

2023 CAMBODIA LAND CONFLICT MONITORING REPORT

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Land conflicts in Cambodia are rife and have become a serious and persistent issue. From 2003 to 2022, the Ministry of National Planning, National Statistics and Construction received reports of 14,567 land disputes nationwide. Of these cases, 11,085 cases have been solved by the ministry, while the rest – 3,482 cases – remain unsolved (ODC, 2023). Between 2019 and 2023, Cambodia’s media reported on 120 land disputes, including 260 incidents of petitions, protests, arrests, and government interventions (Kamnotra, 2023). As there are different reports of the number of land conflicts, the writer is not able to say exactly how many land conflict cases have taken place in the country.

A major contributory factor to the increasing incidence of land conflicts has been the granting by the government of many Economic Land Concessions (ELCs) while land registration and titling remained unfinished. Through an ELC, the Government leases State-owned land to private investors for a maximum of 99 years (Sun, 2017). “An ELC allows its holder to clear land for industrial-scale agriculture, and to undertake various activities, including large-scale plantations, animal rearing and building factories

to process agricultural products” (ODC, 2015). Cambodian businessman Khit Meng’s company, Royal Group, obtained a lease for 9,968 hectares of land in the Botum National Park, Koh Kong province. Another company that was associated with the son of businessman Lee Yongphat was able to take out a lease on 6,234 hectares of land in Butum Sakor National Park.

It is difficult to determine exactly how many ELCs have been approved. Initial reports indicate that a total 1,934,896 hectares of ELCs have been granted to a total of 230 companies. However, some NGO reports have claimed that the figure is closer to two million hectares (ODC, 2015).

Since 1998, an average of 105,000 hectares of land has been added to the ELC system each year. This is reported to have contributed directly to the 40 percent loss of Cambodia’s forests (Flynn, 2023).

The “ELC system [has] failed to bring about the promised prosperity, instead leading to widespread ecological destruction as Cambodia’s forests were cleared at record rates to make way for agricultural plantations, many of

which never came to fruition” (Flynn, 2023). Moreover, the economic development under the ELC regime has led to land rights abuse and environmental degradation, including harmful impacts on land occupied by the indigenous peoples (CCHR, 2017).

The land concessions have major potential consequences for both economies and livelihoods (Scoones et al., 2013). Their social and economic impacts on local communities could be disastrous, especially when combined with forced evictions, displacement without fair and just compensation or prior public consultation, involuntary resettlement, or poorly planned relocation of people from their homes and farm lands.

Many ELCs have resulted in forced evictions and violent protests all over the country (Sun, 2017). Some 400,000 to one million people have been personally affected by land disputes and among them, 60,000 people have been forcibly evicted from their homes (DANDC, 2017).

Most land conflicts have not been solved immediately. Villagers from Koh Kong and Kampong Speu provinces have been engaged in protesting long-running land conflicts. They have claimed that local authorities have refused to help them solve the conflict (RFA, 2022).

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). Environment Impact Assessments (EIAs) are not properly conducted (Sun, 2017), and lack the affected communities’ free prior and informed consent (FPIC). Communities are frequently not informed until a development project starts to affect their land and livelihoods (CCHR, 2017).

Other major drivers of the conflicts include private land grabbing of unregistered lands by powerful people, public officials; ELCs (plantations, mining, hydropower dams, etc.); evictions from city developments (property markets and establishments); establishment of Special Economic Zones (SEZs); government infrastructure projects (roads, railways); and, encroachment on community forest lands, communal forests, and IP land (ANGOC, 2019).

In response to the increasing number of conflicts, the Government stopped leasing large plots of land to private-sector investors in 2012 and limited the duration of future leases to 50 years (Sun, 2017). Then Prime Minister Hun Sen issued Directive 01 which set up a land-titling program named after him. He sent scores of students across the country to investigate conflicts and to 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).

Land Conflict Monitoring Report on Cambodia

Methodology and data sources

STAR Kampuchea collected information on a total of 28 cases that took place between 1 January and 31 December 2023, using different information sources. Government agencies and institutions were the main sources (46 percent); followed by civil society organizations (CSOs) and non-government organizations (NGOs) (28 percent); community-based organizations (20 percent); mainstream media outlets (four percent); and, the courts (two percent) (Table 1).

Table 1. Sources of information for the cases

Source	Number of cases	Percent of cases (%)
Government agencies, institutions	37	46
CSO/NGO	23	28
Community, community-based organization	16	20
Mainstream media (print, online, radio)	3	4
Court	2	2
Total	81	100

Data gathered included who were involved in the conflicts, the number of persons killed and harassed, the types of conflict, and the status of the conflicts. The database system analyzed the causes and impacts of land conflicts.

To confirm the results of the research as well as to formulate recommendations, a face-to-face and online validation workshop was conducted on 6 February 2024. The workshop was participated in by 37 (15 women, 22 men) representatives of the Ministry of Land Management, the Urban Planning and Construction (MLMUC), Cambodia Human Right Committee (CHRC), non-profit organizations (NGOs), community members, including affected indigenous (IPs) and non-IPs from Phnom Penh, Kampong Chhnang, Pursat, and Prah Vihear provinces. Their inputs have been valuable in making this report more reliable, and useful for evidence-based advocacy.

Limitations of the study

The first limitation is that individual interviews were not conducted to collect primary data

because of budget and human resource constraints. The number of the cases documented was small, at 28 cases, compared to the 2020 land monitoring report, which was based on 78 cases. Focus group discussions (FGDs) were conducted, involving 37 people from the government, CHRC, NGOs, and communities. These FGDs were conducted during the validation workshop.

The second limitation is that, in terms of the case collection, not all areas of the country could be covered. The data is scattered in different places, for example some were with government institutions, some were with NGOs and communities, some were available on social media, and two were kept in the court. Moreover, the data collected were not able to answer some of the questions, including number of effected households; incidents of human rights violations; corrective actions taken by the government; and, actions taken by the communities to address the land conflicts, among others.

The third limitation is that most of the available prior researches/studies used the term *land dispute* instead of *land conflict*, although on the basis of the concepts and definitions adopted for this report, the cases would be considered as land conflict.

Table 2. Total number of cases, area, and households affected by land and resource conflicts, 2023

Ongoing cases	Number
Total number of cases	28
Total number of hectares affected	23,299
Total number of households affected	4,385

Table 3. Number of cases and area affected, by province

Province	Number of cases	Percent of cases (%)	Contested area (hectare)	Percent of contested area (%)
Prah Sihanuk	12	43	2,451	10
Kampong Chhnang	7	25	113	1
Pursat	6	21	2	0
Koh Kong	2	7	19,533	84
Svay Rieng	1	4	1,200	5
Total	28	100	23,299	100

Key Findings

Affected population and area

Land conflict is an ongoing issue in Cambodia, and affects all parts of the country and almost all sectors of the population. The 28 cases documented involved 23,299 hectares of land and affected 4,385 households (Table 2).

As shown in Table 3, 12 cases (43 percent) took place happened in Prah Sihanuk province, involving 2,451 hectares (10 percent); seven cases (25 percent) happened in Kampong Chhnang province, involving 113 hectares (one percent); six cases (21 percent) were located in Pursat province, involving two hectares; two cases (seven percent) happened in Koh Kong province, involving 19,533 hectares (84 percent); and, one case (four percent) happened in Svay Rieng province, involving 1,200 hectares (five percent).

In terms of duration, Table 4 shows that of the 28 cases, seven cases were ongoing for less than two years; four cases were ongoing from

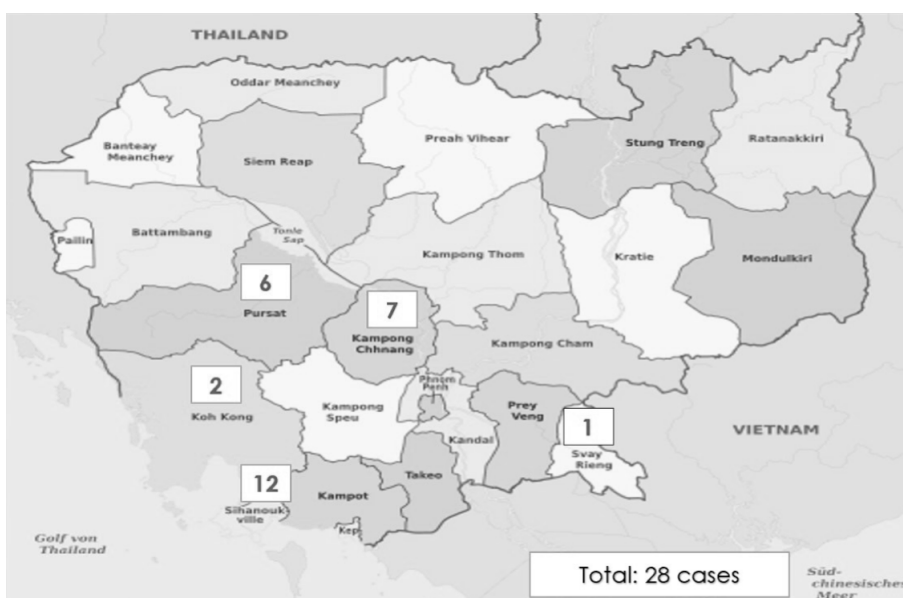


Figure 1. Location of land conflict cases gathered in 2023

two to five years; four cases, between five and 10 years; three cases between 10 and 15 years; nine cases, between 15 and 20 years; and, one case, more than 20 years.

A variety of land and resources were affected by conflict. Table 5 shows that the most contested type of land were smallholder farms, which were involved in 15 cases (53 percent), covering 21,612 hectares (93 percent) of all land and resources affected. The second most-contested lands were smallholder agroforestry and people's plantation areas, which were involved in

Table 4. Duration of conflicts, in number of years

Duration	Number of cases	Percent of cases (%)
Less than 2 years	7	25
2 to less than 5 years	4	14
5 to less than 10 years	4	14
10 to less than 15 years	3	11
15 to less than 20 years	9	32
20 years or more	1	4
Total	28	100

four cases (14 percent) and covering 1,040 hectares (four percent). The other types of affected land and resources, including common lands and public lands managed by the community; community and social forests; housing and settlement areas; and, water and fisheries resources, were each involved in under 11 percent of cases and less than three percent of contested lands.

Land and resources conflicts affected various types of population and sector. Table 6 shows that farmers were affected in 22 cases (79 percent); tenured residents, in three cases (11 percent); non-IP forest-users in two cases (seven percent); and, informal settlers/slum dwellers, in one case (three percent).

Adversarial claimants and drivers

The parties in the land and resource conflicts cases varied across the 28 cases. Table 7 shows that in the most number of cases (nine, or 32 percent), government agencies and State enterprises were the adverse claimants. The second highest number of cases (seven, or 25 percent) involved intra-community conflicts (residents, settlers, migrants, refugees).

In five cases (18 percent), local government was the adversarial claimant; in four cases (14 percent), powerful individuals were the claimants; and in three cases (11 percent), private companies were the claimants.

Table 5. Type of land and resource affected by conflicts based on number and percent of cases and contested area (in hectares)

Type of land/resource	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
Smallholder agriculture/farming	15	53	21,612	93
Smallholder agroforestry and people's plantation	4	14	1,040	4
Common lands/Public lands managed by the community	3	11	26	0
Housing and settlements	3	11	401	2
Community forest/Social forest	2	7	220	1
Water/fisheries resources	1	4	0	0
Total	28	100	23,299	100

Land and resource conflicts were attributed to various and sometimes multiple drivers.

Table 8 shows that the main driver of conflict in terms of number of cases was government projects and programs, with nine cases (33 percent). Of these nine cases, seven involved

Table 6. Primary sector or community affected by conflicts based on number and percent of cases

Primary sector/community	Number of cases	Percent of cases (%)
Farmers	22	79
Tenured residents	3	11
Non-IP forest users	2	7
Informal settlers/slum dwellers	1	3
Total	28	100

Table 7. Adversarial claimants in land conflict cases based on number and percent of cases

Adversarial claimants	Number of cases	Percent of cases (%)
Government agencies and State enterprises	9	32
Community vs. community (residents, settlers, migrants, refugees)	7	25
Local Government	5	18
Powerful individuals	4	14
Private companies	3	11
Total	28	100

SEZs, and two cases involved social housing and urban development.

In seven cases (25 percent), the conflict stemmed from conflicting claims between communities or sectors. Encroachment was the cause of five of the seven cases, while overlapping tenure use were the cause of the other two cases.

In four cases (14 percent), the conflict arose from the use of a conservation/protected area and “No Go” Zones.

The largest contested area (19,902 hectares) belonged to private-led business enterprises, primarily used by industries and manufacturing operations. Other private-led business interests controlled 400 hectares; while property/housing/real estate development held a hectare.

“Other” drivers accounted for the remaining two cases on 120 hectares of land: private farming (20 hectares), and an agrarian reform-related issue (100 hectares).

Responses of affected communities

Table 9 shows that in 23 of the 28 cases, the communities sought to resolve conflict through government administrative mechanisms. In three cases, they resorted to local or direct negotiations, and in two cases, they filed charges in court.

In land and resource conflicts, corrective actions are usually taken. Table 10 shows that in 20 of the 28 cases, the government took corrective actions. In six cases, corrective actions were taken by agreement together with the adversarial party. In one case, no corrective action was taken. There is no information available on the remaining case.

Incidents of human rights violations and perpetrators

Human rights violations (HRVs) have been reported in many land conflicts, especially prior to 2023. However, for the year 2023, data on HRVs against individuals are not available. Meanwhile, there were two incidents of HRVs against communities.

Data on HRVs against individuals was not available.

On the other hand, two incidents of HRVs against communities were reported to have affected farmers.

There was one report of an accident related to eviction, displacement and work termination, and another accident related to the destruction of crops, homes, and property. In both incidents, the reported perpetrators were private companies.

Table 8. Drivers of land and resource conflict based on number and percent of cases and contested area (in hectares)

Drivers of conflict	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
Government projects/programs	9	33	3,183	14
Special economic zones	7		3,133	
Social housing, urban development	2		50	
Conflicting claims between communities/sectors over land and resource	7	25	1	0
Encroachment (e.g., migrants, settlers, refugees)	5		0.9	
Overlapping tenure and use	2		0.1	
Private-led business enterprises	6	21	19,902	85
Industry/manufacturing/production	2		19,500	
Agribusiness, plantations	1		1	
Property/housing/real estate development	1		1	
Others	2		400	
Conservation/Protected Areas and “No Go” Zones	4	14	93	0
Others	2	7	120	1
Private farming	1		20	
Agrarian reform-related issue	1		100	
Total	28	100	23,999	100

Recommendations

During the validation workshop organized by STAR Kampuchea last 6 February 2024 in Phnom Penh, the 37 participants proposed the following recommendations:

In relation to the Royal Government of Cambodia and related institutions:

- Address the land dispute cases so that communities can engage in agriculture;
- Expedite systematic land registration; implement land reform and register indigenous land under ownership (belief forest and collective land) as soon as possible;
- Demarcate land boundaries to ensure land tenure security;
- Prepare State land maps, showing natural lake lands, community lands, forest areas, and protected areas;
- Conduct awareness-raising sessions on the Land Law and Citizens' Rights for citizens, competent authorities, and other stakeholders;
- Encourage and strengthen the implementation of mechanisms from the national to sub-national levels, such as the National Authority for Land Dispute Resolution, the Cadastral Commission, the Dispute Resolution Groups from national to commune level, and the non-judicial land dispute resolution committees;
- Open space for CSOs to take action to promote quick and fair conflict resolution;
- Disseminate information on the types of land that are stated in the law, such as usable land, residential land, etc.
- Thoroughly research cases before making an arrest or detaining individuals;
- Strengthen effective and transparent law enforcement;

Table 9. Responses to land conflicts by communities

Responses of Communities to Land Conflicts	Number
Seek conflict resolution	28
• Through government administrative mechanism	23
• Through local or direct negotiations	3
• Through judicial courts, legal adjudication	2
Total	28

Table 10. Corrective actions to address the land conflict

Were there any corrective actions taken to address the conflict?	Number
Yes	26
• By the government/State	20
• By agreement with the adversarial party	6
No/Not yet	1
No information available	1
Total	28

- Set up a judicial committee to investigate land disputes;
- Research the location of the land, conduct data collection from all angles before clearing the land or granting ELCs to investors or before taking measures or resolving any disputes; and,
- Assign relevant ministries to update community forest protection areas and fishing areas, and inform stakeholders.

Table 11. HRVs based on number of incidents and victims

Incidents of HRVs	Number of incidents	Number of victims
Against individuals	No data available	No data available
Against communities	2	No data available
Total	2	

Table 12. Type of HRVs committed against communities based on number of incidents and affected households

Type of HRVs against communities	Number of incidents	Number of affected households
Eviction, displacement, work termination	1	No data available
Destruction of crops, homes, property	1	No data available
Total	2	

In relation to Cambodia Human Rights Committee (CHRC):

- Urge the Royal Government of Cambodia to register land and provide land titles to communities and people as soon as possible;
- Provide capacity-building on human rights and Land Law to citizens and stakeholders;
- Provide legal assistance to people affected by land disputes;
- Raise awareness on duties, rights of citizens and communities, compensation, and related laws to citizens so they can take part in the preservation of community resources;

- Conduct monitoring on land conflict regularly and directly; and,
- Prepare monitoring reports regularly and disseminate them to relevant people and institutions.

In relation to civil society and community organizations:

- Establish and strengthen a strong network of CSOs to enable them to participate in resolving land disputes;
- Cooperate with the competent authorities to promote land registration; provide land titles to the community; strengthen the knowledge of land activists; strengthen and monitor the implementation and procedures for resolving land disputes in a transparent and open manner; and, provide alternative livelihoods;
- Support the advocacy of communities affected by land evictions;
- Continue to engage with local authorities to increase communities' knowledge of land laws, relevant laws, procedures, and experience in resolving disputes through various workshops and training programs;

Land conflicts happen because of “unclear legal framework; weak institutions, lack of land titles; unclear boundaries between land concessions; and, lack of concern for public, private State land and community land.” Conflicts over land, combined with the systematic violation of land rights, is one of the most prominent human rights problems faced by Cambodians. The root of this problem can be traced back to the abolition of private land ownership by the Khmer Rouge in 1975.

- Strengthen the capacity of local and relevant authorities on dispute resolution mechanisms and relevant laws at the sub-national level;
- Disseminate information on land disputes to the people and relevant institutions;
- Conduct joint research on land disputes; and, share land information on social media and among civil society so that the information is known to stakeholders and the public;
- Strengthen network collaboration among civil society and communities and share experiences with each other;
- Create opportunity for consultation among government, private sector, civil society, media, and affected communities towards the development of common solutions to land conflicts;
- Help communities to document their land conflicts; and,
- Support and cooperate with State actors to raise people's knowledge regarding land tenure.

In relation to the private sector:

- Stop providing loans to companies involved in land disputes;
- Conduct Environmental Impact Assessment (EIA) before deciding to invest;
- Respect the law and comply with its duties in accordance with the investment law in Cambodia;
- Allow citizens to participate in evaluating/monitoring all investments in Cambodia;
- Provide information on the investment process to all victims and stakeholders, either directly or through social media; and,
- Participate in community development with local people. ■

References:

- ANGOC. (2019). *In defense of land rights: A monitoring report on land conflicts in six Asian countries*. ANGOC.
- Cambodia Daily. (2015). Environment Ministry to Reduce ELC Terms to 50 Years. <https://english.cambodiadaily.com/news/environment-ministry-says-will-reduce-elc-terms-to-50-years-89836/> Cambodia.
- 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
- Drbohlay, P. and Hejkriik, J. (2018). Social and Economic Impacts of Land Concessions on Rural Communities of Cambodia: Case Study of Botum Sakor National Park. *International Journal of Asia Pacific Studies* 14(1):165-189.
- Flynn, G. (2023, November 8). Calls grow to repurpose land squandered in Cambodia's concession policy. In *MONGABAY*. <https://news.mongabay.com/2023/11/calls-grow-to-repurpose-land-squandered-in-cambodias-concession-policy/>
- Komnotra. (2023). <https://kamnotra.io/en/in-dispute/land-conflicts>.
- NGO Forum on Cambodia (NGOF). (2016). Statistical analysis of economic land concession in ODC. (2015). *Land Concession*. <https://opendevlopmentcambodia.net/topics/concessions/>
- ODC. (2023). *Botum Sakor National Park*. https://opendevlopmentcambodia.net/km/tag/botum-sakor-national-park/?queried_post_type=news-article#!/story=post-177940
- Oeur Il, et al., ADIC, (2018). *Land watch country monitoring report 2018*. ADIC.
- RFA. (2022). *Villagers take protest over long-running land dispute to Cambodian capital*. Radio Free Asia.
- SK. (2020). *2020 Cambodia Land Conflict Monitoring Report*. STAR Kampuchea (SK)
- Sun, N. (2017). *Land titles help to prevent conflict*. <https://www.dandc.eu/en/article/why-land-disputes-have-become-serious-and-persistent-issue-cambodia>

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