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Statistical Analysis of Land Disputes in Cambodia, 2015

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Written by Research Advocacy and Communication Center (RACC)

Data analysed by Ms. NET Channa, GIS and Database Officer

Layout designed by Mr. PHOURN Yu, Information and Publication Officer

Address: #9-11 Street 476 Sangkat Toul Tom Pong 1,
Khan Chamkar Morn, Phnom Penh City, Cambodia.

P.O Box: 2295, Phnom Penh-3

Tel: (855-23) 214 429

Fax: (855-23) 994 063

Email: ngoforum@ngoforum.org.kh

Website: www.ngoforum.org.kh

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Acromyms

ADHOC	Cambodia Human Rights and Development Association ADHOC
CDC	Cambodia Development Council
CEPA	Culture and Environment Preservation Association
CF	Community Forestry
CLEC	Community Legal Education Center
CNRO	Cambodian National Research Organization
EIA	Environmental Impact Assessment
ELC	Economic Land Concession
FA	Forest Administration
GIS	Geographic Information System
GIZ	German Federal Enterprise for International Cooperation (GIZ) GmbH
Ha	Hectares
HH	Households
IMR	Indigenous Minority Rights
IP	Indigenous People
KKKHRDA	Khmer Kampuchea Krom Human Rights for Development Association
LC	Land Concession
LD	Land Dispute
LICADHO	Cambodia League For The Promotion and Defend Of Human Rights

MAFF	Ministry of Agriculture, Forestry and Fisheries
MoE	Ministry of Environment
NALDR	National Authority for Land Dispute Resolution
NGOF	The NGO Forum on Cambodia
RAC	Research Advocacy and Communication
RFA	Radio Free Asia
RGC	Royal Cambodian government
SLC	Social Land Concession
SLR	Systematic Land Registration
Vigilance	Human Rights Vigilance of Cambodia

Terms of Definitions

For the purposes of this report, the following terminology is used. The definitions used here are specific to this report, and caution should be taken in applying this terminology in other settings.

Abandoned Claim: Refers to cases in which a land claim was given up, or relinquished by the original complainants.

Agricultural Land: Land that is suitable for agricultural production, including both crops and livestock

Forced Displacement: The forced removal of people against their will from land where they live, or where they conduct agricultural activities.

Land Dispute: A disagreement between two or more parties concerning the right to hold, control, access, or use a specific piece of land. Land disputes may involve all or part of a plot of land, and may also occur when there is disagreement concerning the boundaries between adjacent land plots.

Multi- Purpose Land : The disputed land which is used for many purposes including vegetable and crop planting, rice farming, living, etc.

Original Landholder(s): The person, or people who used or controlled the disputed land prior to the dispute commencing.

Dispute Party: The person who is seeking to claim the land of the original landholder.

Silent Cases: Refers to cases which were raised to the relevant authorities, but over the course of the last year did not see any significant progress towards a resolution.

LAHRiN A network of organizations that work on land and housing rights issues in Cambodia. This network has three levels:

- 1) The Steering Committee, comprised of the Directors of selected NGOs,
- 2) The National LAHRiN Committee, comprised of member NGO Program Managers or Project Managers based in Phnom Penh, and
- 3) The Provincial LAHRiN members, which includes NGOs based in the provinces that work on land and housing right issue.

1. Introduction

Land disputes in Cambodia are widely seen as one of the biggest challenges facing the Cambodian people. In the worst cases, land disputes can lead to loss of land and access to resources, which is inconsistent with the Royal Government of Cambodia's (RGC) aim to achieve its poverty reduction goals. The scale and prevalence of land disputes in Cambodia has raised concerns among the local and international community.

Records in the database of the NGO Forum on Cambodia show that some land dispute cases have been on-going for a number of years, and this has compromised the living conditions and livelihoods of the affected people. These records indicate that there are many factors causing land disputes, including infrastructure development projects in urban and rural areas, economic land concessions (ELCs), other concessions operated by nationals and settle on public state land or private state land, and land grabbing by international companies and individuals.

The law requires Social and Environmental Impact Assessments (SEIA) for these projects. Often they are not conducted or when they do take place, they are carried out in a sub-standard manner with little opportunity for public participation. In conjunction with the failure in law enforcement to protect the rights of local communities, this further exacerbates land disputes and is inconsistent with agreed development goals.

The available “Statistical Analysis of Land Disputes in Cambodia” by NGOF is from 2007. Land Disputes peaked in 2008 at the same time as land values in Cambodia rose sharply. The following year, the number of land disputes fell slightly, but in 2010, 2011 and 2012 they began to rise once more. However, the new cases for 2013 and 2014 have fallen again against the records in their previous year of 2012.

In recent years, the RGC has developed a number of new policies and legal frameworks related to land and natural resources which aim to implement improved procedures related to land administration and management, including the prevention and resolution of land disputes.¹ Directive 01 was developed as mechanism to tem-

¹ For example: Land Law passed by the National Assembly on July 20, 2001 , The Declaration of the Royal Government of Cambodia on Land Policy (1st July 2009); Law on Expropriation, 26 Feb 2010; Circular 03 on Resolution of Temporary Settlements, 31 May 2010; National Policy on the Development of Indigenous Peoples, 2009; Sub-Decree No 83, 09 June 2009 on the Procedures for Land Registration of Indigenous Community Land (L&R/L&P/2009/Khm) (Ogs, Year 09, No. 43, June 12, 2009); and Inter-Ministerial Circular on Interim Protective Measures Protecting Lands of Indigenous Peoples that has been requested for collective ownership titling, while awaiting titling process according to pro-

porarily suspend the granting of ELCs, implementing the "leopard skin" policy to ELCs/LCs which affected local people, cancelling ELCs/LCs which did not align with investment policies, in order to better solve land disputes. Inter-Ministerial Proclamations/Prakas on Strengthening ELC Management were signed by the Minister of Agriculture, Ouk Rabun, and Minister of Environment, Say Sam Ol on 9 May 2014 and was considered a helpful mechanism for reducing land disputes.

However, it is still unclear how successful these new policies and frameworks have been, and land disputes in Cambodia are still widely reported in both local and international media. The data presented in this report may differ from data published by other organizations as we have employed a different methodology. This report aims to track the trends in the emergence and causes of land disputes through data collected by the NGO Forum, and provide documentary evidence for stakeholders seeking to understand this important issue.

2. Purpose of the Report

The purpose of the report is to provide documentary evidence of land disputes recorded throughout 2015. This evidence was gathered from articles on land disputes from local printed media, meetings with Land and Housing Right Network (LAHRiN) members, and through on-site data collection. This report aims to raise awareness and understanding of the current situation regarding land disputes, and act as a resource for other stakeholders working on land issues including government officials, donors, LAHRiN members, Cambodian and international civil society and academic researchers. The report also provides documentation that NGO Forum and other groups may use to advocate for improved land tenure security for poor and vulnerable people in Cambodia.

In addition, it is hoped that the contents of this report will be useful to government stakeholders that are working to find solutions to Cambodia's current land situation. Whilst the NGO Forum is aware that the challenges are formidable, it is hoped that the result of this land dispute analysis will contribute to the implementation of policies and actions that will lead to the resolution of these land disputes.

3. Dispute Resolution Mechanisms

In the context of land disputes, it is important to differentiate between disputes over 'untitled land', land for which no formal land titles have been issued, and dis-

cedure to be completed May 31, 2011.

putes over 'titled' land. Depending on what land the dispute is about, different dispute resolution mechanisms are used to resolve the dispute.

Five formal conflict resolution mechanisms exist in Cambodia. These are:

- Commune Councils
- Cadastral Commissions
- Administrative Commissions
- National Authority for Land Dispute Resolution
- Courts

Commune Councils have the mandate to “reconcile differences of opinion” among commune citizens but do not have decision-making authority.² While no formal procedure exists for the Commune Council, most cases go to the Commune Council before they go to higher levels of dispute resolution.³

The Cadastral Commissions have jurisdiction in disputes over untitled land. Cadastral Commissions exist on the district/Khan level “District/Khan Cadastral Commission” (DKCC), at the provincial/municipal level “Provincial/Municipal Cadastral Commission” (PMCC), and at the national level “National Cadastral Commission” (NCC). In the event that no equitable solution can be reached, District/Khan/Cadastral Commissions can submit the dispute file to the Provincial/Municipal Cadastral Commission for the following reasons:

- (1) One person claims several parcels of land that are also claimed by other small land holders;
- (2) One of the parties is a high-ranking authority;
- (3) There is a conflict of interest with the Chief of the DKCC;
- (4) The dispute involves State public land⁴

In general, each dispute will pass through the following procedure: complaint, investigation, administrative meeting, conciliation, and registration.⁵ The lower level Cadastral Commission, DKCC, has no power to decide upon a conflict; this authority only belongs to the PMCC and NCC after three attempts at conciliation.⁶

² (Sub Degree on Organization and Function of the Cadastral Commission, 2002).

³ (GIZ, 2014).

⁴ (GIZ, Sub Decree on Organization and Functioning of the, 2002).

⁵ (Prakas on the Guidelines and Procedures of the Cadastral , 2002) and (GIZ, Cambodia Conflict Resolution Mechanisms, GIZ land right program II, 2014).

⁶ Ibid.

Administrative Commissions are not a permanent conflict resolution mechanism. The Administrative Commissions' existence is only temporary during the Systematic Land Registration Process. Administrative Commissions are mandated to conciliate conflicts over (yet) untitled parcels, whether claimed by individuals, companies or the state. Unsuccessful conciliation cases are sent to the NCC.⁷

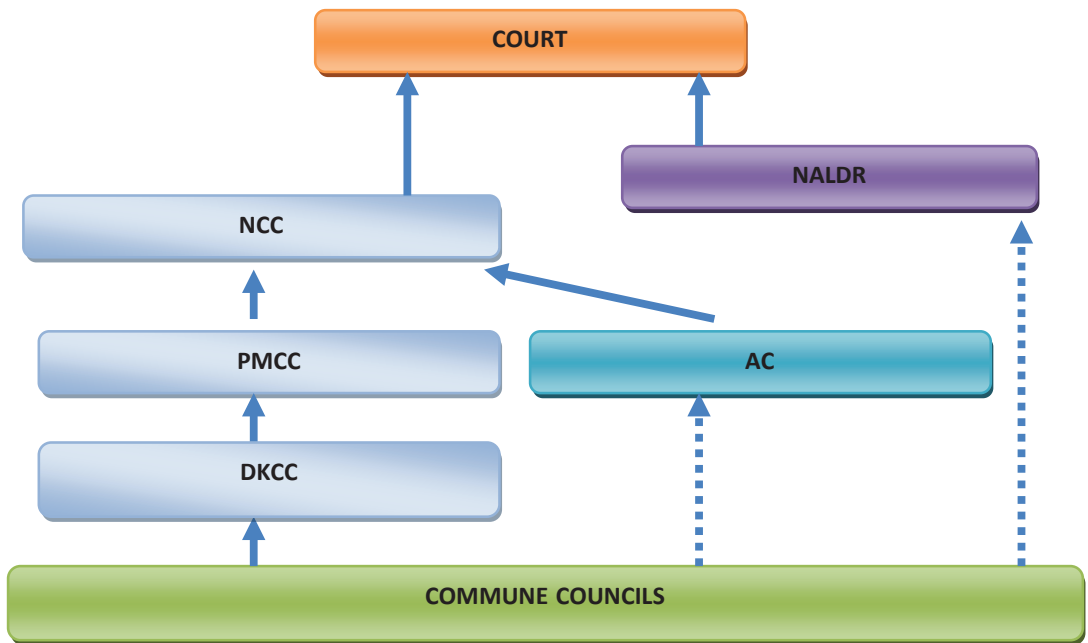
The National Authority for Land Dispute Resolution (NALDR) has jurisdiction over cases which are “beyond the jurisdiction” of the Cadastral Commissions, or the courts.⁸ This vague allocation of competencies is not useful, as there are no cases beyond the competencies of the Cadastral Commissions or the Courts. In fact, high profile cases are mostly referred to the NALDR, which is chaired by the deputy Prime Minister, and has 26 Ministries and Authorities as members. An additional 10 members serve as the as General Secretariat chaired by the Council of Ministers (CoM), and the Secretary of State.

Courts are mandated to resolve disputes over titled land. Three levels of jurisdiction exist: Courts of First Instance, the Appeal Court and the Supreme Court. However, in practice, courts are often not accessible for the poor due to the high fees involved.

The table below illustrates the hierarchy of resolution mechanisms:

⁷ (Sub decree on the Procedures to establish Cadastral Index Map and Land Register, 2002) and (GIZ, Cambodia Conflict Resolution Mechanisms, GIZ land right program II, 2014).

⁸ (Royal Decree VS/RTK/0206/697).



Source: *Cambodian Conflict Resolution Mechanisms, GIZ Land Rights Program II August 2014, Presentation during TWG Land DP Meeting, August 2014*

However, the table below (see 5.4.1.) illustrates that complaints are actually being raised to a much larger number of authorities, who in theory, do not have jurisdiction to resolve land disputes. In many cases, complaints are being sent to different authorities at the same time.

4. Methodology

4.1 Case Identification Criteria

This report analyses the land disputes that were reported in the local media and information collected from network members. Land disputes which have occurred, but went unreported by the local media and unnoticed by network members are not subject to the present analysis. Land disputes mentioned in the local media could be concerning titled or untitled land.

The statistics that appear in this report may differ from other sources due to differences in methodology and criteria for data collection and verification. The Research Advocacy and Communication Team (RAC) uses the following criteria to identify land dispute cases:

- Land dispute cases involving 5 households (HHs) or more;
- Land dispute cases that have not yet been resolved or are only partially resolved; and
- Land dispute cases that were solved before the year 2015 are excluded from this analysis. However, cases that were resolved during the course of 2015 are included.

4.2 Data Collection and Updating

The information collection and data updating system of the RAC is as follows:

Daily collection of information on land dispute cases is conducted through monitoring of local media including the Phnom Penh Post, Radio Free Asia, The Cambodia Daily, Koh Santepheap and Raksmei Kampuchea, and Radio French International.

Once information has been collected, each case goes through a process of verification to avoid double entries in the database. Provincial LAHRiN members conduct this process during bi-monthly network meetings.

The bi-monthly meetings provide a chance not only to verify information regarding the land dispute cases, but also to gather information on land disputes that were not reported in the media, but are known to be ongoing in Network members target areas.

Provincial LAHRiN members conduct land dispute verification in the field. In order to gather relevant data, and ensure integrity in the data-collection process members were advised to use a form that was developed by the RAC.

The RAC conducts an Annual Campaign to update and verify data on land dispute cases throughout the country. This is conducted in cooperation with each provincial LAHRiN member, and is carried out during November every year.

Legal Officers of the NGOF conduct site visits to verify the details of land dispute cases that LAHRiN members are unable to verify.

4.3 Tools Used in the Statistical Analysis

All of the gathered land dispute data is recorded in the database of the RAC. Programs including Microsoft Excel and Geographic Information System (GIS) were

employed to analyze relevant cases, and provide a statistical overview of land disputes and their geographic location.

4.4 Limitations

The main limitation of this methodology is that it relies for the most part, on gathering information on incidents of land disputes from media sources, and it is quite possible that many cases go unreported. The RAC attempts to minimize this problem by gathering data from LAHRiN members on unreported disputes, however they are not active in all areas of the country, and again, disputes may go unnoticed by people outside the immediate area.

5. Results of Data Analysis

Data and graphics displayed in this report are based on information on land disputes published by local media and generally do not include data on cases handled by Administrative Commissions, Cadastral Commissions or the Commune Council. The only exception is if disputes handled by those institutions were reported by local media.

5.1 New Land Disputes by Year

In 2015, RAC discovered 23 new land dispute cases meeting the RAC criteria listed above were recorded as commencing in 2015. This is equal to the amount of land disputes that were commenced in 2014, but lower compared to the cases that emerged during the years 2010, 2011, 2012, and 2013 with 39, 39, 36, and 25 disputes respectively. Decreasing down new land dispute cases from the peaking year 2010 and 2011 up to now it maybe was contributed by some mechanisms acted by government so far. For instance, the moratorium on granting new ELCs announced in May 2012 and an inter-ministerial committee was subsequently formed in 2014 to conduct a nationwide review of existing ELCs and concessions.

Of the new land disputes occurring in 2015, 23 cases occurred in 11 provinces. Svay Rieng province has highest number of cases commencing with 6 cases followed by Battambang province with 5 cases, Kampong Thom, Kratie and Stung Treng with 2 cases respectively. In addition, one case each in Kampong Speu, Kep, Preah Vihear, Prey Veng, Siem Reap and Tboung Khmom province.

There were 15⁹ unreported land dispute cases which occurred preceding 2015. These cases have been included in our analysis. By 2015 we have followed up on of 308 land disputes in total.

As a result, 285 land dispute cases are pending and require resolution.

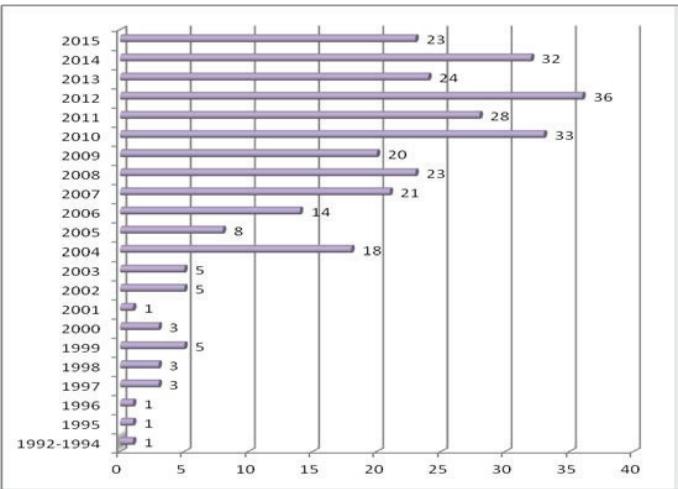


Figure 2: Land Dispute Cases by Year and Fol-

5.2 Land Disputes and Their Location

As mentioned earlier, the RAC has identified 285 ongoing land dispute cases. These cases include those that are not yet fully resolved, in the process of resolution, are “silent” (meaning that a complaint has been registered, but no action has yet been taken by the authorities), and other cases where the resolution procedure is still unclear.

Land disputes have occurred in each of the 24 provinces and the capital, Phnom Penh. Provincial disputes ranging from 1 to 10 land disputes were counted as separate 72 cases across 13 provinces: Kampong Cham, Kampong Chhnang, Kampong Thom, Kampot, Kandal, Kep, Kratie, Oddar Meanchy, Pailin, Prey Veng, Stung Treng, Takeo and Tboung Khmom. Disputes ranging between 11-20 cases occurred in 10 provinces including: Kampong Speu, Koh Kong, Mondulkiri, Preah Vihear, Preah Sihanouk, Pursat, Siem Reap and Svay Rieng province. This represents 166 cases. Finally, two provinces, Phnom Penh and Ratanakiri had more than 20 land dispute cases respectively. In total, they represent 47 cases.

The bar chart also shows that the highest incidence of land disputes occurred in Phnom Penh with 25 cases, followed by Ratanakiri, Banteay Meanchey and Battambang with 22, 20 and 20 cases, respectively. As shown

⁹ (Statistical Analysis of Land Disputes in Cambodia, 2014)

below in Figure 2 as well as Annex C, the figures also indicate that Kep province has the lowest number of land disputes with only one dispute recorded.

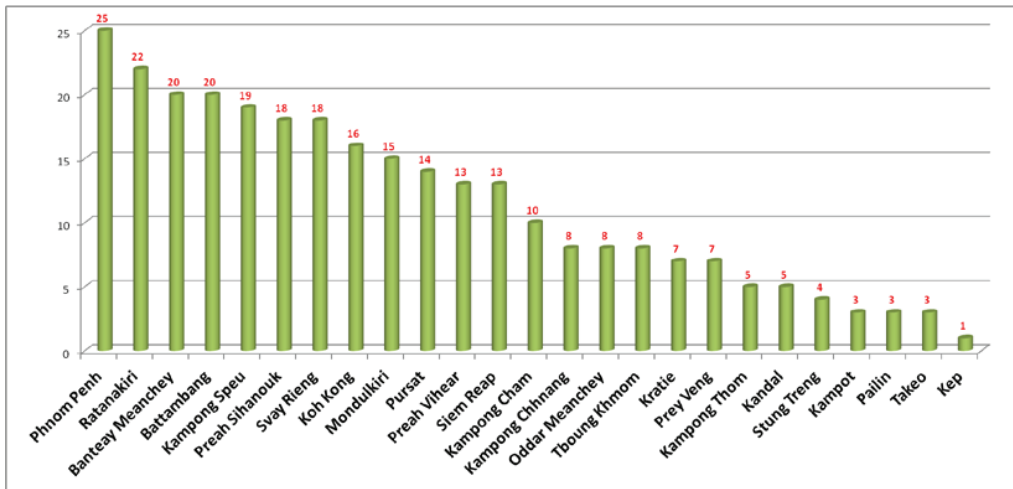


Figure 3: Number of Land Disputes by Province

5.2.1 Location of Land Disputes in Phnom Penh

Land disputes occurred in every one of the 12 Khan/Districts of Phnom Penh, representing 25 cases. Khan Dangkao has the highest number of disputes, with up to 6 cases emerging in six Sangkat/communes, followed by Ruessei Kaev where 5 disputes emerged in five Sangkat. It should be noted that 2 cases out of 6 cases emerged in Khan Dangkao where threats and violent acts were made by the defendant (company) and police, 10 people were detained, but were later released. We identified them as victims of these incidents. Moreover, another land dispute case occurred in Khan Ruessei Kaev as a result of a railway development. As a result, affected people from 148 households living along the railway (area, *ICM 6*) were relocated to live in the Trapeang Krasang commune, Pursenchey Khan/district¹⁰. The affected people still not satisfied compensation has been made and continue to submit their complaints to the relevant authorities and other stakeholders to intervene. Affected people are confronted with numerous issues, ranging from repaying loans to banks which enabled them to build a house at the new location to being jobless due to relocation and not being able to work in the same indus-

¹⁰ Before the end of year 2012 this trapeang Krasang commune located in Dangkao Khan/district, then this commune was included into Pursenchey Khan/district.

try, or a lack of demand for the type of work for which they are qualified to do. Financial difficulties have further ramifications, with affected families not being able to afford to pay their childrens' school fees. d) Health service is not access

Khan/District	Sangkat/Commune	Village	# of land dispute
Chbar Ampove	Praek Thmey	Chum Pur Kha Ek	1
Chroy Chongva	Koh Dach	Chong Koh	1
Dangkao	Cheung Aek	Cheung Aek	6
	Prey Sa		
	Preak Kampis	Preak Kampis	
	Preak Kampis	Damnak Sang Kae	
	Trapeang Krasang	Trapaing Anhchanh	
	Cheung Aek		
Doun Penh	Srah Chak		1
Mean Chey	Chak Angrae Leu	Preaek Ta Nu	4
	Stueng Mean Chey		
	Chak Angrae Kraom		
	Stueng Mean Chey	Trea	
Pour Saenchey	Chaom Chao	Prey Kamot	1
Praek Phnov	Ponhear Pon	Thom Tboung Thom Cheung	1
Prampir Meakkara	Veal Vong		1
Pursean Chey	Chaom Chao	Thmar kol, PreyPur, Trapeang Snaor, Kok Chambork, Tangoun	1
Ruessei Kaev	Kiloumaetr Lekh Pram	Boeng Chhuk	5
	Tuol Sangkae		
	Phnom Penh Thmei	Tumnob	
	Preaek Lieb	Kien Khleang	
	Kiloumaetr Lekh Pram	Boeng Chhuk	
Sen Sok	Phnom Penh	Rong Chark	1
Tuol Kouk	Boeng Kak Pir	Phum 23	2
	Boeng Kak Pir		
Total:			25

Table 2: Numbers of disputes by Sangkat and Khan in Phnom Penh



5.2.2 Location of Land Disputes in Ratanakiri

As indicated by the RAC database, 22 cases were recorded as commencing in Ratanakiri, which ranks second for the highest number of land disputes after Phnom Penh. Of these land dispute cases, all have been caused by ELC, and one case caused by a private company named Ly So Ngim who invested on rubber planting on 70 ha of land areas. In this province, the district of Andoung Meas has the highest number of disputes, with 6 cases commencing in 3 communes. In these cases, affected people are indigenous with 1,057 HHs in total. Furthermore, these cases have affected land that has been used for many and varied purposes, such as chamkar field, burial ground, spirit forest land, and protected forest/pre-severed forest land for gathering non-timber forest products (NTFP). However, 5 cases are partly resolved and one case is in the process of being resolved.

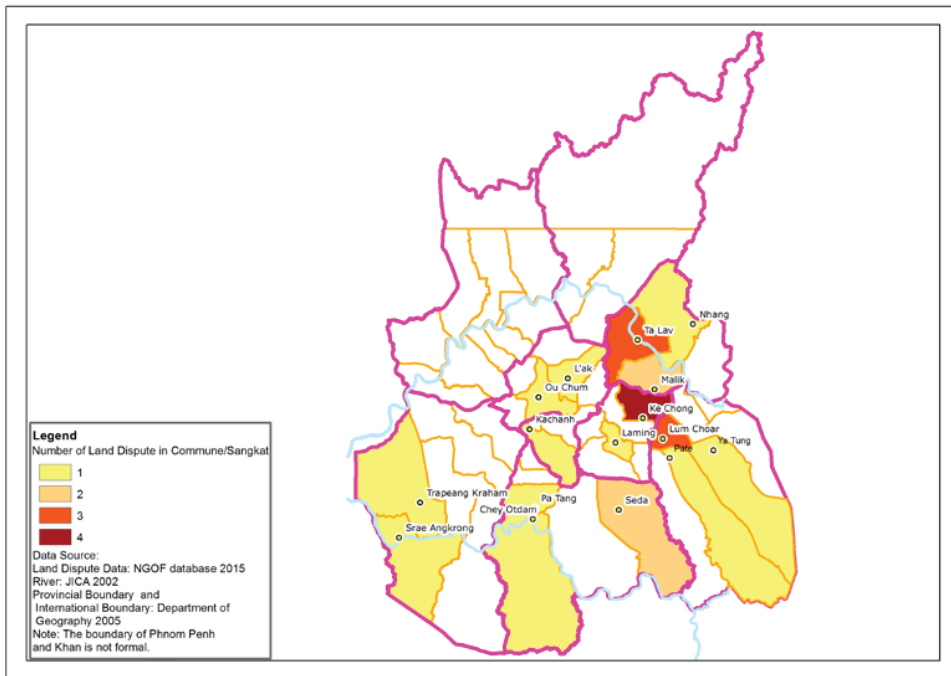
In Bar Kaev district there are 5 unresolved cases in two communes. Fur-

thermore, a case of land dispute caused by an ELC¹¹ affected three districts of Ban Lung, Ou Chum and Bar Kaev. This case is particularly complicated because the company has changed from one to one while the dispute still not solved yet.

Khan/District	Sangkat/Commune	Village	# of land dispute
Andoung Meas	Malik	Ka Hal	6
	Ta Lav	Ka Nat	
	Ta Lav	Kak	
	Malik	Malik	
	Ta Lav	Kak	
	Nhang	Tang Se	
Bar Kaev	Ke Chong	Pa Ar	5
	Ke Chong	Pa Ar	
	Ke Chong	Pa Ar	
	Laming	Su	
	Ke Chong	Ray	
Koun Mom	Trapeang Kraham		2
	Srae Angkrong	Phum Bei	
Lumphat	Pa Tang	Ba Tang	4
	Seda	Samot Leu	
	Chey Otdam		
	Seda	Samot Leu	
Ou Chum	Ou Chum	Tang Kamal	2
	L'ak	Kam	
Ou Ya Dav	Pate	Kong Yu	2
	Ya Tung	Ten Ngoi	
Ban Lung/Ou Chum/Bar Kaev			1
Total:			22

The table 3: Numbers of disputes by commune and district in

¹¹ In the past, the ELC was granted to Tay Seng Company. In 2015 it was sold to the Chinese company, Swize Rubber. When conducting our research, we learned it is likely to now be sold on to a French company.



Map 2: Land Disputes in Ratanakiri by commune

5.3 Land Dispute Cases Resolved

As shown in the line diagram, figure 3, in 2015 there are 308 land dispute cases were followed up and verified in a whole country, 285 cases are ongoing cases and awaiting resolution. Only 21 cases have been fully resolved in this year. This amount is lower compared to the cases that were resolved in previous years in 2014, 2013, 2012 and 2011 with 68, 81, 108 and 40 cases respectively (see Figure 3).

We note that the total number of cases fully resolved in 2015 is lower than the cases solved in 2012 five times, which is the year before of the national election event. The decreasing of number of cases fully resolved, seems to indicate that mechanisms of government were set to resolve land disputes are not fully functional yet, or adequate for addressing the need.

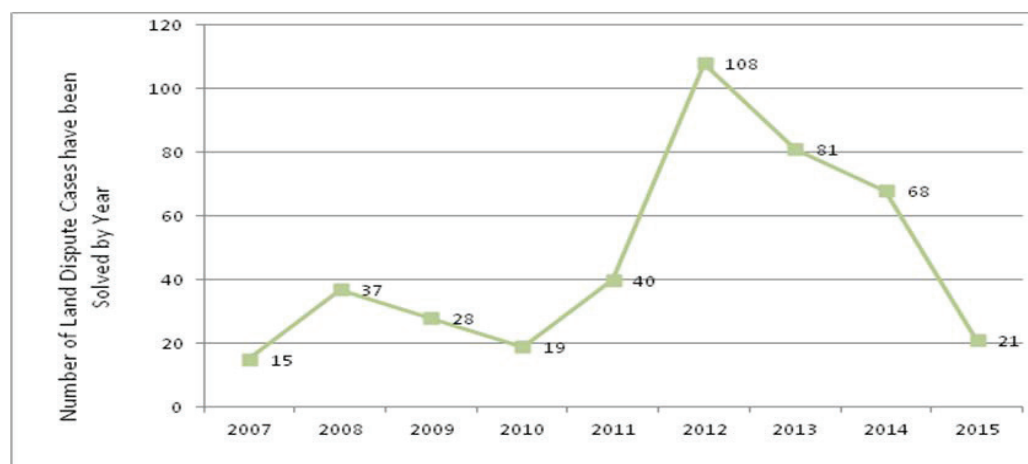


Figure 3: Number of Land Dispute Cases Solved by Year

All 21 land dispute cases were fully resolved in 2015 were incidence in difference year, as show in the figure 4 (Green Line). There are 4 cases emerged in 2008 and 3 cases occurred in each 2007 and 2010 was fully resolved.

Two cases incidence in 1999 was fully resolved in 2015; it has taken 16 years since started year of incidence. One of these two cases occurred in the Tbung Khmom province and located along the boundary of Cambodia and Vietnam between 700 HHs with soldier¹², during the dispute, threats were made by the soldiers who sought to grab the land in 1999. The affected people sent a complaint letter to several authorities such as the district authority, provincial authority and Prime Minister Cabinet for resolution. Later on case was solved under the commended from Prime Minister through a latter provided to provincial authority and solved in 2015, the dispute has been turned the statue back to the year before of dispute occurred and allowed the affected people to use but not provide land title yet. However, some part of land dispute nearby the boundary of Cambodia and Vietnam is waiting for the next resolution until the installing of boundary pole between Cambodia and Vietnam finished.

Four out of 21 were fully resolved cases involved threats and violence, and some people were detained. For example, a case emerged in Battambang province, Bavel district, Khnach Romeas commune, Chrouy Sna Village a dispute between 16 HHs with Mr. Eng Earn who has 22 land titles on 101 hectare of land dispute areas, there are 7 people were detained in 2012¹³.

¹² Case ID 2661 in NGOF's database.

¹³ ID case 2076 in NGOF's database

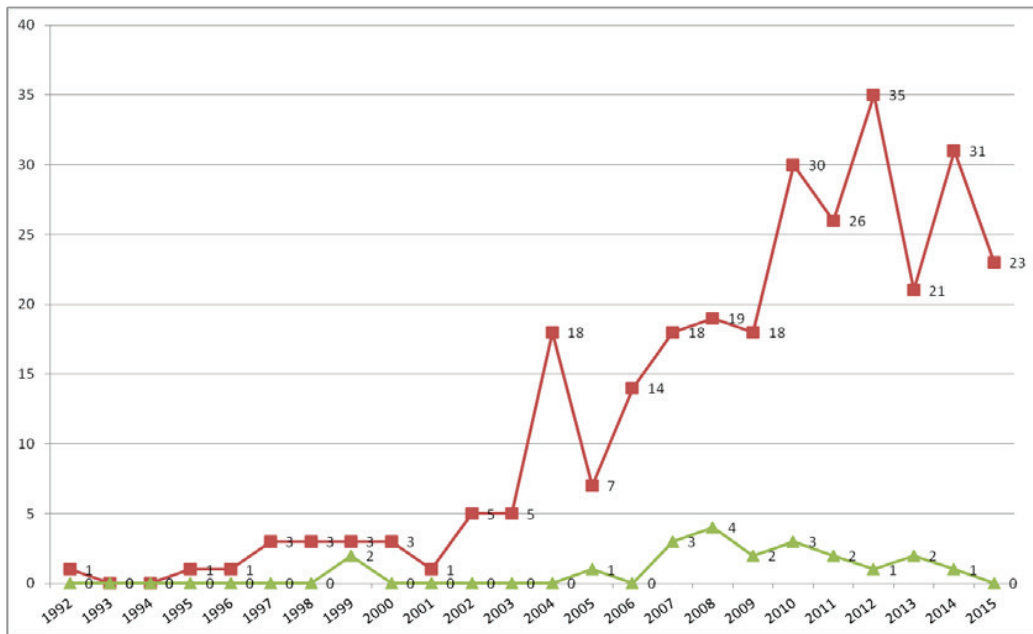


Figure 4: Occurrence of land dispute by year which were resolved

However, land disputed incidents preceding 2000, there are 15 cases still unresolved in 2015. As indicated by the graph in Figure 4, land dispute cases that have been fully resolved (green line) is lower if compare to ongoing cases in each year (red line).

5.4 Resolution of Land Dispute Cases

5.4.1 Institutions receiving complaints

Disputing parties, both original landholders and second parties, have raised their complaints to various judicial and non-judicial bodies/state institutions about their cases. All land dispute 308 cases were filled 881 complaints recorded by NGO Forum database. Some land dispute complaints were submitted to government institutions, including local authorities, at both the commune and district levels, provincial halls, three level Cadastral Commission (district, provincial and national level), at the national level institutions (listed in the following paragraph) and courts,

Table 4 shows that local authorities received the highest of complaints, totaling 198 complaints or 64 percent of the 308 cases. Three cases out of 18 or 17 percent of land dispute cases in Svay Rieng province raised complaints to provincial authorities without dropping complaints at local authorities (commune and district) and 83

percent of land dispute cases complaints raised to district cadastral committee and high level of government institution such as: Ministry of Interior, Council of Minister, the National Assembly, Ministry of National Assembly- Senate Affairs. But those cases confirm none of these cases are yet fully resolved. It is not unusual that in some cases, complaint letters by affected communities were lodged with high level authorities, without first being lodged at a local authority. For instance there are 13 cases out of 18 cases involved with local authorities and sometimes affected people experience an abuse of power or experience threats. Another five cases were caused by ELCs.

Furthermore, where cases occurred in Kampot and Kep provinces, they were not raised to local authority but complaints were raised to the provincial hall.

Provincial hall comes second rank with 155 complaints or 50 percent of 308 cases being raised. The 20 out of the 24 cases in Banteay Meanchey province raised the complaints at the provincial hall level.

Province	#LD updated in 2015	Complaint raised to Local Authority	Percentages (%)	Complaint raised to Provincial Hall	Percentages (%)
Banteay Meanchey	24	14	58	20	83
Battambang	20	8	40	10	50
Kampong Cham	10	7	70	1	10
Kampong Chhnang	8	8	100	4	50
Kampong Speu	20	15	75	11	55
Kampong Thom	6	5	83	4	67
Kampot	3	0	0	3	100
Kandal	5	2	40	3	60
Kep	1	0	0	1	100
Koh Kong	16	5	31	8	50
Kratie	7	4	57	3	43
Monduliri	16	16	100	12	75
Oddar Meanchey	8	6	75	5	63
Pailin	3	1	33	2	67
Phnom Penh	28	22	79	12	43
Preah Sihanouk	20	11	55	11	55
Preah Vihear	18	16	89	11	61
Prey Veng	9	6	67	2	22
Pursat	15	11	73	4	27
Ratanakiri	24	21	88	12	50
Siem Reap	13	7	54	6	46
Stung Treng	4	1	25	1	25
Svay Rieng	18	3	17	7	39
Takeo	3	2	67	0	0
Tboung Khmom	9	7	78	2	22

Total	308	198	(Average)64	155	(Average)46
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Table 4: Complaints raised at the local authority and provincial hall levels

Institution	Number of complaints
Local Authority	198
District Cadastral Commission	34
Provincial Cadastral Commission	37
National Cadastral Commission	8
National Authority for Land Dispute Resolution	22
Provincial/Municipal Court of First Instance	76
Appeal Court	31
Supreme Court	17
National Assembly	64
Royal Palace	6
Ministry of Interior	33
Council Ministry	16
Prime Minister Cabinet	42
Provincial Hall	154
Ministry of National Assembly-Senate Relations and Inspection	25
NGOs (ADHOC, CLEC, ICSO, LICADHO, Vigilance, Highlander Association, UN, ILO)	72
Other	49
Total	884

Table 5: Institutions receiving complaints

5.4.2 Resolution Process

Land dispute cases emerged in the early 1990s, and 308 land dispute cases that have begun the resolution process in this year have either been fully resolved, or partly resolved, or the resolution process is on-going.

As mentioned in 5.3 above, 21 cases have been fully resolved. Those cases raised complaints to different institutions such as local authorities, the provincial hall, the Provincial Cadastral Commission, National Cadastral Commission, the Prime Minister, three level of jurisdiction (including courts of first instance, appeal court and Supreme Court), Ministry of Defense, the Provincial Committee, the Department of Agriculture-Forestry and Fisheries and Ministry of Environment. But the resolution result is different from case to case. According to the NGO Forum's data-

base, 15 cases were resolved in favor of original landholder, 3 cases were resolved by a compromise between both the Dispute Party and original landholder. Another 2 cases were resolved in favor of the Second Party, and 1 case was resolved by compensation.

The documents used to support claims to the land by both parties in dispute include: informal settlement, claims based on traditional rights, recognition letters from local authorities , ELC contracts, mineral contracts, unofficial ownership documents, forest cover maps (2002), and acknowledgements by local people regarding the relevant land dispute (see table).

ID	Province	Dispute Situation	Complainant's document used	Defendant's document used
656	Banteay Meanchey	Resolved for both complainant and defendant	Informal settlement , traditional rights, recognition letter from authority	Informal settlement, recognition letter from authority, unofficial document such individual selling contracts.
2174	Banteay Meanchey	Resolved for complainant		Forest Cover 2002 map
2502	Banteay Meanchey	Resolved for complainant	Used local people live around the land to be witness	Military power
2514	Banteay Meanchey	Resolved for complainant	Recognition letter from authority	Forest Cover 2002 map
2292	Kampong Speu	Resolved for both complainant and defendant	Recognition letter from authority	Economic Land Concessions Contract
2728	Kampong Thom	Resolved for complainant	Informal settlement , traditional rights	Economic Land Concessions (ELC) Contract
2573	Mondul Kiri	Resolved for both complainant and defendant	Informal settlement , traditional rights	Forest Cover Map (2002)
2204	Phnom Penh	Resolved for complainant	Buying/Selling receipt	
2209	Phnom Penh	Resolved for defendant	N/A	N/A

2703	Phnom Penh	Resolved for complainant	Informal Settlement	River-Bank(State land
2248	Preah Vihear	Resolved for complainant	Informal Settlement, Letter temporary occupation	Economic Land Concessions Contract
2249	Preah Vihear	Resolved for complainant	Coordination of boundary demarcation and map	Preserve land for military base
2743	Preah Vihear	Resolved for defendant	Informal Settlement	Mineral contract
2744	Preah Vihear	Resolved for complainant	Informal Settlement	Economic Land Concessions Contract
2809	Preah Vihear	Resolved for complainant	Informal Settlement	Economic Land Concessions Contract
2740	Prey Veng	Resolved for complainant	N/A	N/A
2742	Prey Veng	Resolved for complainant	Used local people live around the land to be witness	Use power
2495	Ratanak Kiri	Resolved for complainant	Traditional rights	Use power as military
2889	Preah Sihanouk	Resolved for complainant	Informal settlement , traditional rights	Contract with RGC
2890	Preah Sihanouk	Resolved for complainant	Informal Settlement	N/A
2661	Tboung Khmom	Resolved by compensation	Actual use	Use power

Table 6: The documents and ways used to support claims to land by both parties in fully resolved cases

Additionally, all 287 of ongoing land dispute cases there are 154 cases were unresolved, while 124 cases were only partly resolved (for example, a dispute involving multiple HHs may be resolved for some, but not all of the affected HHs). Two cases were abandoned by the disputants. Seven cases are noted as being “silent”.

All the affected people are busy with making campaign to advocate and raise their challenges to authority and ministries involved and they were not allowed to access to dispute land. Doing this, they couldn't planting crops, rice, collecting NTFP, others business these affected to their livelihoods and their children are lack

of warmth. For instance, through media tracking of NGO in 2015 there are 96 campaign of bringing complaint letter to top leader of ministry and RGC.

Land Dispute Resolution Process	Land Dispute Cases	Percentage (%)
Unresolved	154	50
Partly resolved	124	40
Resolved in favor of dispute party	2	1
Resolved in favor of original landholder	15	5
Resolved by compromise between both dispute party and original landholder	3	1
Resolved by compensation	1	0.3
Abandoned	2	1
Silent	7	2
Total	308	100

Table 7: Land Dispute Resolution Process

Province	# Campaign
Koh Kong	8
Phnom Penh	33
Battambang	9
Siem Reap	5
Svay Rieng	1
Kampong Chhnang	6
Ratanakiri	5
Banteay Meanchey	6
Pursat	2
Kampong Thom	1
Mondulkiri	4
Kandal	3
Kratie	7
Tboung Khmom	1
Preah Vihear	2
Kampot	1
Stueng Treng	1
Preah Sihanouk	1
Total	96

Table 8: Land Dispute Advocacy Campaigns by Province



Families of affected communities from two districts (Tambe and Memuth), Tbong Khmom province prepare attend the Ministry of Land Management Urban Planning and Construction (MLMUPC), Ministry of Agriculture, Forestry and Fishery (MAFF), The Cabinet of Prime Minister, Inti-Corruption Unit (ICU) and National Assembly to submit their petitions in order to take action for land dispute resolution.

Photo by: Vong Kosal

Date: 27 April 2016



Approximately 57 people from the Indigenous (Bunong) communities from Srechhouk commune, Pechreda, gather in front of Mondulhiri province hall to demand that the governor expedite the handling of the land dispute between indigenous communities and the Vietnamese company Binh Phouk.

Photo by: Sok Ratha

Date: 30 May 2016

5.4.3 Institution solved land disputes in 2015

Based on the database of NGO, 21 land disputes were fully resolved in 2015 occurred in 10 provinces, with five cases in Preah Vihear province, four cases in Banteay Meanchey, three cases in Phnom Penh, two cases in Prey Veng and one case in each of Kampong Speu, Kampong Thom, Mondulhiri and Tboung Khmom.

All 21 cases had raised complaints to many institutions with 39 complaints in total. Local authorities/communes received 17 complaints, the Provincial Hall received 9 complaints, the provincial cadastral commission received 3 complaints, the provincial/Municipal Court of First Instance received 4 complaints, the Appeals

Court received one complaint, the Supreme Court received one complaint, the National Authority for Land Dispute Resolution received 3 complaints, and the Prime Minister Cabinet received one complaint. Resolution of those cases mostly solved by cooperation between institution/department involved in each province, sometime is not the institution that received the complaints raised. For instance, 12 cases have been solved by provincial committee and partly contributed from practicing directive 01 was demarcate and facilitated during 2012 and 2013. Likely, three cases have been solved by commune authority, two cases solved by provincial hall and three cases solved by municipal hall.

Separately, one case involving a dispute (ID 2890) dispute between 46 families of local community with navy base in Ream on 2.76 ha of land areas and Yee Chear company about get way of local people which across the company area. This case has risen complain to provincial hall. The resolution for this case has been divided two parts, the part affected with navy base in Ream beach solved by navy themselves by moved community area to another block in the area of navy base. The part affected by Yee Chear Company solved by Preah Sihanouk provincial hall, the company party agree to build the new road along the company boundary with leng 1,400 meter for the local community use instead the old road that cross the company's area.

Other resolution of land dispute caused by 5 ELCs out of 21 cases fully solved, cases solved by provincial committee and partly contributed from practicing directive 01 was demarcate and facilitated during 2012 and 2013. As an example, a case (ID 2248), dispute between 45 families of Srayang Khangcheung village, Srayang commune, Kulen district, Preah Vihear province with Seila Damix Company. The case solved by provincial governor cooperated with the director of department of land management urban construction and cadastre, chief of FA cantonment at Preah Vihear and involved departments. They visited dispute area and facilitated a meeting with company representative and the affected community families. As the result, agreement have been made, company agreed to use leopard-skin formula to cut-out the land to provide for affected people.

ID	Province	District	Commune	Land House-holds	Land Size	Land PrimaryType	Year Incident	Status Resolution	Institution Resolved
656	Banteay Meanchey	Phnum Srok	Paoy Char	200	600	Forest Land - State Land	1999	Resolved for both complainant and defendant	Provincial Hall
2174	Banteay Meanchey	Thma Puok	Thma Puok	250	215.25	Chamkar field	2008	Resolved for complainant	Inter-committee
2502	Banteay Meanchey	Thma Puok	Kouk Romiet	83	114.58	Rainfed rice field	2005	Resolved for complainant	Inter-committee
2514	Banteay Meanchey	Svay Chek	Ta Baen	145	1500	Chamkar field	2010	Resolved for complainant	Inter-committee
2292	Kampong Speu	Phnum Sruoch		111	500	Multi-Purpose Land	2007	Resolved for both complainant and defendant	Inter-committee
2728	Kampong Thom	Sandan	Ngan	30	100	Chamkar field	2012	Resolved for complainant	Inter-committee
2573	Mondul Kiri	Ou Reang	Dak Dam	52	2000	Chamkar field	2010	Resolved for both complainant and defendant	Inter-committee
2204	Phnom Penh	Ruessei Kaev	Khmuonh	23	1	Residential land	2008	Resolved for complainant	Municipal Hall
2209	Phnom Penh	Ruessei Kaev	Tuol Sangkae	12	1	Residential land	2008	Resolved for defendant	Municipal Hall
2703	Phnom Penh	Ruessei Kaev	Chrouy Changva	168		River bank	2008	Resolved for complainant	Municipal Hall
2248	Preah Vihear	Kuleaen	Srayang	45	219	Multi-Purpose Land	2009	Resolved for complainant	Inter-committee

2249	Preah Vi-hear	Kuleaen	Srayang	65	50	Multi-Purpose Land	2011	Resolved for complainant	Inter-committee
2743	Preah Vi-hear	Rovieng	Rumdaoh	272	1286	Chamkar field	2013	Resolved for defendant	Inter-committee
2744	Preah Vi-hear	Kuleaen	Srayang	50	250	Chamkar field	2013	Resolved for complainant	Inter-committee
2809	Preah Vi-hear	Rovieng	Romony	150	229	Multi-Purpose Land	2014	Resolved for complainant	Inter-committee
2740	Prey Veng	Preah Sdach	Reathor	200	315	Canal	2010	Resolved for complainant	Inter-committee
2742	Prey Veng	Kampong Trabaek	Kou Khchak	42	0.0076	Public pond	2009	Resolved for complainant	Local Authority
2495	Ratanak Kiri	Lumphat	Pa Tang	20	100	Multi-Purpose Land	2011	Resolved for complainant	Local Authority
2889	Preah Si-hanouk	Prey Nob		343	433.39	Residential land	2007	Resolved for complainant	Local Authority
2890	Preah Si-hanouk	Prey Nob	Ream	46	2.76	Residential land	2007	Resolved for complainant	Navy soldier base in Ram
2661	Tboung Khmom	Memot	Rung	700	100	Rain-fed rice field	1999	Resolved by compensation	Provincial Hall

Table 9: Institution solved the disputes in 2015

5.5 Households Affected by Land Disputes

Land dispute 285 ongoing cases would affect to 48,051 HHs it is estimated that these disputes may affect up to 221,035 people as the average family size is 4.6¹⁴ and this figure is equal to approximately 1.60% of total HHs throughout the country. This figure is not included 2,977 affected household involved with 23 cases were fully solved.

No	Province	# LD are on-going	# HHs are excluded cases fully solved in 2015
1	Banteay Meanchey	20	3106
2	Battambang	20	1650
3	Kampong Cham	10	1218
4	Kampong Chhnang	8	1198
5	Kampong Speu	19	2665
6	Kampong Thom	5	538
7	Kampot	3	100
8	Kandal	5	1213
9	Kep	1	15
10	Koh Kong	16	2305
11	Kratie	7	2551
12	Monduliri	15	4297
13	Oddar Meanchey	8	1927
14	Pailin	3	511
15	Phnom Penh	25	6078
16	Preah Sihanouk	18	2067
17	Preah Vihear	13	1369
18	Prey Veng	7	4501
19	Pursat	14	2672
20	Ratanakiri	22	2415
21	Siem Reap	13	1106
22	Stung Treng	4	162
23	Svay Rieng	18	2139
24	Takeo	3	114
25	Tboung Khmom	8	2134
Total		285	48051

Table 10: Affected HHs by province

The Pie chart below shows that Phnom Penh has the highest number of household affect by land disputes with 6,078 HHs; follow by Prey Veng province

¹⁴Cambodia Inter-Censal Population Survey 2013 (CIPS), Pg. 5, available at http://www.stat.go.jp/info/meetings/cambodia/pdf/ci_pr02.pdf

with 4,501 HHs. In contrast, Kep province has the smallest number of households affected, with 15 HHs being affected.

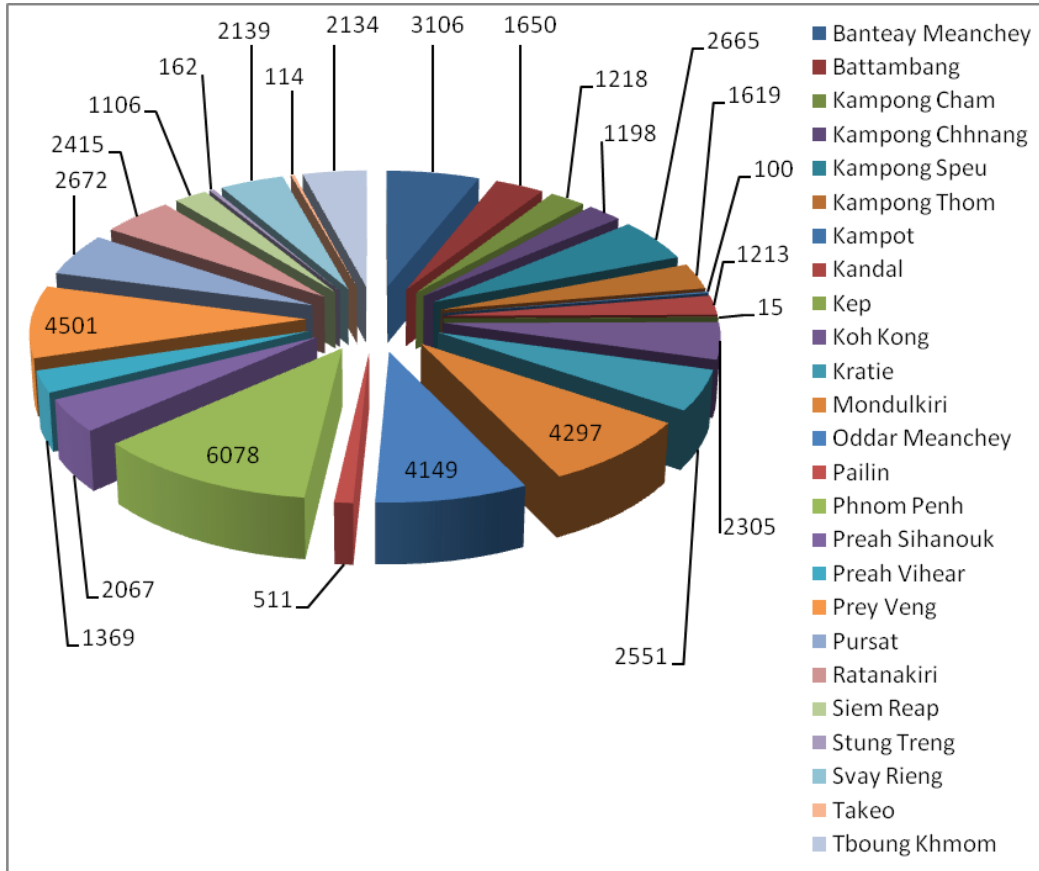


Figure 5: Number of Households Affected by Land Disputes

The report apparent that 151 cases or 53 percent of all ongoing cases (285 cases) involve 5 to 100 HHs, it affect to 7,140 HHs. Seventy one cases, or 25 percent, involved 101 to 200 HHs and it affected up to 10,411 HHs. 33 of these arose due to ELCs, mineral exploration or extraction, military purposes, activates of private sector companies, and Social Land Concessions (SLC).

The other seven cases or 2 percent of total cases, involved more than 1,000 households each case, 3 cases were caused by ELCs, 3 cases disputed on state land, and 1 case came about as a result of a land concession (ID 2446 dispute between 1163 families with the Chinese company, UDG)¹⁵.

¹⁵ ID 2446, is a dispute between 1163 HHs with UDG (a Chinese company) who have contracted

HHs Range	# LD (Ongoing)	Percentage (%)	# HHs
5-100	151	53	7140
101-200	71	25	10411
201-300	29	10	7167
301-400	13	5	4574
401-500	4	1	1806
501-600	2	1	1049
601-700	4	1	2730
701-800	2	1	1504
801-900	0	0	0
901-1000	1	0	984
>1000	7	2	10686
No Information	1	0	0
Total	285	100	48051

Table 11: Number of Households Affected by Land Disputes

5.6 Types of Land Impacted by Land Disputes

The Land disputes subject of this study covered 995,017.6 ha of land. The land areas concerned are often used for a variety of different purposes, including agricultural land (farmland and rice fields), residential land, and state land (including community forest land, forest land, flooded forest land, river bank, wetlands, public ponds, land that belongs to schools, coastal land, canal, roads or canal reserves, grave land, commune/village land). It is also important to note that pagodas and some land may serve a variety of purposes (multi-purpose land).

The results of this analysis demonstrate that residential land is the most common type of land the subject of disputes with 791,035.9 ha, followed by multi-purpose land with 123,281 ha. There have been many reasons for the cause of land disputes on residential land, such as ELCs granting 8 cases, military purposes (including new and old military base) in 8 cases, state development areas in 10 cases, and private company investment in 5 cases.

with the RGC for 99 years to develop in Koh Rong island, then some resolution have been taken by moving some people to new location. People who not accept the compensation still advocate for resolution and some who agreed to move to new location, currently 200 HHs turn back and ask for more compensate while they know other 19HHs got the compensation is better than what they got.

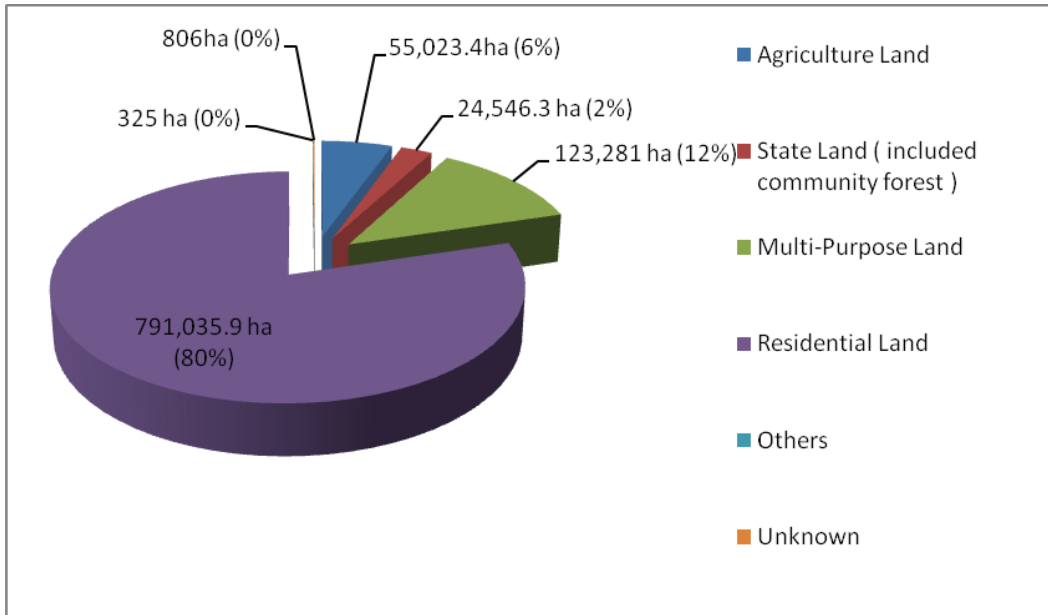


Figure 5: Type of Land Impacted by Land Disputes

Moreover, the average size of land involved in land disputes was 3,444.18 hectares, while the largest case involved up to 45,100 hectares of multi-purpose land located in Koh Kong province which is a dispute between 1,163 HHs with Union Group Development company (UDG), a Chinese company (ID 2446) which has had a long-term agreement with the RGC since 2008. This case became more serious over 2010 to 2015. For example, on 20 March 2011, company staff and military police had destroyed local villagers' houses and crops. On 23 January 2014 the company's guards comprising approximately 40 people, parachute trooper 911, and environment officers cleared rice fields and burned the houses of 35 people. They also blocked villagers not access to the area. However, a council of ministers intervened after the affected people were gathering to the block company road for 3 nights and 3 days. As a result, the Sor Chor Nor 315 was issued on 19 February, 2014 to suspend all company activities until the land dispute could be resolved. Despite the issuance of the Sor Chor Nor, the Chinese company has continued to undertake activities in the area concerned, and used a bulldozer to clear a rice field of about 50 ha located in Prek Svay, Prek Tataen, and Tanoun villages, Tanoun commune, Botum Sarkor district, Koh Kong Province.

Furthermore, on 10 and 11 November 2014, 40 company guards destroyed and burned 18 houses in Kean Kralanch village; forcing 18 HHs to stay in the Pagoda while they were homeless. The company's land-clearing activities continued until 30 October 2015. This case is now considered partly-resolved as there have been

many advocacy campaigns on behalf of the affected communities, and complaints were sent to many institutions such as provincial authorities, Minister of Environment, Parliamentary Commission 1, the Senate, Council of Ministers, the Chinese Ambassador, and relevant NGOs. As a result, 318 HHs agreed to move to live in new location with public facilities supply promised from company.



Affected communities block road access of the UDG Company

Photo by Vong Kosal, on 06, February 2014

Type of Land	# LD	Land Size (ha)	Percentage (%)
Agriculture Land	113	55,023.4	6
State Land (including community forest)	55	24,546.3	2

Multi-Purpose Land	72	123,281.0	12
Residential Land	61	791,035.9	79
Others	3	325.0	0
Unknown	4	806.0	0
Total	308	995,017.6	100

Table 12: Types of Land Impacted by Land Disputes

5.7 Reasons for Land Disputes

The granting of ELCs is the biggest reason for land disputes in Cambodia. Investment project 97 ELCs caused land disputes in 18 provinces, with companies using their position of power to take the land in 42 cases, threats were made in 30 cases, in 22 cases authorities were involved, and in 20 cases people were detained.

As an example, in case ID 2746 , 11 affected people are indigenous were charged by authorities for destroying individual's property and one them were detained but were free later on in dispute between Try Pheap company and 100HHs which mostly are indigenous people in Ou Pour village, Romony commune, Rovieng district, Preah Vihear province.

Additionally, there was another case in Prame commune , Chhaeb district, Preah Vihear province (ID 2750) 12 indigenous people were affected by using violence and were in charged for destroying individual property (the company's property), two land activists were detained after gathering people to complain about the land dispute between Rui Feng company and 95 HHs or 287 people. Furthermore, in 2014, affected people were forced to move from home after that civil society and liaison with the District Governor and Forestry Administration cantonment intervened.

១០នាក់ត្រូវចូលបំភ្លឺតុលាការព្រះវិហារ

ថាវ៉ា សាំងស៊ី

ព្រះវិហារ : សហគមន៍ជនជាតិដើមភាគតិច និងមន្ត្រីអាជ្ញាធរក្នុងស្រុកត្បែងមានជ័យជាង១០នាក់ បាននិងកំពុងចូលបំភ្លឺនៅតុលាការខេត្តព្រះវិហារ ពាក់ព័ន្ធនឹងរឿងជម្លោះដីធ្លីជាមួយនិងក្រុមហ៊ុនចិនឡានហ្វេង វ៉ូយហ្វេង និងបុគ្គលឯកជនម្នាក់។

ក្រុមហ៊ុនចិននេះបានប្តឹងសហគមន៍ជនជាតិដើមភាគតិចក្នុង ឈ្មោះ រឿង ខាន់ អាយុ៥០ឆ្នាំ ឈ្មោះ ស៊ុង សាំង អាយុ៥០ឆ្នាំ ឈ្មោះ នួន ម៉ុន អាយុ៦៣ឆ្នាំ និងបុគ្គលិកអង្គការពន្លកខ្មែរ លោក លូត សាំង អាយុ២៨ឆ្នាំពីរបទបំផ្លាញទ្រព្យ



អ្នកភូមិមកគាំទ្រតំណាងដែលចូលបំភ្លឺតុលាការព្រះវិហារ។ រូបសហគមន៍

Local villagers come to support their representative who was being questioned by the Provincial Court.

Photo by Phnom Penh Post 26 August 2015

Reasons for land dispute	# LD	# Province
Concession	1	1

Economic Land Concession	97	18
Military purpose	16	7
Mineral Exploration or extraction	2	2
Plantation/Farming	43	19
Private Company	15	7
Residency	28	11
Social Land Concession	9	6
State Development Area	21	9
State Land	58	20
Unknown	18	4
Total	308	

Table 13: Cause of land dispute

Type	# LD People were detained	# LD Used Power	# LD Used Threats	# LD Used Violence	# LD Authorities Involved
# LD	47	156	84	56	96
# ELC involved	20	42	30	20	22
# Concession	0	1	1	0	1
# Military Purpose	1	11	6	5	5
# Plantation/Farming	4	19	13	2	18
# Residency	5	11	10	1	8
# SLC	2	7	1	0	4
# State Land	6	35	11	1	22
# State Development Area	3	6	6	5	4
# Private Company	5	11	6	5	6
Other	1	13	0	17	6

Table 14: Means by which land was acquired

Also, state land including private and public state land is a subject of land dispute while the mechanisms in state land management is not effective yet and the registration of state land is in the processing. State lands are often found were claimed by dispute party. For instance, there are 65 land dispute cases occurred in the state land including, forest land, community forest land, wetland, common village land, school land, river bank, grave land, coastal land and common use of ponds. The dispute occurred on these type of land, mostly caused by the power people (people who has a high position in some institution, rich man and has connection with high ranking officers of RGC). As shows in table 9 there are 22 cases on state land involved authority. 11 land dispute cases threat and violence used and one case used violence. As an example, there was a dispute ID 2794 in Tradak Pong village, Khnar Chhmar commune, Samaki Meanchey district, Kampong Chhnang province dispute between 350 HHs (1359 people) with Kol Saroeun company, who



In another land dispute (ID 2230) in Kampong Speu province, the Commune Council and Village Chief have been in charge of selling land around the mountain (an area of 25.47 ha) to a private company, Mong Rotha who allegedly planned to plant jatropha and peanuts. This case is still not yet resolved.

Separately, land dispute near the stream bank (ID 2815), located Pou Kambaor and Kbal Hong village, Veal commune, Kandieng district, Pursat province, there are 60 HHs live on road reserves and the nearby stream bank's land were informed to relocate by an issued a letter on 25 March 2014 by Provincial Hall on stating public order as the reason. Affected people protested and complained in response, and in June 2015 the Provincial Hall agreed to compensate to four households, base on the quality of construction. Other affected people are still in the process of resolving the dispute.

5.8 Documents and Methods Used by Dispute Party to Acquire Land

According to our results, dispute parties¹⁶ seeking to claim disputed land implement different methods to do so. In 119 out of 308 land dispute cases was reported that the dispute party possessed supporting documents, or authorization letters from local authorities which they used to claim the land. In some cases, it is suggested that the documents were obtained improperly, an example case ID 2551 in Chankrei village, Chobvari commune, Preah Netr Preah district, Banteay Meanchey province thirty two families have lived in the village since 1987. Some of them have received land title and some is the processing of land registration but in 2011 artillery soldiers united and occupied the villager's rice field, crop land, and residential land. The local village was not allowed to access land, this action of the artillery soldiers base on re permission ceived from the Provincial Governor. On 3 April 2014 these areas included in the declaration area for land registration, and confirmed that 170 HHs or 255 land parcels (including 43 houses) were affected. A representative from the artillery disagreed with the result of the registration and he claimed 33 ha for installing a military camp with an unclear location. In response, the Provincial Governor led a coordination meeting on 18 June 2014 and suggested moving the military camp to military base region 51. But the representatives of the artillery soldiers unite disagreed, and are waiting for discussion with their supervisor. Presently, this case is still pending.

Bellow are the methodology and ways were used by dispute party to claim the land:

- Letters of authorization

¹⁶ For the purpose of this report, the "dispute party" refers to the person who is seeking to claim the land of the original landholder.

- Power abuse by government officials who are well connected with business people
- Threats against original landholder
- Violence against original landholder
- Detaining the original landholder

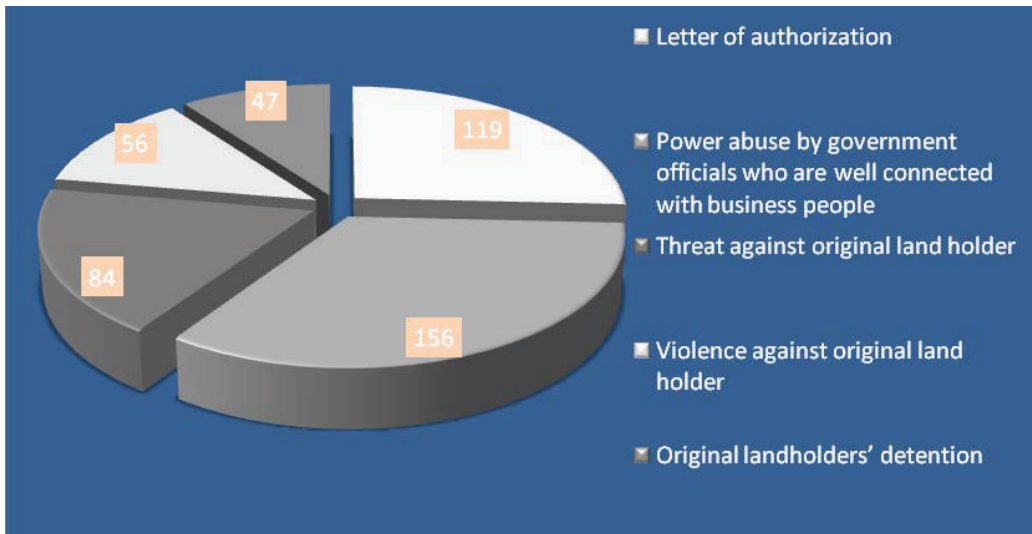


Figure 6: Land Acquisition Strategies

As indicated by the data above, in 156 cases high-ranking government officers used power or influence to obtain land, in 84 cases, threats were used against the original landholder, 56 cases involved violence against the original landholder, and 47 cases involved the original landholder being detained.

Type of document	# LD
Traditional rights of IP	29
Economic Land Concession document	97
Mineral Exploration Concession document	2
Letter (Recognition letter from Authority)	55
Land occupation certificate issued by the authorities in the late1980's	7
Social Land Concession Contract	5
Official Land Titles	21
Private sale	43
Others	128

Table 15: Documents used to claim occupancy or ownership

Beside these, there are 43 private of sale documents, refer to buying and selling receipt which sometime it has the signature village chief or commune chief was used for claiming land or occupancy or ownership. Seven cases have documents of Land occupation certificate issued by the authorities in the 1980's were used for claiming land or occupancy or ownership too. Others documents such as forest cover 2002, land provided to repatriated soldiers' families, old military base, and land application for occupied the land were found 128 cases have been used for claiming land or occupancy or ownership.

6. Current Occupation of Disputed Land

The status of occupation on disputed land varies greatly from case to case. There are 92 cases or 32 percent of ongoing cases awaiting resolution are occupied by original landholders. 83 cases or 29 percent are occupied by second parties, 61 cases or 21 percent are occupied by both parties, and in 50 cases or 17 percent, the situation of occupation is unknown.

There are 97 disputes, led by ELCs are on-going and waiting for resolution, 29 out of these cases, led by ELCs are occupied by second parties as "ELCs", it cover on 56034 ha of land dispute and affected the 5,195 HHs¹⁷. Most of those affected land is agricultural land which is the source of basic income for the local people. Hence, the livelihoods of the affected people are uncompromised. Also, 26 cases are occupied by original landholders as "local people". 24 cases are occupied by both and others 12 cases are unknown.

Status of People Living on Dispute Land		
Occupation Status	# LD	Percentage (%)
Dispute Party Occupies the Dispute Land	83	29
Original Landholder Occupies the Dispute Land	92	32
Occupied by Both	61	21
Unknown	49	17
Total	285	100

Table 16: Status of occupation on disputed land

7. Land Disputes Caused by Economic Land Concessions (ELCs)

The 97 cases, or 31.49 percent of the total land disputes were caused by the granting of ELCs occurred in 18 provinces, or 72 percent of the total provinces in the country (this figure does not include concessions granted for social and other pur-

¹⁷ These 29 cases occurred in 11 provinces including, Battambang(1), Kampong Speu(4), Kampong Thom(2), Koh Kong(1), Mondulakiri(4), Oddar Meanchey(1), Pursat(3), Ratanakiri(8), Preah Sihanouk(1), Svay Rieng(2) and Tboung Khmum(1).

poses). Most of the disputes caused by ELCs were more prevalent in the East of the country, and areas where rubber is commonly grown, 15 disputes were observed in Ratanakiri, 13 in Mondulakiri province, 11 cases were reported in Kampong Speu and Preah Vihear province, 7 cases were reported in Koh Kong province, 6 cases were reported in Pursat province, 5 cases were reported in Kratie Preasihanouk and Svay Rieng province, 4 cases were reported in Kampong Thom province, 3 cases were reported in Tboung Khmom province, 2 cases were reported in each Banteay Menchey Battambang Oddar Meanchey and Siem Reap province, 1 case was reported in each Kampong Cham and Kamport. In total, 19,720 households or 35,153 people¹⁸ were affected by land disputes related to ELCs.

Meanwhile, land disputes caused by these ELCs are seriously affecting the livelihoods of local people and indigenous peoples. The livelihoods of these people are closely linked to the land, and they depend on farming, the collection of resin, vines, fruit, fish and traditional hunting to support their families. As NTFPs have in many cases been completely lost, due to clearance of farmland, swidden plantations and grazing grounds are leading to people losing their income completely. Some natural canals and small ponds which is a natural waterways for fish to traverse, stay and breed, and it is a source of water for rice fields and are relied upon to fill water storage banks at lower areas for use in the dry season are important for local people are also being impacted. Moreover, some disputes caused by ELCs present physical obstacles for affected people due to ELCs occupying their land and forbidding access while disputes are awaiting resolution.

In serious cases, affected people were detained, threatened, and forced to move from their homes. These people were busy with advocating for their land rights and seeking support from various institutions to help resolve their case. They spent their own resources to support their advocacy efforts and extra burdens are placed on the women of each household, affected people become emotionally distressed causing poor health and an inability to work, and children are not properly cared for and fail to obtain an education.

Notwithstanding the above cases, in 7 provinces and municipalities such as Kampong Chhnang, Kandal, Kep, Pailin, Prey Veng, Takeo and Phnom Penh there were no records of land disputes caused by ELCs in 2015.

¹⁸ The database contains actual data on how many people are affected by a land dispute related to ELCs, but only 37 cases are available on information of people affected. So the affected people can be more then.

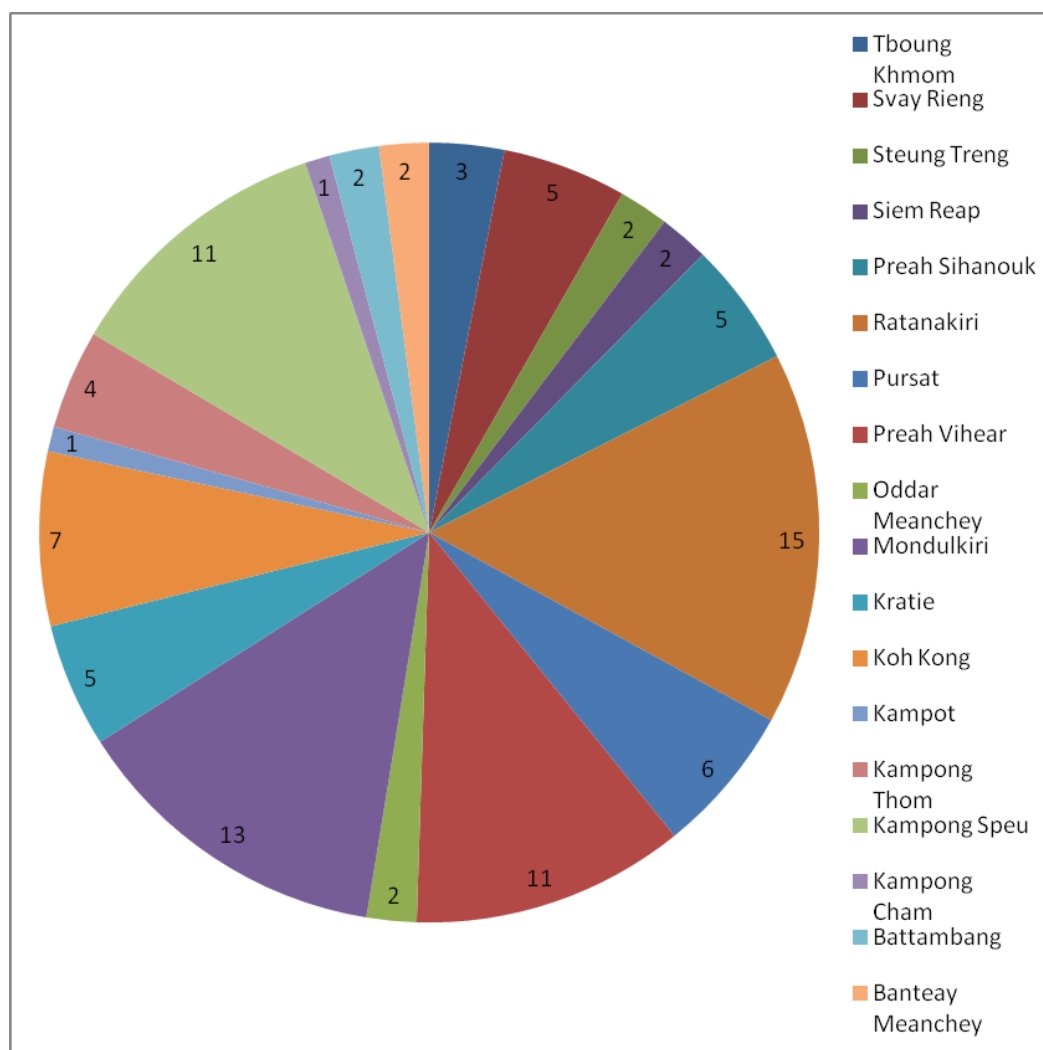


Figure 8: Number of Land Disputes Related to Economic Land Concessions (ELCs)

8. Land Disputes Affecting Indigenous People

Approximately 17.8 percent or 51 cases of the 285 on-going cases were reported to have affected indigenous people in nine provinces. 39 of the cases affecting 6897 HHs of indigenous people were caused by ELCs.

Ratanakiri province has the highest number of disputes affecting indigenous people, with 23 cases or 2405 HHs. Of those 23 cases, there are 15 cases caused by ELCs, 5 cases disputing on state land, 2 cases caused by private companies and 1 case dispute on forest community land caused by private company. Mondulkiri

province had the next highest number of disputes affecting indigenous people, with 13 cases or 4297HHs, 10 cases were caused by ELCs, and 3 other case disputes involved social land concessions and plantation land.

Besides the social impact and impact on the livelihoods of the people mentioned above, land disputes caused by ELCs had additional consequences specific to indigenous culture people spiritual forest, burial grounds, wildlife, trees, pits, and resin trees that the residents used to benefit from. The Loss of highlands for grazing cattle and areas with plants used for traditional medicine, natural fertilizers that used to flow from the highlands to lower farmlands, meant that indigenous people did not have to buy chemical fertilizers for their crops.

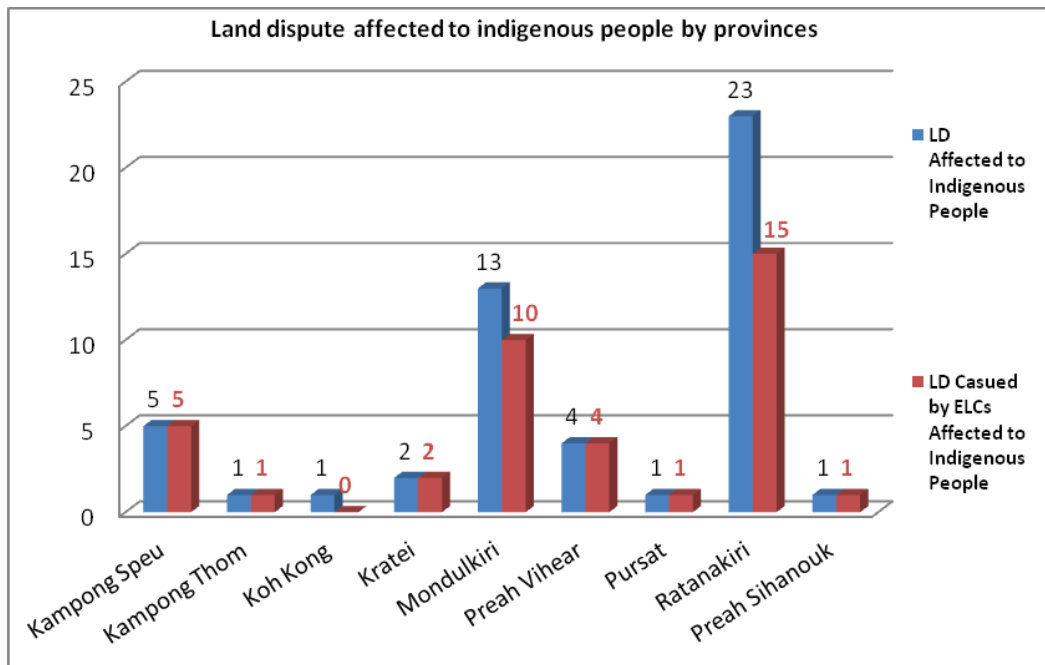


Figure 9: Location of indigenous people affected by land disputes

9. Forced Displacement

In serious land dispute cases, affected people were detained, threatened and forced to move from their homes, in about 69 cases the affected people were forced to move from their homes. Those cases were caused by several reasons such as the granting of ELCs, military purposes, investment of private companies, demanding of plantation/farming, demanding of residential building, social land concessions, state development areas, and state land claims.

Thirty-one cases caused by ELCs forced affected people to move out from the land dispute area occurred across 17 provinces, in Preah Vihear province 11 cases, four cases were found in Kampong Speu and Mondulakiri respectively, three cases each were recorded in Koh Kong and Ratankiti province, 2 cases were found in Kratie province, 1 case was found in Kampong Thom, Oddar Meanchey, Pursat and Preahsihanouk respectively.

In total, forced displacement cases affected 10,113 households or 16,711 people.¹⁹ Likewise, in 2015 three forced displacements occurred in three provinces including Battambang, Kratie and Preah Vihear.

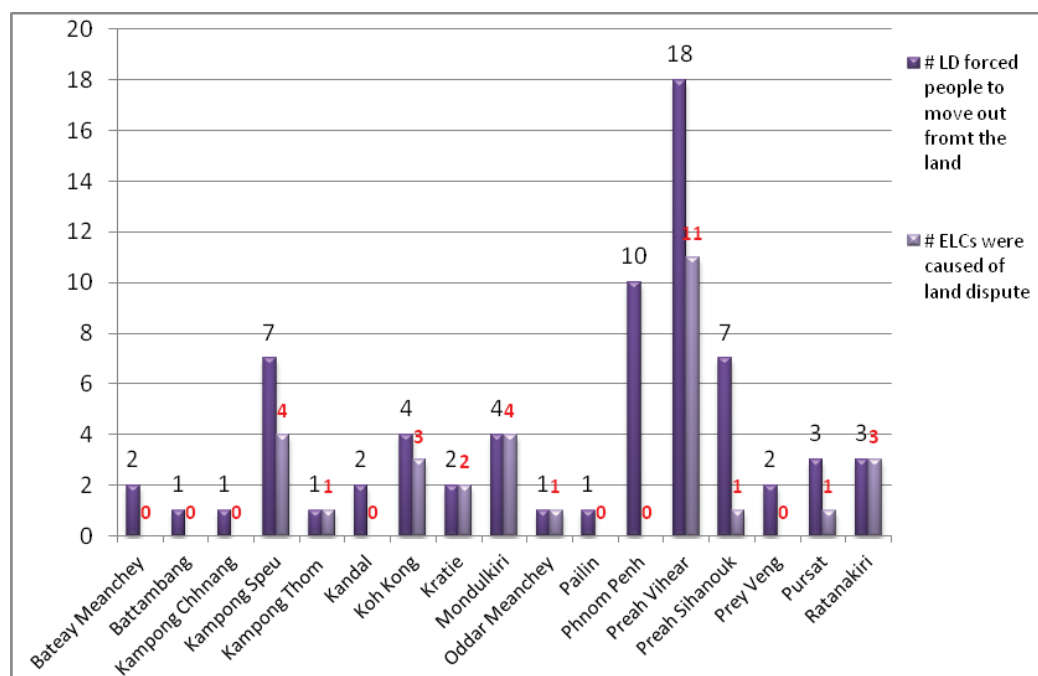


Figure 10: ELCs Related to Forced Displacement 2007-2015

Among the 59 land disputes that have led to forced displacement, fourteen cases affected to indigenous people in six provinces, four cases occurred in Mondulakiri province, four cases occurred in Preah Vihear province, two cases each in

¹⁹ The database contains actual data on how many people are affected by forced displacement.

Kampong Speu and Ratanakiri, and one case each of Kratie and Pursat. All of these ELCs led to land disputes with Chinese companies, Vietnamese companies and Cambodian companies, there are seven companies are Cambodian companies, including: Phnom Penh Sugar in Kampong Speu, D.T.C (Group) and Sok Fine K C D (previously known as Covyphama Co., Ltd) in Mondulkiri, Try Pheap Company and Srey Panha in Preah Vihear and MDS Import Export Co.,Ltd in Pursat, and D M Group in Ratanakiri province. The three Chinese companies are: Wuzhishan L.S Group Co. Ltd in Mondulkiri, Heng You Cambodia Company, Lan Feng (Cambodia) International Company Limited, and Ruy Feng (Cambodia) in Preah Vihear. Two companies are Vietnamese, including: Benh Hoeurk Kratie Rubber 1 Company Limited in Mondulkiri and Heng Brother in Ratanakiri. The remaining two companies are of unknown nationality.

One case, ELC granted to Phnom Penh Sugar for investment in relation to sugar cane in Kampong Speu province, is owned by Ly Yong Phat. In 2010, more than 1,500 families in Oral district, Kampong Speu province were evicted from the dispute area. Those affected families had cultivated in the area since the fall of the Khmer Rouge regime in 1979. However, after years of campaigning, many of those families in recent weeks accepted a compensation package from the company, with dozens affected families accepting only \$500 of compensation per family²⁰.

Another example of forced displacement is demonstrated by the land dispute case involving 45 families and Heng You Cambodia Company in Sangkae village, Sangkae Mouy commune, Chhaeb district, Preah Vihear province. In 2014, the local people were forced to move off their land and were not permitted by the local authority to access the land and plant crops. This case is still pending.

10. Good models of land dispute resolution

Based on our observations, the methodology employed to resolve each land dispute varies from case to case. In 2015, land disputes caused by ELCs were resolved by committees that involved local authority, provincial department, and sometimes national level participation. The implementation of Directive 01 was led by the Ministry of Land Management Urbanization and Construction, this team seems to have the ability to resolve land disputes and quickly, however, at times there are some gaps in its effective implementation and operation.

²⁰ Phnom Penh Post, Thursday 16 June 2016 by Jack Davies and Bun Sengkong

Another example of positive experience is demonstrated by instances where provincial authorities have facilitated the resolution of land disputes. As an example, case ID 2248 concerns a dispute between Siela Damix company in Preah Vihear province and local people, deputy provincial governor cooperated with the chief of department Land Management Urban Construction and Cadastre, FA cantonment in Preah Vihear and other departments involved, visited the disputed area and facilitated a meeting between affected families and company representative. As the result, the company party agreed to finish the dispute by using the “leopard skin” formula to cut the areas of land already occupied by the local people from of the company area.

Another example is demonstrated by a land dispute concerning the public pond in Prey Thom village, Ku Khcheak commune, Kampong Trabaek district Prey Veng province, the disputed land involves a public pond built under the Pot Pot regime, after 1979 it was used for common in the village, for local people, livestock and was also used to water the rice field. Since 1 April 2009, the Administration Committee (AC) measured the land in order to provide land title to the local people. Meanwhile, Mr Chab Sophat, the Prey Thom village chief, registered the public pond (size 19m X 4m) as his own. This claim was rejected by the local people. The AC then stepped in to facilitate resolution of the dispute. Unfortunately, the dispute has still not been resolved and the case is pending at the Department of Land Management Urban Construction and Cadastre. Then, commune authority used their authorize to facilitate the dispute by keep the pond for common use as before.

11. Summary

Based on the statistical analysis result, we observed the following trends:

Number of land disputes: 23 new land disputes occurred in 2015. This number is the same amount of land disputes that commenced last year but is lower compared to the cases that emerged over the years 2010, 2011, 2012, and 2013.

Provinces affected by land disputes: The disputes occurred across the country. Phnom Penh had the highest number of land disputes occurring with 25 cases, while Ratanakiri ranked second with 22 land dispute cases occurring.

Land dispute cases solved by year: In 2015, 21 cases were fully resolved and 285 cases are on-going. Of the cases fully resolved in 2015, the result was only half the number of cases that were fully resolved in 2014. In 2015, 154 land dispute

cases were unresolved, while 124 cases were partly resolved. Two land disputes, or 0.6 percent of the total cases were abandoned. The remaining 7 cases or 2.2 percent are “silent”.

Institution received the complaint: of the 308 land dispute cases, 881 complaints were raised to several institutions, from the local authority level to the national level. All 21 cases fully solved in 2015, provincial committee has solved 12 land dispute cases and has big contributed by implementing directive 01 that had measured and facilitated during 2012 and 2013. Follow by local authority, there are 3 cases was fully solved.

Affected households: 285 land dispute cases are currently ongoing and affect up to 48,051 HHs or 221,035 people in total. Phnom Penh has the highest number of households affect by land disputes with 6,078 HHs; followed by Prey Veng province with 4,501 HHs.

Types of Land Impacted by Land Disputes: Land disputes covered 995,017.6 ha of land area. All those land was used for different purposes, including agricultural land (farmland and rice fields), residential land, state land (including community forest land, forest land, flooded forest land, river banks, wetlands, public ponds, land that belongs to pagodas/schools, coastal land, canal, path of road or canal reserve, grave land, and commune/village land), and multi-purpose land. Residential land is the most common type of land subjected to disputes with 791,035.9 ha, followed by multi-purpose land covering 123,281 ha.

Reasons for Land Disputes: The granting of ELCs is the biggest reason for land disputes, with 97 ELCs causing land disputes in 18 provinces. 42 cases involved land taken by force/power, 30 cases where land was taken by threat, 22 cases where authorities were involved, and 20 cases where people were detained (some cases involved using force/power to take the land, used threat, authority involved and people were detained).

Documents and Methods Used by Dispute Party to Acquire Land: The documents used to support claims to the land by both parties in dispute include: informal settlement, claims based on traditional rights, recognition letters from local authorities , ELC contracts, mineral contracts, unofficial ownership documents, forest cover maps (2002), and acknowledgements by local people regarding the relevant land dispute.

Current Occupation of Disputed Land: 92 cases or 32 percent of cases ongoing and awaiting resolution are occupied by original landholders, 83 cases or 29

percent are occupied by second parties, 61 cases or 21 percent are occupied by both parties, and in 50 cases or 17 percent, the situation of occupation is unknown.

97 disputes caused by ELCs are on-going and awaiting resolution. There are 29 out of those cases are occupying by second parties as “ELCs” with 56,034 ha of land dispute and affected the 5,195 HHs. Most of those lands are agricultural land which is the source of basic income for the local people. Others 26 cases are occupied by original landholders as “local people”. 24 cases are occupied by both, and the status of occupation of the remaining 12 cases is unknown.

Land Disputes Caused by Economic Land Concessions (ELCs): 97 cases included all cases were fully resolved in 2015, or 31.49 percent of the total land disputes caused by the granting of ELCs and occurred in 18 provinces, mostly more prevalent in the East of the country, and areas where rubber is commonly grown. 15 disputes were observed in Ratanakiri and 13 in Monduliri province.

Land Disputes Affecting Indigenous People: 17.8 percent or 51 cases of the 285 on-going cases having affected indigenous people in nine provinces such as Kampong Speu, Koh Kong, Kratie, Monduliri, Preah Vihear, Pursat, Ratanakiri and Preah Sihanouk province. We note that 35 cases that affected indigenous people had been caused by ELCs. Ratanakiri province has the highest number of disputes affecting indigenous people, with 13 cases, followed by Monduliri province, which had 10 cases affecting indigenous people, Kampong Speu province 5 cases, Preah Vihear province 3 cases, Kratie province 2 cases, Pursat province 1 case and Preah Sihanouk province 1 case.

Forced Displacement: With about 69 cases, the affected people were forced to move from their homes with several reasons such as ELCs granting, military purposes, private companies, demanding land for plantation/farming, demanding land for residency projects, social land concessions, state developments area and claims over state land.

Good models of land dispute resolution: Based on our observations, the methodology employed to resolve each land dispute varies from case to case. In 2015, land disputes caused by ELCs were resolved by committees that involved local authority, provincial department, and sometimes national level participation. The implementation of Directive 01 was led by the Ministry of Land Management Urbanization and Construction, this team seems to have the ability to resolve land disputes and quickly, however, at times there are some gaps in its effective implementation and operation.

11. Annexes

Annex A: Map of Households Affected by Land Dispute by Province in 2015

Annex B: Type of Land Affected by Land Disputes by Province in 2015

Annex C: Number of Land Dispute Cases by Province in 2015

Appendixes

Appendix 1: Twenty Three New Land Dispute Cases in 2015

Appendix 2: Land Dispute Cases Resolved in 2015

Appendix 3: Land Dispute Cases that received Legal Assistance from NGOs

Appendix 4: Forced Displacement in 2015