.

NGOs should:

- Strictly monitor/watch ongoing land conflicts;
- Have a common advocacy mechanism to deal with land conflicts;
- Continue to educate the citizens on relevant laws;
- Provide intervention and help people to create evidenced-based advocacy;

- Work together with other NGOs in similar sectors to build a common interest and a strong voice;
- Encourage fellow-NGOs to continue to support communities further;
- Not be afraid to talk directly to the government, rather than talk behind the government or only with other NGOs; and,
- Continue to enhance the capacities of IPs.

Communities should:

- Not be traumatized, but rather must be strong and work together for one voice;
- Further strengthen their capacity and not rely on only one person as the leader of the community; anyone can lead the move towards commonality and the formation of one voice;
- Be self-reliant, build strong leadership, and reduce their dependence on NGOs; and,
- Develop a good strategy that can protect them from illegal arrests and curb the incidence of land conflicts. ■

ACRONYMS

AC	Administration Commission
ADHOC	Cambodian Human Rights and Development Association
ADIC	Analysis Development Issues Center
AIPP	Asia Indigenous Peoples Pact
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
ANK	Anukret (Sub-Degree)
CC	Commune Council
CIYA	Cambodia Indigenous Youth Association
CAN	Community Network in Action
CSO	civil society organization
FGD	focus group discussion
GTZ	German Technical Cooperation Agency
IP	Indigenous People
LICADHO	Cambodia League for Promotion and Defense of Human Rights
LWA	Land Watch Asia
MAFF	Ministry of Agriculture, Forestry and Fisheries
MEF	Ministry of Economy and Finance
MLMUPC	Ministry of Land Management, Urban Planning and Construction
MoE	Ministry of Environment
NAC	National Annual Conference
NALDR	National Authority for Land Dispute Resolution
NCDD	National Committee for Sub-National Democratic Development
NGO	non-government organization
NGOF	NGO Forum on Cambodia
PIC	Parliamentary Institute of Cambodia
<i>Prakas</i>	Declaration
RFA	Radio Free Asia
RGC	Royal Government of Cambodia
UN	United Nations
VOD	Voice of Democracy

REFERENCES

- ANGOC. (2019). *In defense of land rights: A monitoring report on land conflicts in six Asian countries*. ANGOC.
- ANGOC. (2020). *CBI 9-10 Phase 2: Defending land rights and land rights defenders in Asia*. ANGOC. [PowerPoint Presentation].
- Asian Peasant Coalition (APC). (2018, February 4). APC condemns Heng Fu's land grabbing in Cambodia. *Farmlandgrab.org*. <https://www.farmlandgrab.org/post/view/27828-apc-condemns-heng-fu-s-land-grabbing-in-cambodia>
- Aun, P. (2015, July 29). Environment Ministry to reduce ELC terms to 50 years. *The Cambodian Daily*. <https://english.cambodiadaily.com/news/environment-ministry-says-will-reduce-elc-terms-to-50-years-89836/>
- Bunthoeun, K. (2016). *Challenges of land tenure rights in Cambodia*. <https://kebunthoeurn.wordpress.com/2016/06/24/challenges-of-land-tenure-rights-in-cambodia-continues/>
- Business and Human Rights Resource Centre (BHRRC). (2016, December 1). Cambodia: Conflicts continue between Preah Vihear villagers & Hengfu Sugar subsidiaries, as locals accuse companies of taking land without adequate. *BHRRC*. <https://www.business-humanrights.org/en/latest-news/cambodia-conflicts-continue-between-preah-vihear-villagers-hengfu-sugar-subsidiaries-as-locals-accuse-companies-of-taking-land-without-adequate-compensations/>

- Cambodian Center for Human Rights (CCHR). (2016a). *The human rights impacts of sand dredging in Cambodia*. CCHR Briefing Note. [https://cchrcambodia.org/admin/media/analysis/analysis/english/2016_09_06_CCHR_BN_Sand_Dredging_and_HR_in_Cam_\(ENG\).pdf](https://cchrcambodia.org/admin/media/analysis/analysis/english/2016_09_06_CCHR_BN_Sand_Dredging_and_HR_in_Cam_(ENG).pdf)
- (2016b). *Cambodia's women in land conflict*. https://cchrcambodia.org/admin/media/report/report/english/2016_09_27_cchr_report_Cam_Women_in_Land_Conflict_ENG.pdf
- Cambodian Center for Human Rights (CCHR). (2017). *Fact sheet: Free, prior and informed consent*. https://cchrcambodia.org/admin/media/factsheet/factsheet/english/2017-08-09-CCHR-Factsheet-Free-Prior-and-Informed-Consent_ENG.pdf
- Chan, S., & Ngorn, C. (2018). A search for available lands from the revoked and excised economic land concessions for Land Allocation for Small and Medium Farms (LASAMF) Programme. *Centre for Policy Studies (CPS) Study Report No. 08*. http://www.cps.org.kh/wp-content/uploads/2021/04/Study-Report-08-2018-Sep-A-Search-for-Available-Lands-from-Revoked-and-Excised-ELC-for-LASAMF_ENG.pdf
- Chandran, R. (2017, November 9). FEATURE-Women lead sugar fight as Cambodia sours on land deals. *Thomson Reuters Foundation News*. <https://news.trust.org/item/20171109142320-22x38>
- Chandran, R. (2019, January 13). Cambodia orders rare investigation of shooting in land protest. *Thomson Reuters Foundation News*. <https://news.trust.org/item/20190131120621-6gvcl>
- Chiou, P. (2011). Khmer Rouge legacy: Land disputes. *CNN*. <https://edition.cnn.com/2011/11/25/world/asia/cambodia-property-development-controversy/index.html>
- Community Network in Action (CNA), Ponlok Khmer, GRAIN, Cambodia Indigenous Youth Association (CIYA) and Asia Indigenous Peoples Pact (AIPP). (2017). Cambodia: New report on indigenous communities' protracted struggle against Hengfu Sugar's land grab in Preah Vihear province. *Business & Human Rights Resource Centre*. <https://www.business-humanrights.org/en/latest-news/cambodia-new-report-on-indigenous-communities-protracted-struggle-against-hengfu-sugars-land-grab-in-preah-vihear-province/#timeline>
- Council for the Development of Cambodia. (n.d). *2001 Land Law*. <http://www.cambodiainvestment.gov.kh/investors-information/land-site-development.html>
- CS Monitor. (2017): Economy races ahead, but land-rights turmoil leaves many Cambodians behind. Retrieved from <https://www.csmonitor.com/World/Asia-South-Central/2017/07/11/Economy-races-ahead-but-land-rights-turmoil-leaves-many-Cambodians-behind>
- Eco Rurals. (2016). *What is land grabbing? A critical review of existing definitions*. Eco Rurals.
- Economist Intelligence Unit. (2018, January 10). Government claims drop in land disputes in 2017. *Country EIU – Cambodia*. <https://country.eiu.com/article>.

ACKNOWLEDGMENTS

First of all, I would like express my sincere thanks to Mr. Nathaniel Don Marquez, Executive Director of ANGOC and his colleagues who provided financial and technical support and useful comments to this Country Land Conflict Monitoring Report. Also, I would like to thank Ms. Chet Charya, Executive Director of STAR Kampuchea and her colleagues, Mr. Heng Hak and Ms. Chea Eng Mey, who provided data sources and data analysis related to land conflicts, as well as strong encouragement, sound advice, and support to me in the process of designing this study and validation workshop.

Furthermore, I would like to express my profound gratitude to all participations from the relevant institutions, NGOs, and communities who provided meaningful inputs and recommendations that made this report more trustworthy. A special thank is also given to Ms. Seohee Han, volunteer, who helped edit the study.

Last but not least, I would like give a big thank you to the government, NGOs, private sector, academia, newspapers, and social media which provided rich sources of information to make this report possible.

Nhek Sarin
Deputy Executive Director (DED)
STAR Kampuchea

DISCLAIMER

This report was made possible with the financial support of the International Land Coalition (ILC) and the United Nations Development Programme's Business and Human Rights in Asia (UNDP B+HR Asia). The views expressed in this document do not necessarily reflect those of ILC and UNDP B+HR Asia.

CITATION

Sarin, N. (2021). *ELC Grip on Rural Communities' Land Finally Being Challenged: 2020 Cambodia Land Conflict Monitoring Report*. STAR Kampuchea, ANGOC, and ILC.