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*The NGO Forum on Cambodia*

## **The NGO Forum on Cambodia – Statistical Analysis on Land Disputes Occurring in Cambodia (For the year 2009)**

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# Table of Contents

Introduction .....	1
Methodology .....	2
Results of the Data Analysis	
- Land Dispute Distribution .....	3
- Land Dispute Attributes .....	4
- Land Dispute Resolution Process .....	7
Conclusion .....	10
Annex I: Illustrative GIS Map of the Number of Land Dispute Cases	
- Cases by Province in 2009 .....	11
Annex II: Illustrative GIS Map of the Number of Affected Households	
- by Province in 2009 .....	12

# Statistical Analysis of the Land Dispute Situation in Cambodia (For the year 2009)



## *Introduction*

The Land Information Centre (LIC) is a unique project of The NGO Forum on Cambodia in the Land and Livelihoods Programme (LLP). The centre was established in 2006, in order to collect information related to land and natural resources issues, along with the documentation of land and forest cases. The LIC was created in response to the lack of data and information being collected nationally about land disputes and its resolution processes, in order to advance understanding in the trends of these problems and provide the basis for effective advocacy and policy-based dialogue.

Annual land dispute data analysis plays a very important role in advocating for policy change regarding land dispute resolution processes. This is the third annual land dispute data analysis made by the LIC, after the original analysis was transferred to NGO Forum from Oxfam Great Britain in 2006. Land disputes have been known as a critical issue in Cambodia for the last few decades. In many cases, conflicts are typically based upon a local loss of access to customary resources and are thus founded on divergences between customary and statutory tenure systems. The World Bank (2003) notes that the failure to integrate and adapt legal forms of land and resources tenure with the reality of local livelihood practices usually leads to conflict.

Land disputes are of interest to all stakeholders, including government authorities, development partners, NGOs, and civil society as a whole. Given the high interest, many measures and approaches have been made and applied by various competent

institutions. However, the results of the land dispute resolution processes have been reported differently among stakeholders. Thus, this annual land dispute analysis report, in some extent, helps to track land dispute trends for Cambodia over time and brings evidence to stakeholder concerns. The results of this analysis are hoped to bring practical recommendations in order to improve land dispute resolution processes in the future.

The aim of this annual analysis was (a) to highlight land dispute situations and provide an overview of its resolution processes within the year 2009 and (b) to inform the public about the dispute resolution processes and its associated factors, which help lead to resolution.

## *Methodology*

The LIC database records only land disputes which involve more than five families. There were originally around 2,000 land dispute cases recorded in the LIC's land dispute database. In early 2009, the results from the data screening and an updating process lead to 812 land dispute cases being classified as valid and up-to-date data for the database. Each land dispute status was closely monitored via various means, particularly working in cooperation with NGO network members, as well as with local media agencies, including Radio Free Asia (RFA), Kohsantepheap, Rasmey Kampuchea, the Cambodia Daily, and the Phnom Penh Post. Each case was then regularly updated with provincial based NGOs during NGO Forum's monthly Land Action Network for Development (LAND) meetings.

On August 31<sup>st</sup>, 2009, a national workshop to validate the land dispute data was held with provincial based NGOs nationwide at the Baitong Restaurant in Phnom Penh. The workshop aimed at providing opportunity for LAND network members to discuss the land issue and develop a common understanding on the data forms, which were used to update and validate the progress being made in terms of land dispute resolutions in each respective province.

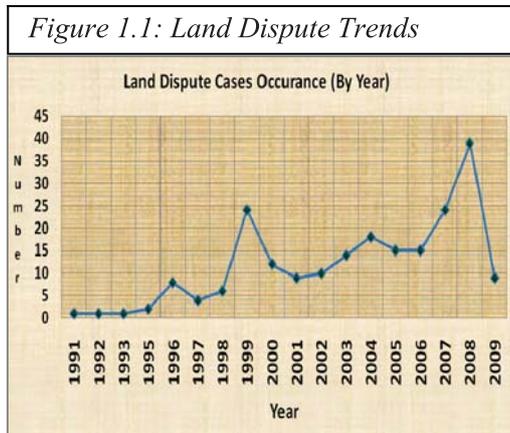
Out of 812 land dispute cases, including the cases that occurred in 2009, 236 cases were classified as valid cases for this 2009 situational analysis given that these disputes remained unsolved or only partially resolved. Fully resolved cases before 2009 were excluded from the 236 cases. Every case was then thoroughly investigated in the field from July to December 2009. All updated data was then revised and recorded in the LIC database based on their geographical information system (GIS) coordinates. The data was then analyzed with a combination of various statistical analysis tools, including SPSS, MS Excel, and GIS spatial data analysis, in order to help provide a general picture of land disputes in Cambodia on a statistical and geographical basis.

### ***Results of the Data Analysis***

The results listed below are generated from the 236 land dispute cases identified as unresolved or partially resolved in the LIC database. The following results were generated from the data:

#### ***- Land Dispute Distribution***

In 2009, a total of nine land dispute cases occurred, including both resolved and unresolved cases. Based on this figure, the number of land disputes has dramatically dropped compared to the number of land disputes in 2008. New data was then generated by incorporating these 9 disputes with the 227 cases that had remained unresolved or partially



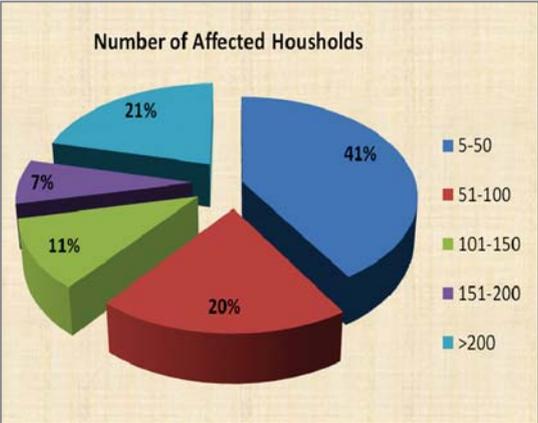
resolved since 2008 or earlier. Of the 236 cases, nearly fifty percent had occurred in 2008, while another twenty-five percent of cases had been left over since 1999 and earlier (see Figure 1.1).. While the

overall number of land disputes dropped in 2009, the location of the land disputes did not change much between 2009 and 2008, as the majority of the cases occurred in the areas of highest economic growth, which included the provinces of Batambang, Preah Sihanouk, Bantey Meanchey and Kandal provinces, respectively (Detailed data of each province is available in Annex 1).

**- Land Dispute Attributes**

Of the 236 cases, approximately 60% of the cases involved the use of primary agricultural land, including Chamkar land and rice fields. On average, the land under dispute had an area of 201 hectares (ha), while the minimum disputed area was 0.03ha and the maximum disputed area was 2,500 ha. The majority of cases involving smaller disputed land sizes were related to conflicts regarding public land, i.e. pathways to access to a particular community or pagoda. For the cases which involved larger disputed land sizes, these cases usually involved a dispute between forest dependent communities and economic land concessions, which had been granted by the government.

*Figure 1.2: Percentage of households involved in each conflict*



On average, 125 households were involved in a land dispute conflict; whereas the maximum number of households involved in a dispute were 860 households. However, nearly half (41%) of the disputes involved less than 50 households, while another

one-fifth (20%) of cases involved more than 200 households in (Figure1.2). Among the top five provinces with the highest land dispute case incidence, Battambang and Preah Sihanouk provinces

ranked the two highest, yet the majority of the disputes in these provinces involved less than 50 households on average. However, in the other top three provinces, including Banteay Meanchey, Kandal and Phnom Penh, conflicts on average involved a larger number of households. For more detailed information on the number of households involved in each province, please see Annex 2.

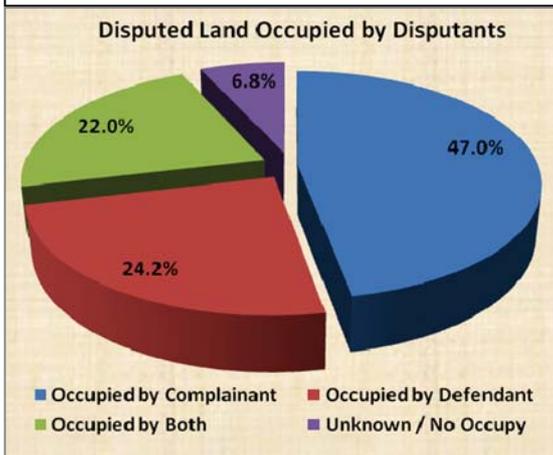
The table below illustrates the different types of land that are under dispute in correlation to its results in the resolution processes. Although the majority of land cases under dispute are classified as agricultural land, the resolution results show that residential land cases are most likely to undergo the resolution process (10 out of 48 cases have been resolved). Agricultural land was the second type of land most likely to be resolved. The same table also interestingly indicates that the largest number of land dispute cases, which have not been resolved, involved agricultural land (94 out of 160 cases). This fact may signify that community’s livelihoods and food security are at high risk as agricultural land is the most likely type of land to be disputed.

*Table 1.1: Distribution of types of land under dispute and status of case*

Land Type	Status of Land Dispute					Total by Land Type
	Gone through resolution	Unresolved	Abandoned	No information on resolution process	Not enough data for analysis	
Agricultural Land	25	94	4	10	8	141
Forest Land	3	16	0	3	0	22
Residential Land	10	31	1	2	4	48
Other	1	7	2	0	1	11
No data	2	12	0	0	0	14
<b>Total (#)</b>	<b>41</b>	<b>160</b>	<b>7</b>	<b>15</b>	<b>13</b>	<b>236</b>
<b>Percentage</b>	<b>17.37</b>	<b>67.80</b>	<b>2.97</b>	<b>6.36</b>	<b>5.51</b>	<b>100</b>

Among the 236 cases, only 17% of the total cases had gone through the resolution process with some results, whereas 67% of dispute cases remained unresolved in the year 2009. The remaining 16% of cases were reported as abandoned or there was not enough information or data found on the resolution process for analysis.

*Figure 1.3: Status of land dispute occupation*



While the results above show that about three-fourths of land disputes were unresolved, nearly half (47%) of the land under dispute remained occupied by the complainant, while one fourth remained occupied by the defendant or both the complainant and defendant (see Figure 1.3).

Regarding the actors involved in the land disputes, the majority of cases involved local communities with economic land concession companies, government institutions or military officials. As a result, the data analysis reveals that farmers are the complainants in more than three-fourths of land dispute cases, whereas 8.5% complainants are from indigenous minority groups.

The majority of the land disputes were caused by unclear ownership claims, which occurred between statutory rights and customary rights. Disputant parties claimed their ownership over the land based on various reasons, including official documents (sub-degree of ELC Approval), official titles (issued by the Cadastral Commission), and traditional or possession rights (as stated in the Land Law). Table 1.2 below demonstrates the different types of supporting documents which were used for claims of land ownership by disputants.

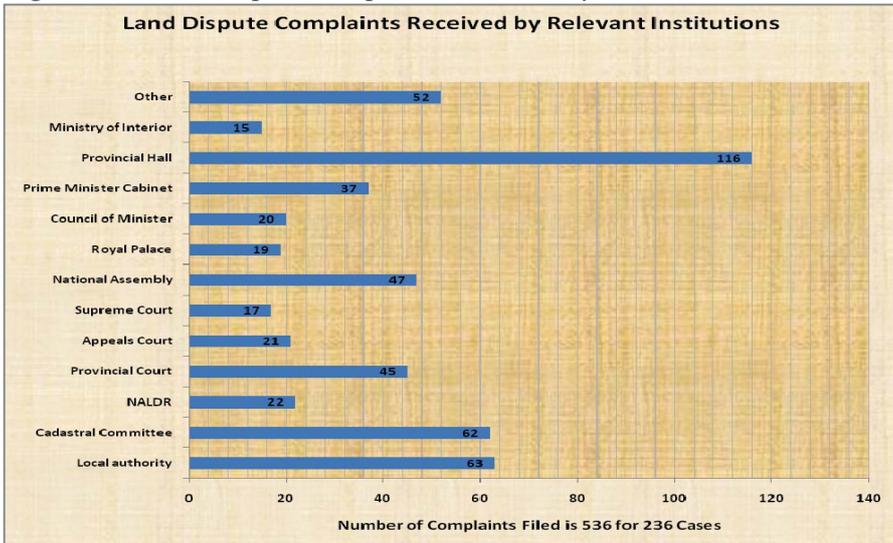
*Table 1.2: Documents supporting Ownership of Land Disputes*

<b>Complainants Claims</b>	Frequency	Percentage
Official Support Docs	54	46.2
Official Titles	32	27.4
Traditional Rights	20	17.1
Others	11	9.4
<b>Total</b>	<b>117</b>	<b>100</b>
<b>Defendant Claims</b>	Frequency	Percentage
ELC Support Docs	16	21.6
SLC Support Docs	1	1.4
Official Support Docs	16	21.6
Official Titles	21	28.4
Others	20	27.0
<b>Total</b>	<b>74</b>	<b>100</b>

**- *Land Dispute Resolution Processes***

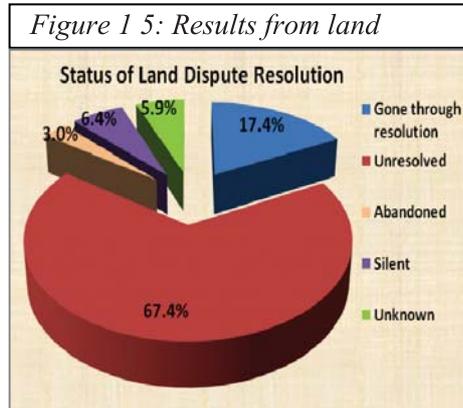
In nearly half (49.2%) of the 236 land dispute cases, disputants have chosen their respective provincial halls as the institution used for filing their complaint. While for a quarter of the conflicts (26%), disputants also filed complaints with their immediate local authorities or the Cadastral Commission (government officials from the commune level up to the district level). This figure is not significantly different from the analysis made in 2008. Below, Figure 1.4 provides detailed information relating to the number of complaints which have been filed from the 236 cases.

Figure 1.4: Land Dispute Complaints Received by Relevant Institutions



Note: The total number of complaints filed is higher than the total number of cases, as some disputants filed their complaints with more than one competent authority.

Based on the results of interventions from various competent authorities, nearly 70% of land disputes went unresolved, while the rest have gone through some form of resolution process or remain silent. As shown in Figure 1.5, only 17.4% or that of 41 cases concluded with results from the resolution process.



Nearly half (41.5%) of the 41 resolved cases were settled by local authorities, whereas about 22% were resolved by the court system. However, the majority of conflicts which were resolved by local authorities were only partially resolved, whereas the results from the

court system tended to settle for the defendant of the case (Table 1.3).

**Table 1.3: Resolution Status of Land Disputes in 2009 (By Authorities)**

Resolution Status	Authority that Resolved Land Dispute						Total
	Court system	Cadastral Commission	Local authority	NALDR	Other relevant authority	No data	
Resolved for Complainant	1	0	2	0	3	0	6
Resolved for Defendant	4	0	0	1	0	0	5
Resolved for Both Parties	1	2	4	0	1	1	9
Partly Resolved	3	0	11	1	1	5	21
<b>Total</b>	<b>9</b>	<b>2</b>	<b>17</b>	<b>2</b>	<b>5</b>	<b>6</b>	<b>41</b>
<b>Percentage</b>	<b>22.0</b>	<b>4.9</b>	<b>41.5</b>	<b>4.9</b>	<b>12.2</b>	<b>14.6</b>	<b>100</b>

From the 41 cases, which underwent the resolution processes, nearly half were completely resolved, while the rest were only partially resolved or only sections of the land was resolved. Table 1.4 listed below demonstrates the verdict from different authorities.

**Table 1.4: Results from Resolution Processes**

Resolved Cases	Frequency	Percentage
Resolved for Complainant	6	14.6
Resolved for Defendant	5	12.2
Resolved for Both Parties	9	22.0
Partly Resolved	21	51.2
<b>Total</b>	<b>41</b>	<b>100</b>

During the conflict resolution process for land disputes, issues of conflict were often encountered. Some of these conflicts lead to violence, threats, and/or detention. Based on the outcome of the 236 cases included in this analysis, nearly half or 45% of the total number of cases escalated into threats or violent situations, with approximately 18% of these cases leading to cases of detention.

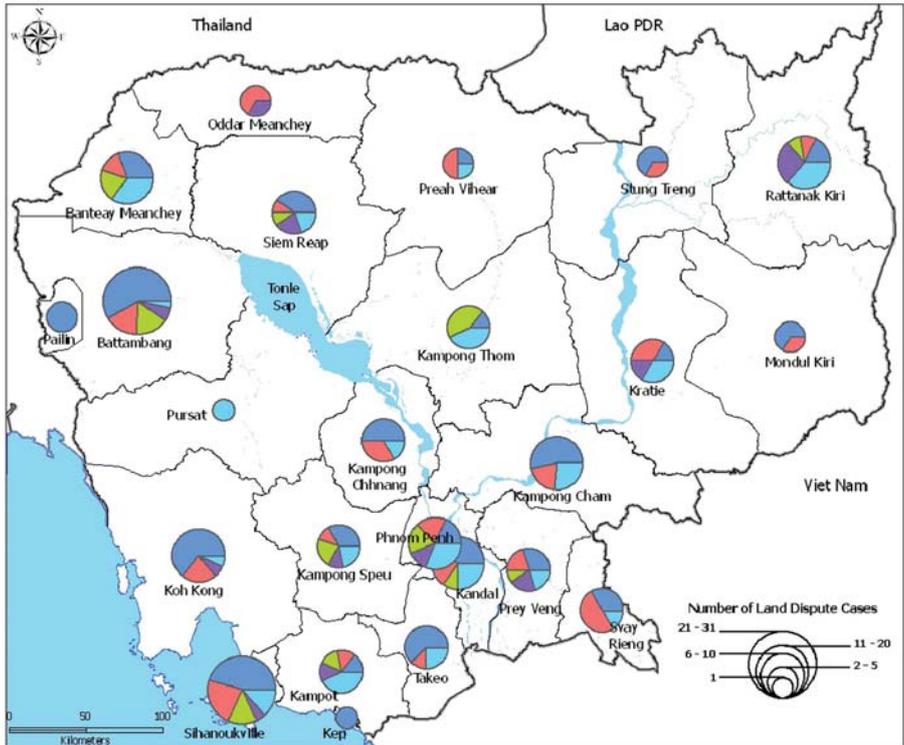
## *Conclusion:*

The rate of land dispute cases dramatically declined in 2009 in comparison with the statistical analysis of 2008. However, the three provinces with the highest incidents of land conflict (Battambang, Preah Sihanouk, and Kandal provinces) remained the same as in the previous year. While more than half of the land dispute cases occurred on agricultural land, only 17% of these cases had undergone resolution processes. The majority of land disputes involved local communities and various actors, including company representatives, government institutions, and military officials. While approximately one-fifth of land disputes were resolved, less than half of these resolved cases have been completely resolved, while the remaining half were only partially resolved. The results also conclude that local authorities play a very important role in the dispute resolution process, as they are governmental institution which complaints often referred to at the first place when dispute occurred.



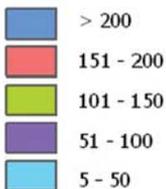
# Annex II: Illustrative GIS Map of the Number of Affected Households by Province in 2009

Number of Affected Households by Province



## Legend

### Number of Affected Households



Data sources:

Number of Affected Households: NGO Forum

Water body: JICA dataset 2002

Provincial boundary,

International boundary: Department of Geography 2005