

A Study on Land Disputes in Four Provinces of Cambodia: Mapping, Impacts, and Possible Solutions



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TABLE OF CONTENTS

SUMMARY	iii
ACKNOWLEDGEMENTS	vii
ACRONYMS	viii
1. Introduction	1
1.1 Background	1
1.2 Problem Statement.....	2
1.3 Goal and Objectives:	3
1.4 Evaluation Questions	3
2. Sample selection method	3
2.1 Sample site selection method.....	4
2.2 Sample selection method	4
2.3 Data collection method	6
2.3.1 Qualitative primary data collection method	6
2.3.2 Quantitative primary data collection method	6
2.3.3. Qualitative and quantitative Secondary data collection	6
2.4 Data analysis method.....	7
2.4.1 Qualitative data analysis method.....	7
2.4.2 Quantitative data analysis method (what method do you use for it?) .	7
3. Literature Review	14
3.1 History of land ownership in Cambodia.....	14
3.2 The legal framework on Land	14
3.3 Land dispute	17
3.4 Dispute resolution mechanism.....	18
3.5 Impact	23
4. Demographic	25
5. Geographic locations and social background	26
6. Land Status in the study provinces	27
7. Main Driver of the dispute	30
7.1 Two different perceptions on the same reality: claim on land according to land law 2001 versus the customary law of possession	30
7.2 Inconsistency decision by different levels of institutions	34
7.3 The slow process of land titling but high speed land concession	36
8. Strategy for land access/occupation	37
8.1 Company's strategy	37
8.2. Strategy of villagers	39
9. Process dealing with land dispute	40
9.1. Mechanism dealing dispute resolution	40

9.2. Villagers' action	42
9.3 Negotiation.....	46
9.4 Mediation	47
10. Cause and failure of the dispute resolution	51
11. Gender aspect of land ownership	56
12. Impact from land dispute.....	63
13. Conclusion.....	69
14. Suggestion for better resolution from community perspective.....	71
REFERENCES	74
APPENDICES.....	79
Appendix 1: Questionnaire in English.....	79
Appendix 2: Guide Line in English	102

TABLE:

Table 1: Target areas of LWD in 4 provinces selected for the research	4
Table 2: Village Sample.....	5
Table 3: Some Data about Land Concession	16
Table 4: Respondent by sex and education	25
Table 5: Income and expenditure.....	26
Table 6: Economic land concession in four provinces (Source LICADHO)	31
Table 7: Proven document status of conflict land (%).....	36
Table 8: How did the second party claim to own the disputed land.....	37
Table 9: Steps of complaining by villager.....	44
Table 10: Gender in land ownership 1 (Number of plots of land).....	60
Table 11: Gender in land ownership 2 (Land size)	60
Table 12: Land dispute effects on women function in family and community ..	61
Table 13: Impact from land lost	

FIGURE:

Figure 1: Land status of the population	28
Figure 2: Status of the study population with land dispute.....	30
Figure 3: Reason emerged to the dispute	32
Figure 4: Next plan to solve the dispute.....	51
Figure 5: Can villagers do the production on the disputed land from the	63
Figure 6: Change of income from the disputed start.....	64

SUMMARY

To contribute to the resolution of land disputes, LWD and NGOF conducts a study on land dispute in selected operation areas of LWD to gain insight into the legal framework and existing legislations on land tenure, land acquisition and land dispute resolution in particularly at the rural level.

The study was conducted in 11 communes and 26 villages selected from 23 communes and 85 villages of the target areas of LWD. The total HHs sample in all villages is 382 by using Simple Random Sample and proportional to size from the affected HHs list. The study also employed the unstructured key informant interview, as well as the focus group discussions. The main findings are the following:

- All respondents are poor Khmer farmers, and 67% of them start to live in the village before 2001. The majority of respondents have low education: 71.6% of male and 87.2% of female respondents never go to school or do not complete primary education.
- The dispute went mostly over the agricultural land or on the forest land occupied by villagers as well as their community forest land.
- Across 26 sample villages we observe 28 cases of land dispute between villagers and the second parties. In Kampong Speu, Pursat and Kampong Chhnang, the second parties are private companies (65.2%) and State (7.6%) were mentioned as the second parties, while in Battambang the second parties are villagers from other villages (18.8%) and businessman (4.2%).
- More than 40 % of the study population reported that they have plots of rice field land or forest land in dispute, while 10.2 % and 12.8% of respondents said that their Chamkar and community forest land are in the dispute respectively.
- 19 among 28 land disputes within sample villages in the four study provinces were solve already through receiving the unfair compensation and 9 disputes are pending.
- Three main drivers contribute the land dispute is from: claiming on land according to land law 2001 versus the customary law of possession, the inconsistency decision making by different levels without consulting each other can cause the dispute, and the slow process of land titling but high speed land concession also makes condition for land dispute.
- Less than half of villager (48.1%) who has rice field, and 57.1% those who has residential land in the dispute do not have any document to prove their ownership, and 76.9% of Chamkar land owner, 72.1% of forest land owner and 67.3% of the community land owner also do not have any document to prove the ownership. Most of the proven ownership documents for Chamkar, forest land

and community forest land are mainly the letter of certification issued by village chief, Letter of transferring the right of land occupation issued by commune chief or commune council, and the application letter for ownership and land use issued by the commune chief or commune council.

- People point out that the economic land concession (73.2%) and social land concession (26.8%) are the main reasons put their land in the dispute. Another small part of respondents (7.1%) mentioned other different reasons such as mineral exploration/extraction, and the need of state development areas.
- There were some activities mentioned by villager about how the second party claimed to own the disputed land. Threat against primary landholders was mentioned by 28.6% of respondents, while more than one third (36.3%) did not aware about the activity of the second party claimed to own the land.
- Villagers are likely to address the land problem to the low local authority in the village or commune level (89%). It has been found that all levels of local government (from the village to district) were involved in dispute resolution, including mainly land cases.
- The most active actors in solving the land disputes are commune council and the district authority. There are also six out of 28 disputes with company that were solved at the commune levels and also 5 land dispute cases out of 28 were solved at the district level. There are 5 cases of land dispute were solved, even a few villagers are not happy with the resolution, by the Administrative Commission at district and provincial level in Kampong Chhnang. There is only one dispute in Trapeang Kreunh (Dispute 9), Thporing district, Kampong Speu province that the provincial authority intervened.
- We observe three factors that might help the dispute resolution process possible that can make it more or less fair or acceptable. 1). both disputed parties should have good will and mutual understanding to each other, but not tricky and take advantage in negotiating. 2). It seems that the patrimonial pattern is still working in the dispute resolution mechanism. It seems that the land dispute resolution process could be successful if the land dispute resolution institutions at different levels have power to fulfill their task according to the existing legal framework. 3). Solid cohesion among villager within the community could be a strong force for protecting their rights on land.
- “Our land is our life” is very common for all villagers who have land in the dispute. In our entire cases in the study provinces, villagers collectively have willingness to claim openly, even against the powerful, because they feel that they have been unjustly dispossessed of their land. The evidence was that 73.8% said that they do something to protest the dispossession of their land.
- It is important to note that only a bit more than half of respondents (52.1%) aware of their right to have a friend, lawyer or NGO/CBO representative assist

him/her in the reconciliation process. 56.2% of respondents said that they have someone to assist during the reconciliation process. More than 60% of respondents said that they received this information from awareness raised by local authorities and NGOs/CBOs. Village leaders and community members (38.7%), as well as media (22.6%) also play role in dissemination about the right in having someone to assist villagers during reconciliation process.

- Villagers have seen a few groups are the most active, namely self-help group, land issue groups women group, youth group and community forest group. However, half of villagers (50%) think that the capacity of these groups is moderate, while other 42% think that the groups have low capacity. It is important to note that 40.6% do not aware that in their community the grass-root groups exist.
- 80.6% of respondents mentioned that the second parties are occupying the disputed land until now. 82.5% of respondents said that the outcome of the resolution were unfair. More than half of respondents (57.7%) are continuing to wait the resolution, while 25.8% want to file a complaint to other institutions. Some 9.7% despaired that would give up. A few respondents said that they would go on strike or go back to install on their former land.
- First of all, the failure is connected to the lack of standardized compensation to the villagers whose land was confiscated by economic and social land concession.
- From the mediator's point of view, villagers were suspected that they have the political party or powerful relatives as backers that linked to the failure of the mediation, forgetting that they themselves lack of commitment to solve the dispute.
- Even the participation of women at the national and sub-national levels in decision-making positions has steadily increased in many fields, but the number of women involved in the dispute resolution in the four study provinces is still limited. In all levels of local authority from the district to village, there is a small proportion of leadership compare to male. The small of number of women and their role in their office restrict them from solving land dispute issue.
- The specific objective of the economic land concession is to develop the intensive agricultural and agro-industrial activities. The aim is to generate state or provincial revenues through economic land taxes and increase the employment in the rural areas for the poverty reduction. It is true that the company provides the employment opportunity for villagers. However, the employment is occasionally by season, but not long term contracted employment.
- The result of the loss of farm land, grazing land, crops and access to forest resources, affected people have been destabilized and faced with food insecurity. 82% of respondents said that from the dispute has started they cannot do the production activities, and 73.3% cannot access to the natural resource on the conflict land.

- The land dispute affects the income of villagers. 55.8% of respondents said that their household income becomes worse than before. 75.7% of respondents said that their household does not have sufficient income for maintaining the basic livelihood needs during a year. 74.6% said that they lack of money for investing their livelihood activities. Villagers cannot access to the farm land (63.8%) and cannot access to natural resources (33.8%) are the main reasons of decreasing the household incomes of villagers. 45% of villagers said that they cannot pass by the disputed land due to the company build fence. Villager also cannot let their cattle roam for free like before.
- 73.3% of respondents said that they cannot access to natural resources anymore from the land felled in the dispute. Land dispute also affect the education of children. 19.1% of villagers mentioned that children cannot go to school but help parents to earn money or help to keep after their younger sibling.
- All dispute cases in four provinces demonstrate the issue of power imbalance prevalent in land disputes. Almost all cases highlight the failure of existing dispute resolution mechanisms in providing remedies to communities whose lands have been appropriated through SLCs or ELCs by companies or powerful individuals.

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ACRONYMS

AC	Administrative Commission
ADB	Asian Development Bank
ADHOC	Cambodian Human Rights and Development Association
CAS	Center for Advanced Study
CBO	Community Based Organization
CCHR	Cambodian Center for Human Rights
CDC	Council for the Development of Cambodia
DKCC	District/Khan Cadastral Commission
ELC	Economic Land Concession
FGD	Focus Group Discussion
	Front uni national pour un Cambodge indépendant, neutre,
FUNCINPEC	pacifique, et cooperative
GIZ	German Federal Enterprise for International Cooperation
GTZ	German Agency for Technical Cooperation
INGO	International Non-Governmental Organization
KSS	Kampong Speu Sugar
LASSP	Land Administration Sub-Sector Program
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
LMAP	Land Management and Administration Project
LNGO	Local Non-Governmental Organization
LWD	Life With Dignity
MLMUPC	Ministry of Land Management, Urban Planning and Construction
NARLD	National Authority for the Resolution of the Land Dispute
NCC	National Cadastral Commission
NGOF	NGO Forum On Cambodia
NTFP	Non-Timber Forest Product
ODC	Open Development Cambodia
PMCC	Provincial/Municipality Cadastral Commission
RCG	Royal Government of Cambodia
SLC	Social Land Concession
SNEC	Supreme National Economic Council
WB	World Bank

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1. Introduction

1.1 Background

Cambodia is a predominantly agrarian society dependent on the country's forests, agricultural land, and abundant water resources. Land is a crucial productive asset for the 70% of Cambodians who make their living from agriculture activities. The main agricultural product is rice, which is grown for domestic consumption and export. Other products include rubber, cassava, corn, meat and dairy, vegetables, and sugarcane. Population pressures have caused an increasing demand for agricultural land and food production. Even farmers have adopted improved agricultural techniques to increase agricultural productivity, but the productivity outcome was not much improved. Farmers, especially the landless encroach on forestland (USAID, 2011).

The rapid economic growth since 1990s has caused increase in value and attracted the private investment in rural areas. This introduces a modern legal system, caused confusion and misunderstanding about how legal ownership on land, leading to numerous disputes (Sekiguchi & Hatsukano, 2013). Likewise, land and property rights are the most fundamental human rights to protect the economic benefit of communities. Confusing land policies, weak practices of law, lack of real political will has promoted an increase of conflicts between companies and local communities (CCHR, 2012).

Land disputes have seen as a big challenge for Cambodian. Some cases have led to the loss of access to land and natural resources. According to the report of NGO Forum on Cambodia in 2014, , the number of new land disputes in 2012 was higher compared to previous years, while it slowed down during 2013. The total number of land disputes in 2013 is 311 cases including 80 caused by ELCs. Remarkably, the total land disputes affected 65867 households relating to agricultural, residential and forest land, and the highest number occurred in Phnom Penh, Ratanakiri, and Kampong Speu. In 2014, Human Rights NGO Licadho announced that land conflicts in Cambodia have passed half a million cases since they began collecting data (LICADHO, 2014). According to ADHOC, more than 770,000 people (equal to almost 6% of the total populations) have been adversely affected by land grabbing from 2000 to 2013 (ADHOC 2013). Seventy seven percent of the land disputes recorded have not been solved as of 2013. Main driving forces of land disputes are infrastructure development projects, economic land concessions/other land concessions, and individuals land grabbing (NGOF, 2014).

Similarly, Life with Dignity (LWD) in a preliminary rapid assessment on land disputes at their target areas found that the disputes are caused by community members, local and foreign private companies, local authorities, soldiers, and gendarmeries. Remarkably, Land dispute and land grabbing have been occurred largely at northeastern of Cambodia by economic and mineral concessions. The impacts were not just on the ecological concerns, but also the traditional culture and livelihoods of indigenous groups (Men, 2011).

There are many actors involved in land disputes. However, it is a challenge for poor families since they find hard to file formal complaint at the courts. Poor families are frequently not being able to make the complaints trialed while the fees to access the judicial system is beyond their afford. As a result of the feeble institutional framework for the resolution of land disputes, it is additionally risky for individual families to take part in a formal complaint (SNEC, 2007).

1.2 Problem Statement

Current situation of land dispute in Cambodia is very critical. There are many factors have caused the disputes including conflict setting, land history and political condition which make it exceptionally hard to solve. Moreover, land disputes are widespread and are seen as a serious issue for stability and wellbeing of the country; however due to the many factors and interests involved they are not being easily solved. Concerns about land disputes have been raised for the country in general as local and international media have covered. Although it is an emergency issue to overcome, it takes much time and effort to gradually solve with the mission to find out the differences measures and approaches to deal with (Schwedersky, 2010). There is different number of land disputes in Cambodia as different institutions/NGOs claimed different figure due to the different methodologies. Numerous disputes never reach the courts, since they are settled by local authorities or the Cadastral Commission, or for the reason that the families concerned in the disputes lack the knowledge and resources to take their complaints to the court (SNEC, 2007).

To contribute to the resolution of land disputes, LWD and NGOF conducts a study on land dispute in selected operation areas of LWD to gain insight into the legal framework and existing legislations on land tenure, land acquisition and land dispute resolution in particularly at the rural level. These NGOs along with their network members will continue to play a prominent role in combating the problem, assisting people in claiming their rights to land, and improving the capacities for both communities and authorities after the report produced. Nonetheless, there might be an increased need to merge the efforts and approaches of human rights and development NGOs in order to achieve better coordination and outcome of projects.

1.3 Goal and Objectives

The overall goal of this research is to map out the land disputes occurred in the target areas of LWD and determine the implementation of existing alternative dispute resolution mechanism. Additionally, this research is also to understand the impacts of land disputes on local communities' livelihoods, especially on women.

Specific Objectives:

The research aims at addressing the following objectives:

- To conduct land dispute mapping in the target areas of LWD (Battambang, Pursat, Kampong Chhnang and Kampong Speu).
- To understand the solutions provided to settle the land disputes and its status.
- To understand the impacts of land disputes on local communities' livelihoods, especially on women.
- To document the case studies on the successful cases on land disputes advocacy.

1.4 Evaluation Questions

The research is seeking to answer the following questions:

- What are the main drivers of land disputes?
- What are the land dispute resolution mechanisms in the target areas and which mechanism more effective and preferred by the community?
- Who involves in the disputes and how the disputes have been solved?
- What is the involvement of stakeholders and role of women in the resolution of land disputes?
- What are the impacts made by land disputes on local livelihood?
- What factors have caused the failure of the land dispute solution?
- What are the recommendations for stakeholders involved in the resolution process on how to duplicate, increase and roll out the successful resolution of land

2. Sample selection method

NGOF and LWD propose four approaches to undertake this research: desk review, interviews both structured and unstructured, case study and informal observation. The Center for advanced study (CAS) thus accepts them, as these methods are more precise as the multiple tools of the quality study cross check the quantitative interviews that were conducted first. Furthermore, these give more facility for conducting land dispute mapping in the target areas of LWD. The research was relied on both primary and

secondary data. The main focus of the study based on primary research, by using qualitative and quantitative approaches in order to meet all objective set.

2.1 Sample site selection method

The study cover purposively only four provinces of Cambodia, namely Battambang, Pursat, Kompong Chhnang, and Kompong Speu where land disputes involved 2 parties upwards and has not been solved yet. The target areas of the study were selected in the specific locations according to the results of rapid assessment conducted by LWD recently in 85 villages and 23 communes of these four provinces. This study map out the land disputes and it impacts on local livelihoods in the selected provinces regardless new or old disputes. With this purposive selection of the provinces, the data and information is not representing the land disputes throughout the country. However, this study illustrates the most important information for basic consideration to reflect the other cases for the future resolution and plan toward land disputes and local livelihoods.

2.2 Sample selection method

The sample size 382 affected households is representative sample for all 8896 affected households in four provinces. Among 23 communes and 85 villages only 50% of communes and 30% of villages (11 communes and 26 villages) were selected for the study. Therefore, in Kampong Speu it is possible to take 16 villages in 5 communes out of the target; in Kampong Chhnang 4 villages in 3 communes whereas sample in Pursat and Battambang are 3 villages in 2 communes and 3 villages and 1 commune respectively (see the table 1).

Table 1: Target areas of LWD in 4 provinces selected for the research

Province	Commune		Village	
	Target	Selected	Target	Selected
1-Kampong Speu				
Phnom Srouch	2	1	4	1
Aoral	5	2	27	8
Thporng	4	2	21	7
<i>Subtotal</i>	11	5	52	16
2-Kampong Chhnang				
Samaki Meanchey	6	3	14	4
3-Pursat				
Phnom Kravanh	5	2	11	3
4- Battambang				
Bavel	1	1	8	3
<i>Total</i>	23	11	85	26

The 26 sample villages selected are considered as primary sampling unit (PSU). We use the randomization method for selection these sample villages for more scientific reason. The villages selected are the following:

Table 2: Village Sample

No.	Sample size	Village	Commune	District	Province
1	33	Ou Russey	Boeng Pram	Bavel	Battambang
2	39	Yuti Thor			
3	18	Kropéu Sésep			
4	5	Chrok Kov	Peam	Sameakki Mean	Kampong Chhnang
5	2	Taing Krous keut***	Krang Lvea	Chey	
6	5	Srésa	Tbaeng Khpos		
7	2	Mean Nork Lech			
8	2	Taing Sroeueng	Sangkae Satob	Aoral	
9	14	Taming			
10	5	Trapaing Kong			Kampong Speu
11	2	Kouk			
12	7	Chumneap			
13	10	Dambang Vinh			
14	1	Kess	Ta Sal		
15	2	Kriel Pong			
16	13	Kraing Boeng	Tang Samraong	Phnom Sruoch	
17	24	Krovak		Thporng	
18	5	Sya	Yea Angk		
19	14	Prich Khposs			
20	1	Rumchek			
21	67	Tropeang Kreunh	Prambei Mom		
22	24	Thnal Kéng			
23	6	Thbeng Prachaop			
24	21	Sré Popeay	Santreae	Phnom Kravanh	Pursat
25	43	Kset Borey			
26	17	Say	Prongil		

*****This village is a replacement due to the local authority did not allow conducting the study**

Normally, the number of sample households in each village is calculated through the formula $ni = n(Ni/N)$, ni =number of sample by village, Ni =number of affected households in each village, N =number of affected households in all villages, and n =number of total sample. The total households sample in all villages is 382. The number of sample in each village is proportional to size of the total households affected by the conflict. The number of sample in each village can be calculated after the household listing process. The sample of households in each village was selected by using Simple Random Sample from the affected households list.

Research team has conducted unstructured interviews with purposively and snowball selected 92 key informants, including local authorities, villager representatives, Cadastral commissions, representatives of concerned local NGOs/CBOs and international NGOs in the selected target areas. The value of the unstructured interviews was used to crosscheck the findings from structured interviews.

Research team has conducted one FGD each targeted provinces with a quota 50% male and 50% female affected households who were actively involved in the process of claiming and/or process of land dispute resolution.

2.3 Data collection method

2.3.1 Qualitative primary data collection method

Five qualitative unstructured guidelines was designed for the key informant face-to-face interviewing (KII). Furthermore, a guideline for focus group discussions (FGD) was developed for those who know much about the specific issue in the topic or objectives whereas four best practice case studies were done for investigating in-depth information of a particular situation. In addition, informal observation in the target areas was also included in the study as a kind of important tool for researchers to get a deeper understanding about the real situation in the villages.

2.3.2 Quantitative primary data collection method

A quantitative research structured questionnaire was developed for household interviewing. The first step of quantitative study, the research team has conducted affected household listing in all 26 target villages of four provinces. When the process of listing is complete, research team has conducted face-to-face interviewing with selected affected households within the village through randomization from the household list.

2.3.3. Qualitative and quantitative Secondary data collection

This activity reviews existing documents as studies and reports related to the topic, done by the Royal Government of Cambodia (RGC) and its agencies including National

Authority for the Resolution of the Land Disputes (NARLD), International Organizations (IO), International Non-Governmental Organizations (INGO) and Local Non-Governmental Organizations (LNGO). Concerned documents were collected and reviewed to illustrate the relevant information and they will thus be able to help the researchers to map the field and position the research within the context.

2.4 Data analysis method

2.4.1 Qualitative data analysis method

The key informant interviews as well as the focus group discussion were recorded with the tape recorder and transcribe it verbatim. The transcription was used for screening and analyzing information needed for answering research questions. Some of the answers from key informant interviews and focus group discussion were used for illustration in the report.

2.4.2 Quantitative data analysis method

Computerization was applied in quantitative data analysis. The SPSS program was used for frequency and cross tabulation check of the data and Excel program was used for making figures.

Summary of Land Dispute Cases

Across 26 sample villages we observe 28 cases of land dispute between villagers and the second parties. In Kampong Speu, Pursat and Kampong Chhnang, private companies (65.2%) and State (7.6%) were mentioned as the second parties, while in Battambang the second parties are villagers from other villages (18.8%) and businessman (4.2%). Below are cases of land dispute in four provinces:

No.	District=1 Commune=2 Village=3	Kind of Study	Social Background of Disputing Parties 1=First party 2=Second party	Type of Disputed Land	Cause of Dispute	Outcome
I-Kampong Speu Province						
1	1-Aoral 2-Sangkae Satob 3-Kouk	Quantitative & Qualitative	1-Villagers 2-KSS	Forest/planted land(70ha)	KSS cleared the land claimed by about 20 villagers in 2010	In 2011 the company gave each family US\$37.50 to 50,00 as compensation. Only some out of affected households received later US\$1,000 each.
2	1-Aoral 2-Sangkae Satob 3-Trapeang Kong	Quantitative & Qualitative	1-Villagers 2-KSS	Village's forest (80ha) and forest/planted land (75ha)	Early in 2012, KSS took the land as community forest and private land claimed by villagers	Each family out of 70 HH got US\$250.00 as compensation for forest land, but over 10 families are still receiving nothing for their plots of land.
3	1-Aoral 2-Sangkae Satob 3-Taminh	Quantitative & Qualitative	1-Villagers 2-KSS	Village's forest/planted land (73ha)	KSS occupied the community land in 2012	In 2014, the company gave affected families out of 73 HH US\$75.00each.
4	1-Aoral 2-Sangkae Satob	Quantitative	1-Villagers 2-HLH	Farm land (16ha)	HLH took land claimed by 9 HH in 2006	Affected families refused the company's

	3-Tang Sroeng						compensation they considered far less.
5	1-Aoral 2-Sangkae Satob 3-Chamnoab	Quantitative	1-Villagers 2-HLH	Forest/farm land (235ha)	HLH took the land being occupied by 32 HH in 2011		The dispute is ongoing.
6	1-Aoral 2-Sangkae Satob 3-Dambang Vinh	Quantitative	1-Villagers 2-HLH	Forest/farm land (293ha)	HLH took the land claimed by more than 50 HH in 2011		The dispute is ongoing.
7	1-Aoral 2-Ta Sal 3-Kes	Quantitative	1-Villagers 2-a Chinese company	Forest/farm land (24ha)	In 2013 the company took the land being occupied by 8 HH		In 2014, affected families got plots back, except one.
8	1-Aoral 2-Ta Sal 3-Kriel Pong	Quantitative	1-Villagers 2-a Chinese company	Village's land (130ha)	The company encroached on the land vs. 11 HH in 2011.		The company could only occupy a small part of the land. The dispute was over.
9	1-Thporng 2-Pram Bei Mom 3-Trapeang Kreunh & Thnal Kaeng	Quantitative & Qualitative	1-Villagers 2-City Mart	Forest/farm land (2,945ha)	CT Mart took land being occupied by 555 families in 2006		In 2012, the land was divided between both parties. 1,500ha as share of affected villagers was then sold to PSS. Compensation was on average US\$300.00, except one of the representatives and their close relatives having land certificates sold their plots at highest price.
10	1-Thporng 2-Pram Bei Mom	Quantitative &	1-Villagers 2-Preak Leap	Forest/farm land (300ha)	The School in Phnom Penh received authorization for		Villagers are still worried about their plots there for

	3-Tbaeng Prachoab	Qualitative	Agriculture School		development in this area in 2007 caused concern among over 30 families growing crops.	the forthcoming days.
11	1-Thporng 2-Yea Ang 3-Kraviek	Quantitative	1-Villagers 2-City Mart	Forest/farm land (over 100ha)	In 2006 CT Mart took village's land claimed by over 120 HH	The company gave each family US\$ 262.50 as compensation
12	1-Thporng 2-Yea Ang 3-Sya	Quantitative	1-Villagers 2-City Mart	Forest/farm land (96ha)	In 2005, CT Mart took the land claimed by 28HH	Some received cash compensation whereas the others got nothing.
13	1-Thporng 2-Yea Ang 3-Prich Khpos	Quantitative	1-Villagers 2-City Mart	Forest/farm land (421ha)	CT Mart took the village's land in 2007 vs. 123HH	Some got cash compensation but the remaining families claimed their shares whereas the company provided the sum as compensation to the villagers' representatives.
14	1-Thporng 2-Yea Ang 3-Rumchek	Quantitative	1-Villagers 2-City Mart	Forest/farm land (23ha)	In 2005 CT Mart took the land claimed by 10HH	The company gave cash compensation to almost of them.
15	1-Phnom Sruoch 2-Tang Samroang 3-Kreang Boeng	Quantitative	1-Villagers 2-Master International	Rice field (375ha within ELC 950ha)	In 2010 the company took the land claimed by 74HH as their rice fields.	No resolution reached.
II-Kampong Chhnang Province						
16	1-Samakki Meanchey	Quantitative &	1-Villagers 2-SLC	Forest/farm land (70ha within SLC)	In 2013 SLC affected around 30HH possessing plots of	No resolution reached.

	2-Tbaeng Khpos 3-Srae Sar	Qualitative		2,727ha)	land in this area	
17	1-Samakki Meanchey 2-Tbaeng Khpos 3-Srae Sar & Meanok Lech	Quantitative & Qualitative	1-Villagers 2-Gendarmerie	Farm land (30ha)	In 2013 gendarmerie took the land in a mountain area, claimed by over 10HH to transform it to a training base	Some got cash compensation or exchange for plots of land outside whereas the others received nothing. The case is pending
18	1-Samakki Meanchey 2-Peam 3-Chrok Kov	Quantitative & Qualitative	1-Villagers 2-SLC	Farm land (50ha within SLC 480ha)	In 2011 SLC affected 12 HH possessing plots of land in this area	Some were excluded and it has remained 6 HH still in conflict.
19	1-Samakki Meanchey 2-Peam 3-Chrok Kov	Quantitative & Qualitative	1-Villagers 2-Local authorities	Farm land (25ha within Community Forest 682ha)	In 2008 Community Forest affected 14HH possessing plots of land there	The villagers have concerned about their land.
20	1-Samakki Meanchey 2-Kreang Lvea 3-Tang Kruos Kaeut	Quantitative	1-Villagers 2-OJ	Rice field (7ha)	In 2012 the company demarcated ELC land overlapping rice fields belonging to over 10HH	
III-Pursat Province						
21	1-Phnom Kravanh 2-Santreae 3-Srae Popeay	Quantitative & Qualitative	1-Villagers 2-Pheapimex	Forest/ planted land (75ha)	In 2011 the company cleared the land claimed by 25HH	The dispute was not over, except some whose plots were measured and excluded from ELC during youth volunteers' campaign in 2012.
22	1-Phnom Kravanh	Quantitative	1-Villagers	Community Forest	SLC adopted in 2010 was	No agreement reached.

	2-Santreac 3-Srae Popeay	& Qualitative	2-SLC	land (206ha within SLC about 600ha)	confronted by 113HH as members of Forest Community formed in 2003 and some families as landowners nearby started a dispute in 2012	A number of plots were excluded from ELC and measured by youth volunteers but some affected families could protect part of land possession or lose all of their plots.	
23	1-Phnom Kravanh 2-Santreac 3-Khsetr Borei	Quantitative & Qualitative	1-Villagers 2-Pheapimex	Forest/planted land (over 100ha)	The company cleared plots of land claimed by over 20HH	The company's activities were stopped by local authorities.	
24	1-Phnom Kravanh 2-Santreac 3-Khsetr Borei	Quantitative & Qualitative	1-Villagers 2-Pheapimex	Community Forest land (230ha)	In 2012 the company bulldozed part of the Community Forest land formed in 2006 caused a dispute with 111 HH as its members		
25	1-Phnom Kravanh 2-Prongil 3-Say	Quantitative	1-Villagers 2-Pheapimex	Forest/farm land (60ha)	In 2012 the company took land claimed by 92HH	Some were given back plots but others lost all or part of theirs.	
IV-Battambang Province							
26	1-Bavel 2-Ampil Pram Daeum 3-Boeng Pram	Quantitative & Qualitative	1-Villagers 2-Businessmen & Local authorities	Forest/farm land (over 3,000ha)	Over 3,000 families of Boeng Pram area as newcomers from different provinces were confronted by some	The outcome was marked by the release of the leader in 2007 and the business people were out of the	

					<p>business people (who had bought land from Khmer Rouge senior officers in 1996) and local authorities during 2005-2007. In mid-2006, the leader of the community was detained for 14 months.</p>	<p>area.</p>
<p>27</p>	<p>1-Bavel 2-Boeng Pram 3-Yuttrethor & Ou Ruessei</p>	<p>Quantitative & Qualitative</p>	<p>1-SLC 2-Villagers from other communes</p>	<p>Farm/forest land as part of the commune (800ha)</p>	<p>During 2011-2012 youth volunteers' campaign, residents of Boeng Pram (over 1,700 HH) were provided land titles but could not take plots of land from 192 families. The 192 came from mainly neighboring communes/ districts to stay/farm for a long time on the disputed land.</p>	<p>The group of 192 families referred to national institutions and local NGOs / international organizations for support. The dispute was under investigation.</p>
<p>28</p>	<p>1-Bavel 2-Boeng Pram 3-Krapeu Saeseb</p>	<p>Quantitative & Qualitative</p>	<p>1-Villagers 2-Businessman</p>	<p>Farm/forest land (over 500ha)</p>	<p>Over 90 villagers have been occupying the disputing land for a long time. In 2004 a dispute started when it was claimed by a businessman as his development area.</p>	<p>Villagers have still been farming on the disputed site whereas the businessmen lodged a complaint with the court.</p>

3. Literature Review

3.1 History of land ownership in Cambodia

Under ancient customary law, all land in Cambodia was recognized as the property of the king. People enjoyed the right of possession, which means that they could cultivate land freely. As long as they cultivated continuously, their right of possession was recognized. If the land was not cultivated for three years, the possessor lost the right. This rule applied for centuries, until the colonization by France in the twentieth century (Rendall et al, 2003; Pel et al, 2005).

Private ownership of land was first recognized in the law, during the French colonial period by adopting the French Civil Code. The Western property system continued even after independence from France in 1953. At the same time, there were areas where customary law remained. This process led to the co-existence both modern ownership and the right of possession existed side by side.

The Khmer Rouge regime from April 1975 to January 1979 abolished all private ownership. After the Khmer Rouge fell, the succeeding regime established a socialist economy—in which all land belonged to the state—that lasted through the 1980s. Under the land distribution system called Krom Samaki, farmers were divided into groups to share land, labor, and animals, and land was distributed to those groups regardless of ownership or possession before 1979 (Amakawa, 2001a, 2001b).

3.2 The legal framework on Land

The Cambodian Constitution stipulates that all persons, individually or collectively, have the right to land ownership, so long as it is not in conflict with public interests. All Khmer legal entities and citizens of Khmer nationality have the right to own land. Foreigners are not allowed to own land in Cambodia but may own a limited number of units in a co-owned building provided that the units are above the ground floor and the building is not within 30 km of a border. Foreigners can hold up to a 49% interest in Cambodian corporations (RGC, 1993; RGC, 2010; RGC Land Law, 2001a).

In 1989, a new government began a market economy under the new constitution and a program of land reform. In 1989 the Instruction on Implementation of Land Use and Management Policy was adopted, and ownership of residential land was recognized. This instruction also recognized the right of possession on cultivated land. The 1992 Land Law went further by permitting ownership of residential land. In August 2001 the National Assembly enacted the 2001 Land Law.

The 2001 land law determines the regime of ownership for immovable properties and establishes a framework for land titling. It distinguishes five main categories of land: (i) private land; (ii) state public land (which serves a public interest); (iii) state private land; (iv) communal land; and (v) land of indigenous communities (Articles 4-28, Land Law, 2001). Under the Land Law 2001, any person who enjoyed peaceful, uncontested possession of land – excluding state public land – for no less than five years prior to the law’s promulgation has the right to request a definitive title of ownership (Article 30, Land Law, 2001). The 2001 Land Law extends private ownership rights to residential and agricultural land, establishes a system for the systematic titling of land and creates a comprehensive dispute-resolution system. The law also governs lease rights (RGC, 2001a).

The 2001 Land Law recognizes the right of indigenous communities to collective ownership of their land and the right to assert and enforce their interests against third parties. Indigenous community land includes residential and agricultural land and encompasses land reserved for shifting cultivation. Under the law, indigenous communities may continue to manage their community land according to their traditional customs.

In 2003 the Royal Government established a sub-decree on Social Land Concessions (SLC) to accompany the implementation of the World Bank-led Land Allocation for Social and Economic Development Project (LASED). Social Land Concessions are a mechanism to grant state private land to poor landless families for residential and farming purposes (Thiel, 2009; UNHCR, 2007; GTZ, 2009).

According to ADHOC, in 2013 the figure of SLC is increased up to 485, which granted for a total of 626,823.26 hectares to improve economic development and to alleviate poverty by transferring state private property for social purposes to the poor lacking residential land or/and family agricultural land.

The estimates of local NGOs are substantially higher than those published by the MAFF. Open Development Cambodia – an ‘open data’ website to help consolidate access to up-to-date information about Cambodia – reported that in September 2012 there were 337 economic land concessions, 87 mining concessions, and 23 special economic zones in existence. As of late December 2012, the government had reserved or granted to private companies at least 2,657,470 hectares of land (ADHOC, 2013). According to the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), the dimension of ELC areas is 2,119,082 hectares from 272 concessions. (<http://www.licadho-cambodia.org/topic/land>).

Table 3: Some Data about Land Concession

Source	Official data MAFF			World Bank	ADHOC	ADHOC	LICADHO	LICADHO
Mon/Year	04/2010	02/2012	06/2012	2004 - 2009	12/2011	12/2012	03/2012	03/2015
Total Land Area	956,690 ha	1,190,000 ha	1,181,522 ha	958,000 ha	2,276,349 ha	2,657,470 ha	2,036,170 ha	2,119,082
No of Companies	85	118	117	61	225	?	227	272

Later, in 2005 a Sub-decree No. 146 on Economic Land Concessions was established the legal and regulatory framework for the grant and management of concessions of land for large-scale, market-oriented development, including requirements to conduct public consultations and environmental and social impact assessments (Grimditch et al, 2009; RGC, 2005b).

In the same year, a Sub-decree No. 118 on State Land Management was created restricts ELCs to state private land. If the land is classified as state public land, the state must re-classify it as state private land before granting a concession. Sub-decree No. 118 establishes: the specific authorities and institutions responsible for identifying, classifying, converting, and registering state lands; provides a basis for inter-ministerial collaboration on determining the use and management of state land; and includes some procedures for public comment (RGC, 2001a; RGC, 2005a).

In May 2012 Prime Minister Hun Sen issued Directive 001 (also known as Order 01BB) on ‘Measures to strengthen and enhance the effectiveness of management of economic land concessions (ELCs)’ announcing a moratorium on the granting of new ELCs, the review of existing ELCs and the implementation of the so-called “leopard skin” (or “tiger-skin”) policy, with the aim to allow communities to live side by side with the concession land. In the framework of the implementation of Directive 001, a new land registration campaign (Old Policy-New Action) was implemented by youth volunteers to speed up the process of land registration, which had been previously carried out through sporadic or systematic registration systems. The campaign was entirely planned, organized and financed by Prime Minister Hun Sen, with no external donor involved in its implementation (ADHOC, 2014).

Following the issuance of Directive 001, however, the number of newly granted ELCs has dropped dramatically. According to the Royal Gazette, only 15 new ELCs were awarded from May to December 2012, and none since December 2012. Information gathered by ADHOC shows that at least 33 ELCs were granted after the announcement of Directive

001, and numbers are even higher according to other sources such as Open Development Cambodia (ODC) which has published data relating to 38 newly awarded concessions, including 2 granted in 2013. Media also reported a recent “unofficial” concession in Ratanakiri’s Lumphat Wildlife Sanctuary (ADHOC, 2014).

3.3 Land dispute

Center for Advanced Study has classified three main types of land disputes in Cambodia, using the Ashley typology of land disputes based on his experience dealing with land issues in his capacity as an adviser to the National Assembly’s human rights commission in the mid-1990s (Ashley, 1999). Ashley describes six types of land disputes, which can be usefully aggregated in three broader categories:

1. Disputes between the state and ordinary citizens: These disputes are described as comprising two main sub-types. Firstly, there are ‘disputes where villagers are occupying land which theoretically belongs to the state – including forests, ... concession land or land which is used or put aside for public use, such as a road or school’. Such evictions are described as occurring even where villagers have acquired such land in good faith and/or have been using it for many years. Secondly, there are cases where the state is appropriating land for public purposes. Here, disputes arise because existing occupants either refuse to give up their land to the state or because they are not satisfied with the compensation offered.

2. Disputes between citizens and representatives of the state – acting either in their own personal interests or as intermediaries for the private sector: Ashley notes that many of the claims being made to the National Assembly involve individuals from the military or other arms of the government forcibly appropriating land for personal benefit. In such cases, there is a blurring of the distinction between the private sector and the state as government officials are either directly involved in private sector activities or are acting in close cooperation with investors (CAS/WB, 2006). There is, it appears, significant overlap between these first two categories, as many of the disputes described in Category 1 will have arisen from the financial benefit flowing to government officials from the transactions concerned. In Categories 1 and 2, Ashley describes a range of cases, from those in which villagers’ legal claims are relatively strong to those in which their claims to continuous occupation are muddled by the vicissitudes of war and poverty.

3. Disputes involving private parties: Ashley describes two broad types of disputes involving private parties. The first of these relates to attempts to reclaim pre-Khmer Rouge era properties; these were apparently quite common in the early 1990s but were already settling down in Ashley’s time. The second might be described as ‘other small

disputes', which brings together a range of smaller disputes over boundaries, inheritance and occupation.

In 2013, ADHOC handled a total of 135 cases of land disputes affecting a total of 36,864 hectares and 6,488 families. The conflicts were concentrated in the north and northeast of the country, with Rattanakiri, Preah Vihear and Siem Reap the most affected provinces. Out of these 135 cases, 97 cases were land grabbing cases, 29 were related to ELCs⁹, 2 to SLCs, 6 to forced evictions and one related to fisheries. ADHOC registered a 48 per cent increase of land conflicts compared to 2012 (when ADHOC handled 70 cases of land disputes affecting a total of 101,408 hectares and 10,689 families). In the first three months of 2014 ADHOC registered 37 new land disputes, affecting 2,617 families equal to at least 6,470 individuals for a total land size of 5,451.516 hectares (ADHOC, 2014).

According to the Research Information Center of NDO Forum 28 new land dispute cases were recorded as commencing in 2013. This number is lower compared to the cases that emerged during the years 2010, 2011 and 2012 with 39, 39 and 46 new disputes respectively. The total number of land disputes in 2013, counting the remaining during the previous years, is 405. Among them, 81 cases were resolved in 2013 and 13 land dispute cases were abandoned. As a result, 77%, or 311 cases out of the total 405 land disputes recorded have not been fully resolved as of 2013 (NGO Forum, 2014).

3.4 Dispute resolution mechanism

In July 2009 the Royal Government of Cambodia issued a “Declaration of the Royal Government on Land Policy”. The vision of land policy, in Cambodia, is “to administer, manage, use and distribute land in an equitable, transparent, efficient, and sustainable manner in order to contribute to achieving national goals of poverty alleviation, ensuring food security, natural resources and environmental protection, national defense and socio-economic development in the context of market economy”.

The Council for Land Policy has duty to promote and monitor implementation of land policy in compliance with the direction of the Supreme Council for State Reform as well as to coordinate among the three land sub-sectors (land administration, land management, and land distribution) to strengthen implementation of the land law and other legislations related to environment, forest, fisheries, water resources, civil code, decentralization and de-concentration, etc. (RGC, 2009).

The Rectangular Strategy Phase 3 of the Royal Government of Cambodia emphasizes the commitment of the government to continue the land reform program aimed at strengthening the system of land management, distribution and utilization of land, ensuring the security of the titles of land ownership, eliminating illegal and anarchic land

grabbing, and preventing misuse of land acquisition and landholding of concessions for speculative purposes or without any productive purpose. The strategy also provides the action for achieving the above mentioned objectives.

“Rectangular Strategy”

For Growth, Employment, Equity and Efficiency Phase III of the Royal Government of Cambodia of the Fifth Legislature of the National Assembly. Phnom Penh, September 2013. (Unofficial Translation)

Side 3: Land Reform and Clearance of Mines and UXO

62. The strategic objective of the Royal Government of the Fourth Legislature was to continue with the land reform program aimed at strengthening the system of land management, distribution and utilization of land, ensuring the security of the titles of land ownership, eliminating illegal and anarchic land grabbing, and preventing misuse of land acquisition and landholding of concessions for speculative purposes or without any productive purpose, as well as further clearing of mine and unexploded ordnances as set in the Goal 9 of Cambodia’s Millennium Development Goals.

63. During the previous Legislature, the Royal Government’s significant achievements in land management include the enactment of the Law on Expropriation and other key and necessary regulations related to urbanization, construction and land management; issuance of more than 3 million land titles through regular registration process and by implementing the “Old Policy-New Action” framework; distribution of lands under social land concession and land grant schemes to more than 53,000 families; and registration of large state-owned lands, economic land concessions, long-term land leases and indigenous communal lands. Moreover, the Royal Government paid attention to encouraging out-of-court land dispute settlement mechanisms and land dispute prevention, applying existing mechanisms and the “Old Policy-New Action” framework. Furthermore, the remarkable increase in the area of lands cleared of mines and UXOs expanded the land area available for development purposes. Moreover, the Royal Government’s substantial investment in mine and unexploded ordnance clearance activities paved the way for investment in public physical infrastructure and other related investment projects in the areas rendered free of mine fields.

64. Notwithstanding the above achievements, Cambodia is required to address challenges in areas such as inconsistency in updating land information, inadequate

institutional coordination, protracted delays in land dispute settlement, allocation of financial and human resources for land surveying, and the continued need for mine and unexploded ordnance clearance.

65. In response, the Royal Government of the Fifth Legislature will intensify and deepen land reform focusing on strengthening the management, organization, utilization and distribution of lands that will contribute to achieving the national objective of poverty reduction, ensuring food security, protecting the environment and natural resources, and socio-economic development in the context of market economy.

66. To achieve this objective, the Royal Government will focus on the following priorities:

1. Further promoting the formulation of a comprehensive land policy entitled “White Paper on Land”.
2. Promoting the preparation of Law on Land Management and Urbanization and Law on Agricultural Land.
3. Accelerating land registration and issuance of land titles including for state lands, private lands and indigenous community lands through regular land registration process and further implementing the “Old Policy-New Action” policy giving priority to land titling in dispute-free areas in order to guarantee security of title and ensure confidence in land ownership.
4. Further promoting the establishment of the database of land management and land use to provide the basis for the proper planning of land use and land classification under the following categories: agriculture, industry, tourism, rural areas, town, residential areas and protected areas, with the view to rationalize land use and avoid inappropriate use or conversion of land. The focus will be to further study and classify land according to different agricultural potential in each geographic area.
5. Further ensuring transparent and efficient management, conservation and use of land and natural resources to ensure the sustainability of the environment and socio-economic development, prevention of illegal forest encroachments and enforcement of strict measures against those who illegally grab state land or keep land idle for speculative purposes, intensification of drive for confiscation of economic land concessions in case of violation of contract agreement or regulations, and cessation of granting new economic land concessions.
6. Further distributing and using state land, especially the confiscated economic land concessions and cleared minefields, in a transparent and equitable manner, for development purposes that respond to the needs of the poor, disabled veterans, families of deceased soldiers and veterans who have genuine need to use the land, through the implementation of social land concessions and land grants.

7. Further exempting land tax on household farms and supporting the farmers in enhancing the productivity of land use through the construction of transport networks, irrigation systems and other essential infrastructure.
8. Resolving land disputes in an effective, transparent and just manner in accordance with existing law and regulations through either court or out-of-court land dispute settlement mechanisms.
9. Stepping up the implementation of the “National Mine Action Strategy 2010-2019”, especially the clearance of the remaining mines and UXOs of the war to expand arable land, secure safety of infrastructure development and further reduce mine and UXOs explosion accidents.

Since 1985 the Government of Cambodia has sought to implement three key priority areas for land reform: land administration, land management and land distribution. In June 2002, the Cambodian Ministry of Land Management, Urban Planning and Construction (MLMUPC) established the Land Management and Administration Project (LMAP), now called Land Administration Sub-Sector Program (LASSP), with the goals of improving land tenure security and promoting the development of efficient land markets. LMAP has five components. Of these, Component 4, ‘Strengthening Mechanisms for Dispute Resolution’, was designed as a direct response to the problem of land dispute resolution described in the previous section. Its key objective is to ensure that land disputes ‘are resolved quickly and to the satisfaction of the parties involved’. In pursuit of this objective, the LMAP project document envisages activities focusing on the establishment and functioning of the Cadastral Commission (Adler et al, 2006).

NGO Forum highlights five formal conflict resolution mechanisms exist in Cambodia: Commune Councils, Cadastral Commissions, Administrative Commissions, National Authority for Land Dispute Resolution, and the Courts. The mandate of the **commune council** is to reconcile differences of opinion among citizen in the commune, but no decision making authority (*Art. 6, No 47 ANK.BK/May 31, 2002, Sub Decree on Organization and Functioning of the Cadastral Commission.*). The **Cadastral Commission** has a mission to solve disputes related to unregistered property. Cadastral Commissions exist on the district/Khan level, “District/Khan Cadastral Commission (DKCC)”, on provincial/municipal level “Provincial/Municipal Cadastral Commission (PMCC)”, and on the national level “National Cadastral Commission (NCC)”. **Administrative Commissions** are not a permanent conflict resolution mechanism.

The Administrative Commissions existence is only temporary during the Systematic Land Registration Process. The number of ACs corresponds to the number of communes where Systematic Land Registration is carried out. The **National Authority for Land Dispute Resolution** (NALDR) has jurisdiction over cases which are “beyond the

jurisdiction “of the Cadastral Commissions, or the courts. **Courts** have the mandate to resolve disputes over titled land. Three levels of jurisdiction exist, Courts of First Instance, Appeal Court and the Supreme Court (NGO Forum. 2014). NGO Forum also remarks 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.

According to a report from September 2013 by GIZ Cambodia, the Cadastral Commission had processed nearly 5,000 cases and solved more than 2,500. Of these, almost 400 cases involved parties embroiled in a conflict, often involving a group of villagers against a powerful person. With land conflicts on the rise and a reported case resolution of around 50 percent, the Cadastral Commission’s record demonstrates room for improvement (GIZ, 2013).

A study commissioned by the World Bank Centre for Advance Study and GTZ found that Cadastral Commissions have a better record of resolving conflicts over small parcels of land, but struggle to resolve complex cases, particularly those involving multiple parties and parties with connections to the government or the military. The same report implies that while cases may fall under the jurisdiction of the Cadastral Commissions, weaker parties may not file cases due to lack of faith in the process and outcome (CAS and WB 2006). Another World Bank study further found that people involved in land disputes avoid filing complaints because “*formal institutions of justice such as the Cadastral Commissions or the courts were perceived as costly, time consuming and biased toward the rich.*” (CAS /WB. 2006a)

Cambodian Center for Human Rights has concluded that Cambodians who have been displaced or are at risk of being displaced due to ELCs and land grabs are not availing remedies and benefitting from dispute resolution mechanisms. This failure to protect and provide access to legal remedies, particularly for the poor and disadvantaged communities, is in clear violation of Cambodia’s Constitution. In the absence of accessible, efficient and independent mechanisms for land dispute resolution, the poorest and most vulnerable communities will remain at risk of having their lands appropriated and being displaced with impunity (CCHR, 2014).

The Council for the Development of Cambodia (CDC) serves as the point of contact between the Royal Government and donor countries, international organizations and NGOs, and facilitates contact among ministries and other governmental institutions in the coordination of development assistance. The CDC is also responsible for all investment projects in Cambodia, including agriculture and agro-industries (GTZ, 2009).

3.5 Impact

Although the government has tried to reconstruct and improve land management since 1989, land ownership remains a highly controversial issue in Cambodia. In the same time, the rapid economic growth there has been increasing demand for land, whereas in the country more than 80% of population is practicing the subsistent agriculture in the rural area leads to the rising land tenure insecurity.

Furthermore, according to the RGC, as of September 2013, the land registration programs have led to the issuance of over three millions land titles (Address by Samdech Akka Moha Sena Padei Techo Hun Sen Prime Minister of the Kingdom of Cambodia on “Rectangular Strategy” for Growth, Employment, Equity and Efficiency Phase III of the Royal Government of Cambodia of the Fifth Legislature of the National Assembly, (25 September 2013), (<http://bit.ly/HxsV9U>). However, parcels of lands have been excluded from the systematic land registration program for being “too complex” or with an “unclear status” (such as, for instance, parcels bordering State land not yet demarcated or where more than one entity claim rights over the land). There is no provision in the law that either defines what is considered as a land “too complex” or with an “unclear status”. As a consequence, families already more vulnerable to evictions and land conflict are left out of the titling program (CCHR, 2013).

Land dispute caused landlessness. There are no reliable national data on the number of landless people in Cambodia, but it is estimated landlessness rose from 20% to 40% of the rural households were landless in 2009 (GTZ, 2009).

Involuntary landlessness and near landlessness are considered primary contributors to poverty and weak human development in Cambodia. Young families and women-headed households are most likely to be landless or near-landless (USAID, 2011). In an Oxfam’s survey sample, one in eight families was landless while 21% or one in five women-headed households was landless (GTZ, 2009; ADB, 2004).

USAID have seen the two main causes of the increase in landlessness. First of all the increase in the population (from eight million in the late 1980s to 14 million today) has similarly increased the demand for land. Some households have taken advantage of the rising values and sold their land in order to invest their labor and capital in other income-producing activities. Secondly, in many cases landlessness results from insecure tenure. The poor often had no legal documents to support their land claims and lacked faith in the judicial system. Few poor households have completed the registration procedures, leaving them more vulnerable to land grabbing and forced evictions. In addition, in some areas land distribution programs have not been implemented.

The land insecurity is linked to the history of land tenure in Cambodia. From the Khmer Rouge dissolved all private ownership and to this day, much of rural Cambodia continues to rely on the use-based approach to ownership, where common understandings between neighbors and villagers are believed to be sufficient in demarcating boundaries. As a consequence, millions of Cambodians still lack documentation and the full recognition of their rights that comes with a land title. (Surya, 2012). Lacking a certificate of ownership over land creates greater insecurity and vulnerability to land grabbing and forced evictions. With no land titles, populations are left defenseless when authorities or companies come to claim their land.

The economic land concession has positive as well as negative impact. The RGC claims that ELCs have had a positive impact on Cambodia, contributing to the major development of the country, despite no concrete evidence or data about the benefits of ELCs having ever been officially published. In contrast, the negative impacts of evictions, which result most often from economic concessions, have been well documented across the country (CCHR, 2013).

The impact of evictions is not limited to the loss of someone's home. It often leads, but is not limited, to an increase in poverty, limited access to an income, debts, lack of access to water, sanitation and livelihoods, physical and mental health problems, disintegration of the family cell, social stigmatization, disruption of community cohesiveness and further marginalization. CCHR provide the example from Chhouk village, Chikor Leu commune, Srae Ambel District, Koh Kong Province, that the average yearly income of victims of forced evictions had dropped from \$1,083.82 to \$484.92; in Prek Chik village, Chi Khor Kroum commune, Sre Ambel district, Koh Kong province, the evictees' average yearly income dropped from \$2,070.31 to \$315.89. As with the evictees residing in Andong, large decreases in income in these communities severely impact access to healthcare, which can result in malnutrition and many other issues (CCHR, 2013).

Although land is immeasurably important to both men and women in Cambodia, women, as the primary caretakers of the household, are one of the most vulnerable groups in the context of land and housing rights, and are the most heavily impacted by the land grabbing epidemic in Cambodia. In 2013, research conducted by Strey Khmer Organization found that women experience significantly worsened standards of living as a result of land evictions (Strey Khmer Organization, 2013)

Land evictions also have a significant impact on children. When families are relocated to resettlement areas, children are often forced to leave school or families have to separate in order to keep the children near the eviction site so that they can finish the academic year. In some cases, families have to pay fees in order to be able to transfer the children to a different school, which further impacts the families' economic situation (Surya, 2012).

Child labor is also a great concern: children are sometimes pulled out of school in order to work and raise money for their families after the evictions, as families are often unable to pay their debts (Aprodev, 2011).

Land concessions, land disputes and evictions threaten the existence of indigenous communities in Cambodia, affecting their traditional life in many ways. According to the UN Special Rapporteur, there have already been several cases where concessions are being developed directly on indigenous land so that by the time the community tries to register their land, there is little or none left. For instance, in early 2013, the *Phnom Penh Post* reported that a community of approximately 100 ethnic Jarai families in Rattanakiri province rejected attempts by the local authorities to measure their land: “*In our village, there is no forest anymore for our ancestor spirit, so we wish to preserve it for them and for our ethnic identification.*” (Phak Seangly, 2013).

4. Demographic

All respondents are Khmer, and 67% of them start to live in the village before 2001. Among all respondents that we have interviewed face to-face are 40.6% male and 59.4% female. The majority of respondents have low education: 71.6% of male and 87.2% of female respondents never go to school or do not complete primary education. Female respondents have disadvantage in education than male. Among all female respondents only 7.5% against 19.4% of male can reach the lower secondary school. None of women respondents went to high school or higher education institution, while at least a few of men (1.8% and 1.3% respectively) respondents did.

Table 4: Respondent by sex and education

Level of education	Sex					
	1 Male		2 Female		Total	
	N	%	N	%	N	%
None/primary incomplete	111	71.6%	198	87.2%	309	80.9%
Primary	8	5.2%	12	5.3%	20	5.2%
Secondary	30	19.4%	17	7.5%	47	12.3%
High school	3	1.9%	0	0.0%	3	.8%
University	2	1.3%	0	0.0%	2	.5%
Don't know	1	.6%	0	0.0%	1	.3%
Total	155	100.0%	227	100.0%	382	100.0%

Table 5: Income and expenditure

Rank	Average Income		Average Expenditure	
	N	%	N	%
Less than 100,000 Riel	11	2.9	9	2.4
100,000 - 199,000 Riel	40	10.5	42	11.0
200,000 - 399,000 Riel	120	31.4	132	34.6
400,000 - 599,000 Riel	97	25.4	133	34.8
600,000 - 799,000 Riel	52	13.6	47	12.3
800,000 - 999,000 Riel	26	6.8	9	2.4
1 million - 1.2 million Riel	10	2.6	4	1.0
More than 1.2 million Riel	26	6.8	6	1.6
Total	382	100.0	382	100.0

Overall, our survey population is poor. Most of them are farmers (76.4%) and a few of them are agricultural wage labors (6.3%). About 70% have low income less than 400,000 Riels (150US\$) per month. It means that each member of household can earn only 30US\$ per month or 1 US\$ per day, considering the average number of household member is five in the sample provinces, and comparing this income to the income per capita per day 2.7\$ at the national level (<http://www.nis.gov.kh/nis/NA/NA2012.html>). Among respondents who have expenditure more than household income, 90.4% need to borrow money from others. The others respondents (9.6%) need to sell rice that they store for consumption, using saving money or sell animals.

5. Geographic locations and social background

Generally speaking, land disputes took place in the regions known as areas where confrontations between the government forces and Khmer Rouge belligerent faction often occurred or almost being occupied by the latter. For instance, Aoral district, the newly formed one, almost the whole part was ruled by the Khmer Rouge. So, peace has returned to the local population after the Khmer Rouge reintegration in 1996. Since then, old residents whose most had been living for several years in Ou Kokir commune of Samroang Tong district to evacuate from confrontations between the both belligerent parties went back to their home land. Remarkably, there were also people from other regions of the country came to settle here to lead their new lives, especially a number of the former soldiers from the both sides. The old residents have conducted their livelihoods by plots as inheritance land and if not enough, clearing plots in the nearby forests have made considerable effort to find plots of land for farming rice or cash crops such as corn, cassava, beans, banana, and mango. However, naturally, their lives also have relied on NTFP (Non Timber Forest Product) such as lianas, edible fruits/leaves/roots,

vegetables, medicinal herbs and resins or timber and wild animals. Meanwhile, cattle have been tending on grazing land too. Different from the old residents, the newcomers from other regions of the country in the purpose of improving their economic life and looking for business opportunity, or finding land through clearing forests or buying land from the old residents. In Pursat, the newcomers have more opportunities to generate incomes by trading on valuable timber or clearing land and/or buying the large scale of land.

In Thpong district, there were relatively less newcomers. The old residents normally practised rice cultivation on rice fields which had been occupying in earlier years after the collapse of the Khmer Rouge regime in 1979, but in Amleang commune, Khmer Rouge often appeared. To survive, local people went to use their ancestor land or clear forests nearby for Chamkar or rice farming, and find grazing land for cattle husbandry as well.

In Kampong Chhnang, Samaki Meachey appeared also a newly founded district, where was covered by semi-jungle in early years after the fall of the Khmer Rouge in 1979 and one of the armed confrontation regions. However, after the UNTAC-run general elections in 1993, a tendency as a mass movement was to get back what they had called ancestor/inheritance land, which had been used in the previous regimes, as it strictly related to the promise of FUNCINPEC to give back all land ownership to the landowners in the past regimes when it would win the elections. Population in increase could not stop them to enlarge farmland in forest area, and sometimes beyond the boundaries of their villages/communes.

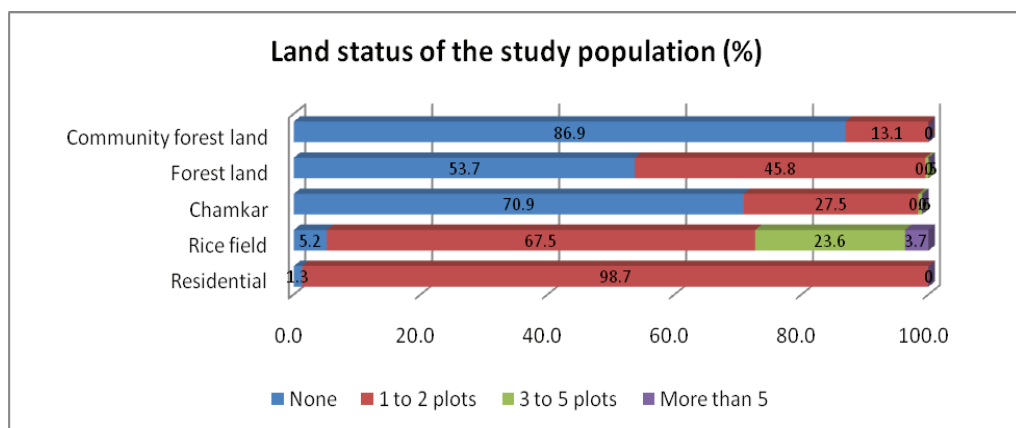
In Battambang, Boeng Pram was actually the jungle which was mostly bamboo, and some species of valuable trees, and as habitat for wild animals. No people had any plots of farmland there, because after the liberation from Pol Pot regime it was still occupied by the Khmer Rouge force, until their reintegration in 1996. Nevertheless, destruction of cover forest in this region to transform it into development agricultural area could not have been stopped. Within the non-written win-win policy, some senior Khmer Rouge (KR) officers sold almost of their occupying land to the business people, and this would challenge a number of KR soldiers who had no shares. Moreover, the conflicts were also between newcomers convinced by the leader of Boeng Pram community and old residents from the neighboring communes over forest land clearing for farming.

6. Land Status in the study provinces

First of all, it is important to remind that all 26 sample villages are located in the rural area and furthermore, almost all of them are in the remote forest covered area. Many of these sample villages were under the control or passed by the Khmer Rouge army before the integration done through win-win policy of the Royal Government of Cambodia (RGC).

For precision purpose, in this report, land will be classified in five types according to the use of land by the population, namely residential, rice field, Chamkar, forest land, and community forest land. Residential land refers to land, where villagers use for residency. Rice field refers to land used for growing paddy rice. Chamkar refers to multi-purposes land used for plantation different crops, sometimes including paddy rice as well. Forest land here refers to a plot of land not yet cleared the forest occupied by villagers, reserving for future agricultural activities or residency. The community forest land refers to common forest land that members of the community can use for collecting non-timber products or firewood. This land may be distributed to poor villagers who lack of land or may be distributed for all members of community for the future land reservation.

Figure 1: Land status of the population



All study population obtains at least one plot of land among five types of land mentioned above. None of them are landless. Almost all of them have land for residency (98.7%). However, observing that a tiny part of the study population (1.3%) has no own residential land. Some of them are newcomers installed home on land of the generous villagers, and some of them set up their house on the parents' land almost all of them are poor female-headed households.

According to the context of rural Cambodia that most of people are depending on subsistence rice production, so no doubt that the majority of the study population (94.8%) has rice field. Among them more than two third (67.5%) have one or two plots of rice field land across four target provinces. In average, surveyed respondents have 2 plots of rice field. However, 23.6% of respondents mainly from Kampong Speu and Pursat provinces where forest land space available for rice field expansion reported that they obtain three or more plots of rice field land. In average, each surveyed household obtains about 2 hectares of rice field land. This means the yield of rice per year produced by the

household with the average of five members about three tons of rice can serve as just the basic need for them.

Only 29% of the study population who mostly from Kampong Speu and Pursat provinces has Chamkar land with the average of 2 hectares. People use Chamkar land for growing additional crops, such as mango trees, banana trees, beans and vegetables other than rice for receiving additional income compensate to the rice production.

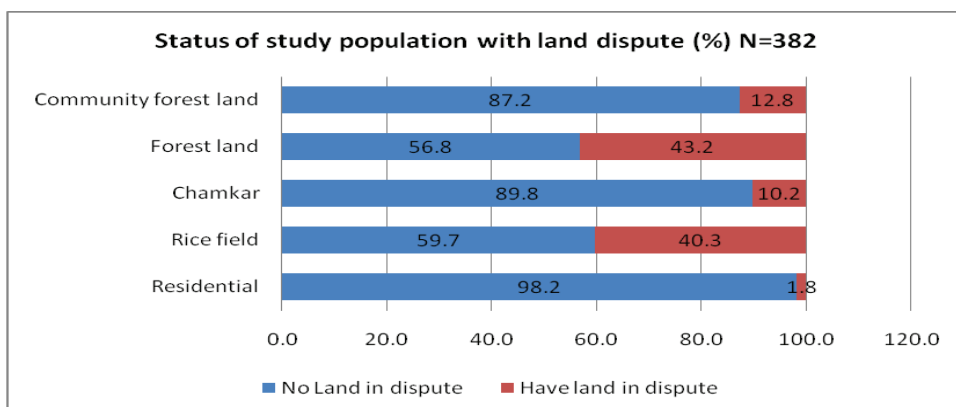
It is important to note that according to the field observation and key informant interviews, the size of rice field and Chamkar land reported by villagers is the overall size of land that they obtain, including part of land that they have cleared, using their own physical labor force for crops production and the remaining forest part that they did not clear yet. It means that villagers grow crops only on a part of land that they declared that their rice field or Chamkar.

Beside rice field and Chamkar land, villagers also have forest land that they occupied for reservation for crops planting in the future. The forest land was occupied through distribution, cleared/claim unoccupied, inherited and buy. Almost half of the study population (46.3%) reported that they own at least one plot of forest land, while other 13.1% said that they are also the owners of a plot of community forest land distributed to individual member of the community or co-ownership. The average size of forest land is about 3.8 hectares. It is important to note that many of villagers (16.8%) cannot identify the size of their forest land, and it was difficult to identify the size of community forest plot of land that villagers claimed their ownership due to in some community forest land was distributed to all members, while in other communities the forest land is still in common ownership.

The privatization of land in 1989 that was not accompanied by a detailed cadastral mapping and titling exercise along side with the rapid population growth and high demand in land for commercial farming, logging, and non-agriculture activities, as well as for speculation led to the dynamic of land dispute in the rural area, including in LWD target provinces. The dispute went mostly over the agricultural land or the forest land occupied by villagers as well as their community forest land. More than 40 % of the study population reported that they have plots of rice field land or forest land in dispute, while 10.2 % and 12.8% of respondents said that their Chamkar and community forest land are in the dispute respectively.

The size of disputed land is different according to the types of the land use of the population. The larger part of population has residential, rice field and Chamkar land in the dispute maximum about five hectares. However, it is difficult to know about the size of forest land in the dispute, due to villagers cannot identify how big they are.

Figure 2: Status of the study population with land dispute



19 among 28 land disputes within sample villages in the four study provinces were already solved through receiving the unfair compensation and some disputes are pending. There are 9 among 28 disputes still pending. According to the calculation of land area that are in the dispute and what they have we can see that in case that the study population who has agricultural land in the dispute cannot claim back, 80 households or 51.9% and 14 household or 9.1% will be respectively rice field landless or near-landless people, while 82.1% will be the Chamkar landless or near-landless, and to the end 92.1% will lose their occupied forest land.

7. Main Driver of the dispute

7.1 Two different perceptions on the same reality: claim on land according to land law 2001 versus the customary law of possession

When the new Cambodian Government was formed in 1989, a market economy was set up under the new constitution and a program of land reform. In 1989 the Instruction on Implementation of Land Use and Management Policy was adopted, and ownership of residential land was recognized. This instruction also recognized the right of possession on cultivated land. The 1992 Land Law went further by permitting ownership of residential land. Reflecting this process in the four study provinces we observe that the process of expansion of land among local population and the process of seeking the new land opportunity by newcomers became frequent. In one hand, the population pressures flow people from the high density provinces to the low ones. For instance, from 1996 onward, newcomers moved to Beung Pram commune, in Battambang province, to Kravanh district of Pursat as well as to Aoral district of Kampong Speu to seek for new

agricultural land through clearing or claiming the unoccupied land mainly in the former zone occupied by the Khmer Rouge.

A head of office of cadastral commission in Aoral district tells about how newcomers have occupied land: *“Before, it was not difficult to access to land here. They need to request to the commune chief, and sometimes they have not even asked at all. They just came to build a thatch and cut firewood to produce the charcoal and later they claimed that location to be their own land, and local authority also allowed them to stay, tolerating that villagers just survived the war they need land for sustaining their livelihood”.*

On the other hand, local people also expanded their agricultural land by occupied the free forest land that they used to make charcoal or in the space that they tended cattle. They divided these lands among themselves. The boundaries of land were recognized only among villagers themselves within the village or inter villages. And later they claimed the ownership after some plots of land were used for crop production, and others sometimes remained forest land.

The rich outsiders also buy land from local people for speculation as well, for example, in Samaki Meanchey district in Kampong Chhnang.

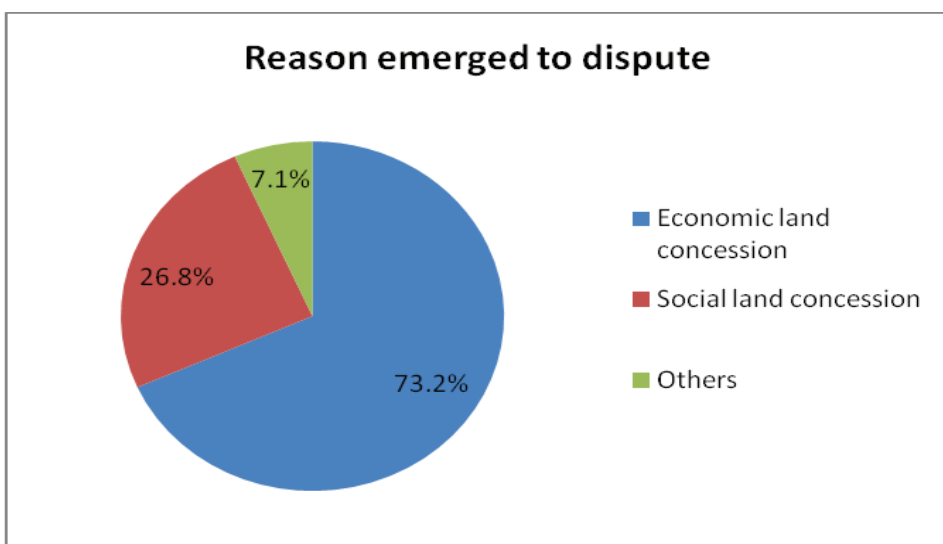
Almost in the same time, the government has also started to give the land for economic concession to the private companies, and in the four studied provinces it has not been excluded as well.

Table 6: Economic land concession in four provinces (Source LICADHO)

NAME	PROVINCE	YEAR	HECTARES	OWNERSHIP	CROP	TYPE
Leang Hour Hong	Battambang	2000-06-07	8000.00	khmer	sugar	elc
Rath Sambath	Battambang	2009-04-03	5200.00	khmer	rubber	elc
Suon Mean Sambath	Battambang	2011-04-06	4095.00	khmer	unknown	elc
OJI	Kampong Chhnang		10000.00	japanese	pulp	elc
CJ Cambodia 2	Kampong Speu	1999-11-15	3000.00	korean	cassava	elc
CJ Cambodia 1	Kampong Speu	1999-11-15	5000.00	korean	cassava	elc
Uk Khun	Kampong Speu	2001-05-25	12506.00	khmer	multi	elc
Golden Land	Kampong Speu	2004-03-05	4900.00	chinese	cassava	elc
City Mart	Kampong Speu	2006-02-28	9853.00	sri-lanka	unknown	elc
HLH	Kampong Speu	2009-03-30	10492.00	singapore	corn	elc
Fortuna	Kampong Speu	2009-10-12	7100.00	malai	cassava	elc

Plantation						
Fortuna Plantation	Kampong Speu	2009-10-12	855.00	malai	cassava	elc
Grandis Timber	Kampong Speu	2009-12-31	9820.00	american	pulp	elc
Great Field	Kampong Speu	2010-01-29	9059.00	chinese	sugar	elc
Yellow Field	Kampong Speu	2010-01-29	8591.00	chinese	sugar	elc
Phnom Penh Sugar	Kampong Speu	2010-02-04	8506.00	khmer	sugar	elc
Kampong Speu Sugar	Kampong Speu	2010-02-04	8245.00	khmer	sugar	elc
Yun Khean Minerals	Kampong Speu	2010-12-07	290.00	chinese	unknown	elc
Kampong Speu Sugar	Kampong Speu	2011-03-21	4700.00	khmer	sugar	elc
Reththy Kiri Sakor	Kampong Speu	2011-04-06	1400.00	khmer	sugar	elc
Forestry Investment	Kampong Speu	2011-11-27	839.00	sri-lanka	pulp	elc
Master International	Kampong Speu		889.00	chinese	cassava	elc
Ratanak Visal	Pursat	1999-10-15	3000.00	khmer	cassava	elc
MDS Import Export	Pursat	2010-07-09	1950.00	khmer	rubber	elc
MDS Import Export	Pursat	2010-12-30	4402.00	khmer	rubber	elc
MDS SEZ	Pursat		2667.00	khmer	none	sez

Figure 3: Reason emerged to the dispute



Asking people about what reason their land is in the dispute, people point out that the economic land concession (73.2%) and social land concession (26.8%) are the main reasons put their land in the dispute. The government-granted ELC (Economic Land Concession) to Phnom Penh Sugar Co. (PPS), Kampong Speu Sugar Co. (KSS), HLH, City Mart and Master International in Kampong Speu, and Pheapimex in Pursat, followed by SLC (Social Land Concession) in Kampong Chhnang, Pursat and Battambang, and Community Forest in Kampong Chhnang and Pursat. Another small part of respondents (7.1%) mentioned other different reasons such as mineral exploration/extraction, and the need of state development areas. It is true that the government gives land to the company for plantation, such as sugar cane, cassava, corn, Acacia tree, pulp, rubber and other crops (See table 3a). The land disputes caused by Economic Land Concession were mostly happened in Kampong Speu and Pursat provinces. In Kampong Speu 14 out of 15 land dispute cases were caused by ELC with 5 companies, where as in Pursat 4 out of five land dispute cases were conflicted with one company. The Social Land Concession (ELC) mostly took place in Kampong Chhnang province, where the government reserves some land for SLC for the former/disabled soldiers and the retired civil servants as well as the forest administration also wants to protect the environment through the creation of community forest as well as the covered green forest area, however that space of land overlapped land occupied by villagers. One case happened when the government needs the space for building a training center for the gendarmerie and the center overlapped the villager's land. We observe 4 out of five cases were caused by SLC and the need of the government for community forestry and building the government training center. A case in Battambang Province, the government took land occupied by a group of villagers for SLC for another group of villagers, and the dispute is still ongoing.

From villagers' perspective, lacking of knowledge on law and regulation on land and natural resources, they always keep in mind the customary holding rules to claim the ownership on their land. The perception on ownership transferred through inheritance from one to another generation is still in practice. Even the Khmer Rouge abolished the private ownership on land, after the recognition of the private ownership on residential and the agricultural land, the evidence shows that in some communities of three (Kampong Speu, Kampong Chhnang and Pursat) out of four provinces villagers tried the best to own the inherited land from ancestor. From this perspective, they are vulnerable to land dispute.

A female villager from Srae Sar tells: "In Srae Sar village in 1982 the authority had distributed land to all households. After 1993 all villagers started to take their inherited land. Some villagers whose land the former owner had got it back received from local authority the plot of free land, while some others obliged to go back to their ancestor land in the former Khmer Rouge area in Damnak Trayeung. Myself I have my ancestor land there, and I started to occupy land in that area as well".

A resident from Kset Borey village, Santrae commune of Pursat province complained: *“They (second party) do not come by their own, but legally, and I am afraid of that. This is their legitimacy, and we do not dare to complain. However, we can also legitimately claim, because this is our ancestor land, but not the newly occupied one”*.

In Cambodian society the word «Ker» (inheritance) is meaningful. If someone does not protect the inheritance of ancestor he/she will be considered as a failure person. In “Chbab Kekal” (a moral code of conduct) mentioned: *“Koun euy ker me ba jou reaksa kun kit krorng thae toam jam rous ronrg brong prayat prayoch you”*. It means that the next generation should think about the inheritance of ancestor, manage and protect it carefully for long term interest.

On the other hand, some villagers complain their legitimacy on their land based on the time being when they have occupied and used land: *“Villagers have occupied and used the land before the sub-decree on land concession was created”*.

A villager from Srae Popeay, Pursat province complained that: *“We own this land illegally because of the law holders never signed the document for us, argued that we grew crop on the state land. But in reality the state evades us, but we cannot say. We were working on that land first and they came later. This means that the state abused us.”*

Another one said: *“We did not abuse the law, contrarily, the law abused us, because we grew our crop already and they warned us later. They should have warned us from the beginning”*.

From the perspective of the authority the laws and regulations on land and natural resources are shaping the land ownership. The land area for ELC and the SLC in the four target provinces mainly falls in the forest area, conforming to the law that forest land is the state land. However, within these concession areas people have occupied land for agricultural purpose. When the company or authority implement the concession activities villagers come up and claim on their land.

An official from Kravanh district said: *“In Kset Borey area villagers used to complain that the company had grabbed their land, but in reality that land is forest land. They just pointed out that these were their lands. However, this land the administrator had already leased it to the company already, and villagers claimed that this was their ancestor old village”*.

7.2 Inconsistency decision by different levels of institutions

The inconsistency decision making by different levels without consulting each other can cause the dispute. In the target study provinces we observe also the inconsistency decision making by lower and higher levels related to land distribution and regulation. This pattern was observed everywhere at the land dispute location. Land distribution was already done

or local authority at village and commune levels allowed villagers to use land for supporting their livelihood, however the decision making by higher level such as the national or provincial level was dominated that of lower one. As a result, land dispute arose. For illustration we can get four land dispute cases in Pursat, Kampong Chhnang and Battambang.

The land dispute caused by SLC in Srae Sar village, Tbeng Kpos commune, Samaki Meanchey district, Kampong Chhnang province: Villagers in Srae Sar village who start living from late 1980th become landless due to other villagers asked back their inheritance land in 1993. These landless villagers need to occupy the new forest land recognized by local authority. Later during 2008-2009 the mix committee of district and provincial levels decide to do the land identification where these villagers stay and do the agricultural work. The aim of the land identification was aimed to get land for SLC for the retired civil servants and demobilized soldiers and disabled people.

The case of Boeng Pram (Dispute 27) can serve as another illustration for the inconsistency decision of different levels of leadership. 192 households from the neighboring commune Ampil Pram Deum have come to install their living in the Boeng Pram area since the Khmer Rouge integration time with the recognition of local authority. However, in 2011 a sub-decree 202 from the Royal Government decided to do the reclassification the coverage forest zone to be the private state land aiming to take this zone for SLC to people in Boeng Pram that overlapping the land where 192 households have been staying/farming. The cadastral commission issued land title to villagers in Boeng Pram, however 192 household from Ampil Pram Deum have not given up. So, the result come out that villagers from Boeng Pram have land certificates but cannot access to land, while the villagers 192 households do not have land certificates but occupy the land, argued that they occupied that land for long time ago, and people there anecdotally said that “*mean plang ort dey mean dey ort plan*” (have land certificates without land, and have land without certificates).

Community forest of Srae Popeay village (Dispute 22) was organized in 2003 by villagers' initiative with the recognition from the provincial forest administration. However, in 2010 the Kravanh district authority declared to put that community forest into the SLC with the approval from Prime Minister. (*Srae Popeay village chief*)

And all land dispute cases related to ELC happened because the decision of the national level contradicts to the preliminary decision of the village and commune levels who allow people to survive in the location without consultation with each other.

7.3 The slow process of land titling but high speed land concession

Since 1985 the Royal Government of Cambodia has sought to implement three key priority areas for land reform: land administration, land management and land distribution. In June 2002, the Cambodian Ministry of Land Management, Urban Planning and Construction (MLMUPC) established the Land Management and Administration Project (LMAP), now called Land Administration Sub-Sector Program (LASSP), with the goals of improving land tenure security and promoting the development of efficient land markets. The first phase of the land titling program - during which reportedly 660,000 plots were measured and 380,000 titles were issued - was completed in June 2013, one month before the national election. The government announced that during the second phase, which resumed in November 2013, the volunteers would measure 50,000 hectares of land (ADHOC, 2013). According to the information from MLMUPC until 39th November 2014 the results of implementation of order 001 the ministry offered 610,000 land certificates to people. And the overall result 3,800,000 certificates already distributed to people in the country (<http://mlmupc.gov.kh/>). However, we observe that not all sample villagers with land dispute in our study provinces obtained land certificate. As consequence, villagers did not have valid document to prove against the economic or social land concession implementation.

Table 7: Proven document status of conflict land (%)

Residential land (N=7)		Rice field (N=154)		Chamkar (N=39)		Forest land (N=165)			Community forest land (N=49)		
Yes	No	Yes	No	Yes	No	Yes	No	DK	Yes	No	DK
42.9	57.1	51.9	48.1	23.1	76.9	17	72.1	10.9	10.2	67.3	22.5

Less than half of villagers (48.1%) who have rice field, and 57.1% those who have residential land in the dispute do not have any document to prove their ownership, and 76.9% of Chamkar land owners, 72.1% of forest land owners and 67.3% of the community land owners also do not have any document to prove the ownership. Most of the proven ownership documents for Chamkar, forest land and community forest land are mainly the letter of certification issued by village chief, letter of transferring the right of land occupation issued by commune chief or commune council, and the application letter for ownership and land use issued by the commune chief or commune council. These document are not strong comparing to the certificate of ownership the immovable property issued by the Provincial/Municipality Department of LMUPC. Only 25% of documents for forest land and 20% for community forest land issued by Provincial Department of LMUPC. A dispute case of Boeng Pram Commune some villagers obtained land certificates but they cannot access to land, due to another side of dispute does not agree arguing that they occupied the land from long ago. *“Let you grow your crop on*

your certificate, but I grow on my land' (A villager from Yuttethoa village, Boeng Pram commune quoted from the second party).

8. Strategy for land access/occupation

8.1 Company's strategy

For implementation the economic land concession the private company receives an economic land concession contract from the Royal Government. Before starting its activities the company informs the local authority. It was not clear if local authority informs the villager about when the company starts to clear the forest for growing crops. Most of villagers complain that they were not informed about when company started to clear the forest. In some cases local authority in the lower level was not informed as well.

Asking a commune chief from Thporng district whether he was informed by City Mart Company or local authority in higher level, he mentioned: *"I was not informed at all. You can ask if the district governor knows about it"*.

There were some activities mentioned by villagers about how the second party claimed to own the disputed land. Threat against primary landholders was mentioned by 28.6% of respondents, while more than one third (36.3%) were not aware about the activity of the second party claimed to own the land.

Table 8: How did the second party claim to own the disputed land

Second party claims	Number	%
Don't know (DK)	139	36.2%
Threat against primary landholders	110	28.6%
Abuse of power by government official and well-connected business people	37	9.6%
Clearing land without showing any documents	33	8.6%
Supporting documents/Authorized letters from local authority	21	5.5%
Villagers sold it	13	3.4%
They told they bought the land from the state (government)	12	3.1%
Violence against primary landholders	8	2.1%
Others	11	2.9%

The strategy of the company is: *clear the forest first and solve problem later*. In almost all disputed cases with economic land concession, the companies start to clear forest land for identifying the land concession boundary, using their map without warning villagers in advance, argued that they have already informed the local authority already. When the

demarcation process goes beyond the land of villagers, the representative of the company appears for negotiation. The negotiation with villagers and demarcation process always goes in the same time. This strategy makes villagers who have land in the dispute vulnerable.

A representative of villagers in Kouk village tells about how they lost their agricultural land from the process of economic land concession demarcation of a company: *“The bulldozers of the company start to clear land (to make company land boundary). We go out to restrain them. They stop the clearing activity, and told us to go to the commune council hall for solving problem. Returning back from the commune council hall during the afternoon, they have cleared all of our lands. We cannot recognize the boundary of our land. Everyone lost all of land. This is their strategy”*.

Another representative from the same village said: *“We restrain them for three days. When we told them they stop, and when we go out they continue to clear land; it looks like they come to rob our land”*.

After the clearing process the representative of the company continue to negotiate with villagers. Having the contract from the Royal Government, during the negotiation process the company gets the advantage on villagers who mostly do not have strong document to prove their land.

Another strategy was that the company used the brokers or the local authority to soothe the villagers one by one to get a small, inappropriate and not acceptable compensation: *“You will accept the compensation or not, they will get land anyways. Please, get it rather than you receive nothing. Whether you accept it or not they will clear the land anyways”* (A villagers’ representative from Kouk Village). They scare villagers, using the legal framework related to land and natural resources that villagers have occupied land illegally, because all forest lands are state land. The benefit of that strategy was that little by little many innocent villagers would accept the compensation, afraid of the loss of land for nothing and gave thumb print to give land to the company. It was also easier for the company to deal with the minority of the ‘headstrong villagers’ who resisted against the activity of the company or bargained to have more or less appropriate price according to the land market.

It was true that the member of community isolation’s strategy was successful. Little by little all disputing villagers accepted the compensation. However, the amount of compensation from one to another household varied largely depending on the level of persistence of the household in bargaining the compensation. Villager, who accepted the compensation in form of money from the beginning right after the company proposed, received much more less than the one who resisted strongly. For example, in Kouk village some villagers received up to 150,000 Riels or 200,000 Riels or 36 or 50 US\$ for one hectare of land lost from the first call for negotiation, and a very few three or four

households who accepted the compensation during the fifth as the last call received up to 900 to 1,000 US\$ per hectare.

8.2. Strategy of villagers

Villagers are vulnerable and stand in the weaker position compare to the company. In the four study provinces, except Battambang province that most of villagers have document for proving their rice field, there are very few villagers obtained the valid certificate. They lack the proven document even for rice field as the important type of land for sustaining their livelihood, especially in Kampong Speu Province. The documents that they have are the ones that issued by local authority at lower level, or the letter of buying-selling recognized by the village and commune chiefs.

The customary way of transfer land from one to another generation with witnesses' recognition of the land boundary is a common strategy for villagers in the sample villages of three provinces (Kampong Speu, Kampong Chhnang and Pursat). And in some cases they argued that the local authority offered them verbally. They are lacking of knowledge about legal aspect, such as they do not know that 2001 land law does not recognize the old ownership prior 1979, as well as the article 30 of the 2001 land law about uncontested possession. This behavior makes them not much pay attention to get proven document for their immovable property. It was true that when asking them if any mediator explains something of the land law or any other legal text related to land to them or their community, only 36.9% give the positive answer. However, among them 62.9% mentioned that the explanation was not so clear or not clear at all.

“Article 30: Any person who, for no less than five years prior to the promulgation of this law, enjoyed peaceful, uncontested possession of immovable property that can lawfully be privately possessed, has the right to request a definitive title of ownership. In case the granting of a definitive title to ownership is subject to an opposition, the claimant has to prove that he himself fulfills the conditions of peaceful, uncontested possession for no less than five years over the contested immovable property or to prove that he purchased the immovable property from the original possessor or his legal beneficiary or from the person to whom the ownership was transferred, or from their successors.” (RGC, 2001a).

A head of district department of LMUPC said: “*Here, villagers returned back after the end of Khmer Rouge and occupied land according to their old land tenure as inheritance... They did not take much attention about land certificate, because in this district people are lacking the legal aspect related to land ownership*”.

Lack of knowledge of legal aspect for land ownership and no document for proving their immovable property make villagers vulnerable. They do not have any argument to claim

against the company, and from legal aspect point of view explained by the second party of the dispute or by the mediator oblige them to take an acceptable compensation from the company in exchange with land lost.

9. Process dealing with land dispute

9.1. Mechanism dealing dispute resolution

As mentioned above, in Cambodia there are five: Commune Councils, Cadastral Commissions, Administrative Commissions, National Authority for Land Dispute Resolution, and the Courts. However, the most active actors are commune council and the district authority. In the four target provinces there are only 2 disputes in Tsal Commune (Disputes 7, 8), Aoral district of Kampong Speu province out of 28 where villagers in Kes and Kriel Porng villages were solved at the village level. Village chief and his deputy took action in mobilizing villagers to go to the company for negotiation and reached the agreement without violence.

There are also six (two disputes in Sangkae Satob commune (Disputes 2, 3) and four in Yea Ang commune (Disputes 11, 12, 13,14) of Kampong Speu province) out of 28 disputes with company that were solved at the commune level. The commune council took action in calling both parties (the representative of the company and villagers) to negotiate at the commune council hall. The agreement could be reached with small compensation thanks to the other actors so called the brokers or the 'Neak Reab Cham Dei'(Land arrangers) who have talked to villagers, using threatening strategy whether villagers would agree or not the company will take land anyway.

There are also 5 land dispute cases out of 28 were solved at the district level, including four cases in Sangkae Satob (Disputes 1,4,5,6), Aoral district of Kampong Speu province where the district level involved to solve the dispute through the mediation, continuing from the commune level that a few remaining villagers did not agree to receive small compensation from the company, and a dispute case in Pursat province (Dispute 24) where the company cleared the forest over some hectares of land of villagers. The intervention of district level can finish the dispute through helping to re-measure the land of the company, and give land back to villagers.

There are 5 cases of land dispute were solved, even a few villagers are not happy with the resolution, by the Administrative Commission at the district and provincial levels in Kampong Chhnang (Disputes 17, 20), Battambang (Dispute 26) and Pursat (Disputes 24, 25). The case of villagers in Srae Sar and Meanork Lech villages (Dispute 17) with the gendarmerie was the mix administrative commission from district and provincial levels have solved the dispute by exchange land to people and some of them received appropriate money compensation. In case of Kset Borey village (Dispute 24) the

provincial Administrative Commission solved problem by using the order 001 of the Prime Minister by measuring the part of cultivated land to people. The case of villagers in Taing Krous Keut (Dispute 20) in Kampong Chhnang province with the Japanese company the forestry administration and the district intervened and villagers continue to use their land.

There is only one dispute in Tropeang Kreunh (Dispute 9), Thporng district, Kampong Speu province that the provincial authority intervened with help from a group of land arrangers and the company agreed to return 1500 hectares of land to villagers, and soon after villagers sold that land to another company.

There are 9 cases (Disputes 10, 15, 16, 18, 19, 21, 22, 27, 28) out of 28 the disputes are pending. A case in Tbeng Prachoab village (Dispute 10), the district authority warned villagers not to use the disputed land, and people cannot use that land until today waiting the resolution. Another case in Taing Samrong, Phnom Srouch district (Dispute 15) went to the Ministry of Interior, the Council of Minister and to the provincial court. The SLC of district authority with the involvement of LWD is still pending, but the villagers have still been occupying their land. A dispute case SLC in Peam commune (Dispute 18) is still pending because villager's complaint is from the local authority to the national level, including the Royal Palace. Another dispute in the same place (Dispute 19) for creating the forest community also is still pending at the commune level. Another SLC case in Kset Borey (Dispute 23) is also pending at the provincial level.

The three cases in Beung Pram are very complicated. All of dispute resolution mechanisms are involved, including other different national institutions. Only one case between the Beung Pram community and the business people and local government was solved. Two other cases are pending.

Overall, 19 among 28 cases of land dispute were solved by different dispute resolution actors. However, among all 19 solved cases only one case was solved more or less with the satisfaction of villagers, because the local authority was active in dealing with the concern of villagers. On the other hand, there was the consultation with villagers and villagers' representatives before any decision making. Furthermore, the compensation was distributed for all disputed households. Other disputed cases were solved with dissatisfaction from the villager side, because of the forced agreement, and the inappropriate money compensation. Some villagers in many of these solved disputes did not receive compensation yet because of corruption or due to some villagers did not accept the compensation.

We observe three factors that might help the dispute resolution process possible that can make it more or less fair or acceptable. First of all, both disputing parties should have

good will and mutual understanding to each other, but not tricky and take advantage in negotiating. In almost all disputed cases the company was in strong position and advantageous on the villager's side thanks to the concession contract from the Royal Government. And as the consequence, villagers are in the weak position; they need to accept the proposed compensation from the company, afraid of losing land for nothing in return. It is important to note that the compensation from the company, even in small amount and is not appropriate to the value of villagers' land, but it seems that it makes the agreement between both disputing parties possible, even the agreement is biased in the favor of the company and might be the disputes will be boosting again in the future because villagers think that the agreement was unfair. The evidence can also be seen in most of unsolved disputed cases the company was in rude behavior arguing that they have the economic land concession contract and wanted to get land from villagers for free without appropriate compensation conforming to the land law.

Another fact is that the land dispute resolution exists, but it has not been functioning well. It seems that the patrimonial pattern is still working in the dispute resolution mechanism. Looking at the resolution process of the unsolved land disputes in the target provinces the dispute solution actor in the lower level always referred the case to the higher level hierarchically, argued that the case was "out of their competence". For illustration we get the successful case (Dispute 9) in Tropeang Kreunh and Thnal Keng villages. The villagers' complaint went through the commune level until the provincial level, however the solution was silent. Villagers went to see the National Assembly. Receiving the green light from the National Assembly the provincial level took action and the dispute was ended with the company returned half of the disputed land to villagers. It seems that the land dispute resolution process could be successful if the land dispute resolution institutions at different levels have power to fulfill their task according to the existing legal framework.

Last but not least, the solid cohesion among villagers within the community could be a strong force for protecting their rights on land. The strong cohesion of villagers in Tropeang Kreunh and Thnal Keng could protect their land, and this pattern can be seen in other unsolved land conflict cases in the research target provinces. The weakness of social capital in many communities in Kampong Speu province leads to the land lost.

9.2. Villagers' action

"Our land is our life" is very common for all villagers who have land in the dispute. In our entire cases in the study provinces, villagers collectively have willingness to claim openly, even against the powerful, because they feel that they have been unjustly dispossessed of their land. The evidence was that 73.8% said that they do something to protest the dispossession of their land. However, in some disputed cases the civil servants who feel

that their land was unfairly taken were daunting to protest, because they do not want to “have problems” or being “trouble maker”.

In Aoral, affected villagers were from different social background: old residents, newcomers as from different places in the country including those who were former soldiers from both KR (Khmer Rouge) and government. The case of Kouk village, was related to old residents who had more plots of land (mainly for rice planting), and newcomers who had just holding land by sharing land with the senior Khmer Rouge officer. So the formation of affected villagers group seemed not being strong. Amongst the villagers representatives, there were two small groups who were actively involved in open protest (the first with the former junior military officer at the government side surrounded by his close relatives, and the second was the group led by the former border camp refugee and worker at the district health center) whilst some other villagers as old residents appeared poorly active. This showed that social cohesion in this village was at the lower level, let alone their relations in general with the local government. As for a number of affected local officials (commune and district), they had holding plots of land in this area distributed by the local government in the early years after the KR reintegration but could not have claimed them, worrying about their superiors. Regarding the case in Tropeang Kong village, solidarity among affected villagers was impossible, except the case related the village’s community land that all villagers were given cash compensation equally. But some villagers (including the village chief) who had plots of farming land received nothing whereas the other villagers got cash compensation although not appropriate, especially those who were led by the local official (chief of commune police) as an informal leader. Moreover, in Taminh village, as the village’s land, it was very easy for local residents to accept compensation proposed by the company, but the only protester as the ex-commune chief was under pressure and put in prison due to his strong protest.

In Kampong Chhang and Pursat, the claim and the protests by local people were alike, almost the same as shown above. In Kampong Chhnang, the representative of Srae Sar villagers (accused by local government and a representative of human rights group of illegal land occupation) who is a military officer could not gather affected people for a strong claim for their land. Sometimes, he joined other people to submit complaints at outside actor such as ADHOC in Kampong Chhnang. Moreover, the small size of the dispute (number of affected villagers) was possibly one of the reasons that may have their voice heard. In Pursat, it has found that some representatives were ex-local officials (village chief or commune chief) who came into protest separately. This meant each family tried to protect their land not in group but individually. The reason may have been involved confidence amongst them, level of education and their social background.

Most active involvement of villagers was proved in Tropeang Kraeunh case (Dispute 9) involving over 500 families, in Thpornng district and that of Boeng Pram case of Bavel district. For the former, there were two phases: the first started in 2006, and the second in 2012. At the beginning, villagers went into protests at the disputed areas against City Mart’s equipment operators to stop its action. However, although they approached the commune chief and the district governor for a solution, it failed. The same outcome was at the provincial government. So through ADHOC, they met the National Assembly member in Kampong Speu to drive some villagers’ representatives to the National Assembly office in Phnom Penh. Later, the deputy president of National Assembly (NA) handed a letter to them which stated that the local government had to get back the disputed land to local people. However, no resolution was made. So in 2012, enraged villagers resumed their protest as the company’s action was against villagers’ farmland again. The agreement concluded to end the long-standing dispute by sharing the land between both parties at the provincial hall. In Boeng Pram, the former KR officer gathered disadvantaged people from different provinces in the country to occupy land in Boeng Pram as having sold to local businessmen by some KR senior officers. Therefore, population had increased in number up to over 3,000 families in 2006 and it lead to confront with first landowners from neighboring villages/communes, and especially businessmen’s people. As a result, the leader of Boeng Pram community was arrested and put in prison in mid-2006 and other local leaders were arrested one after another onwards as well. Local people did not calm down concerning arrest of their leaders. They gathered for meetings in front of the provincial court, and furthered in protest in Phnom Penh, when the community leader was transferred to Prey Sar Prison. Solidarity amongst villagers could have made their voice heard. A group of 23 human rights NGOs group including ADHOC, LICADHO, Vigilance, UN, and other relevant International Organizations provided their support to release the villagers’ leaders. During SLC implementation in Boeng Pram commune (2011-2013), it has impacted 192 families who had been farming/settling on 800ha of land as part of the commune for several years. No decision has been made since.

Table 9: Steps of complaining by villager

Steps of complaining	Providers	Percentage
First step	Local Authority (village and commune level)	89.0%
Second step	District Hall	75.8%
Third step	Provincial Hall	71.6%
Fourth step	Individual Member of Parliament/Political Party	34.0%
Fifth step	CBO/NGO or Prime Minister Cabinet	18.2%

Asking them if they or community do something before going to the DKCC, villagers are likely to address the land problem to the low local authority in the village or commune level (89%). It has been found that all levels of local government (from the village to the district) were involved in dispute resolution, including mainly land cases. For the village level, local people tried to seek a solution to their conflicts, mainly as related to small scale ones such as domestic violence, divorce, destroyed crops, and if involving land, only road blockage, boundaries... The reason is that the village chiefs in general (but not the deputy or assistant) seem to be familiar with villagers, and most of them are native of the villages or are from neighboring villages/communes, but the villagers do not trust them in dealing with bigger cases like ELC, SLC and those involved in powerful (business people and high ranking officials). The villagers therefore approached commune council as more confidence in dealing with their land conflicts with above mentioned second parties. In general, If the problem remains unsolved they will address to the district (75.8%) or/and the provincial level (71.6%), expecting that “parents” help them to solve the very important problem for their life. In case the problem still keeps silent they addressed to the political party or individual member of National Assembly (34.0%). They addressed also to NGO/CBO (18.2%) to help them in providing input to their further activities related to their complaint about land. The last hope was that they also addressed to the Prime Minister cabinet (18.2%). In some cases, villagers like in Peam commune of Kampong Chhnang province, Prambei Mom commune and Sangkae Satop commune of Kampong Speu province, as well as in Beung Pram commune of Battambang province people submit the petition to the high level institution such as National Assembly, Council of Ministers, Ministry of Interior, Cambodian Human Rights Committee (CHRC) and others, worrying about their land. Even the cadastral commission has mandate to solve the land dispute where both disputing sides do not have the land ownership certificate, but a few respondents (24.9%) are aware that their complaint went to the cadastral commission. In Phnom Srouch of Kampong Speu province both parties filed a complaint to the provincial court as well. Villagers used a variety of tactics in pursuit of a single strategy, namely to get a powerful administrative decision maker to intervene on their behalf (WB, 2006a).

It is important to note that only a bit more than half of respondents (52.1%) aware of their right to have a friend, lawyer or NGO/CBO representative assist him/her in the reconciliation process. More than 60% of respondents said that they received this information from awareness raised by local authorities and NGOs/CBOs. Village leaders and community members (38.7%), as well as media (22.6%) also play role in dissemination about the right in having someone to assist villagers during reconciliation process.

Villagers reported that some grass-root groups such as Self-help group, Land issues group, Women group, Youth group, Human rights group, Community forest protection group, Health care group, Education group, Child protection group, Advocacy group, Village

security group, Village development group, (community) rice bank group, were created with the assistance from NGOs working in that area for helping the community to do some activities for strengthening the social capital and livelihood as well as protecting the environment. These activities include saving and rice bank activities, women empowerment, educate on health and reproductive health, land security, human rights awareness and so on. Villagers have seen a few groups are the most active, namely self-help group, land issue group women group, youth group and community forest group. However, half of villagers (50%) think that the capacity of these groups is moderate, while other 42% think that the groups have low capacity. It is important to note that 40.6% are not aware that in their community the grass-root groups exist.

And what is the responsiveness of the village chief addressed the complaint of villagers? 57.1% of respondents said that village chief takes action to help community to solve land dispute before the dispute case sends further, and the majority (87.6%) positively feel like they trust their village chief for any of their village chief's help. However, only 61.5% of villagers feel that village chief and community people have the same voice regarding to the resolution of land dispute case. The evidence was that in Aoral district the local authority, including the individual in commune council persuades villagers to accept the compensation from the company.

9.3 Negotiation

In all studied cases with the economic land concession the inequity negotiation always happened between the disputing parties, rather than using the violence. In all cases with the economic land concession, after receiving the complaint from villagers, commune hall as mediator request both disputing parties for negotiation. Besides the commune hall in some cases the representatives of the company told people to go to the commune hall for having a negotiation. The cases in Pursat province the negotiation was organized by mix committee and occurred during the implementation of Old policy-New action when youth volunteers measured land to provide certificate to villagers.

The disputed cases with social land concession in Kampong Chhnang and in Battambang as well as in Pursat provinces (dispute 22) there were no negotiation. The local authority has conducted the land identification and hangs up a notice with data of villager land information at the commune hall, so that villagers could claim back when they saw that their land information was not correct.

During the process of negotiation, the company has an advantage due to they obtain strong and solid document from the government, while villagers do not have it. The grievance that they can do is that they go collectively to protest against the dispossession of their land. This weakness allowed the company obtains land successfully from villagers.

The only one alternative of villagers was that they need to accept the small money compensation from the company, afraid that the company will get land anyways for free whether they accept money compensation or not: “get money or not is up to you, but the company will get land anyways, because you work on the State land, and the company acts according to the law”.

The absence of negotiation, for instance, Boeng Pram cases have led to violence between villagers and villagers as well as between villagers and the armed force as well as they detained them in exchange with not destroy their crop or confiscate their land. The results of violence were that a woman was died and a man was seriously injured as well as some goods or machines were destroyed and the dispute remains not solved until the present day (Report of mix committee of Bovel district, 2014).

9.4 Mediation

As mentioned above, villagers who have land in dispute are likely to address their complaint to the local authority in the lower level during the first step. In case that both sides of the dispute do not reach any agreement people addressed the next and next higher levels. 56.2% of respondents said that they have someone such as the human rights NGOs to assist during the reconciliation process. For instance, all dispute cases caused by economic land concession were very difficult to solve. What the village chief and commune council can do is “samroh samroul” (reconciliation) between both disputing parties according to their mandate. In some cases with economic land concession the mediator proposed villager to receive a small compensation rather than receive nothing or exchange with another plot of land when it is available. However, the exchange with land case rarely happened. Commune chief as well as other councilors, especially the first deputy of commune council always engaged in the process of reconciliation. It was difficult to find out about why the mediator proposed villager to receive small compensation. Probably they were in the situation between the hammer and anvil or they were generous to their constituency.

The mediator can be manifest in the form of help from **brokers** (an individual or group of people that arranges transactions on land sale between a company and villagers for a commission when the deal is executed) and also from **the land’s arranger** (the informal leaders within the village who represents villagers and in negotiating with the company). The latter also can receive the ‘tea money’ from company, but not for real benefit like the broker.

The result of mediation of the first phase of dispute for the case of Taming village came out that the company gave a part of forest land to villagers about more than 70 households. The land was distributed to all households equally approximately 50x100m each. However, the offered forest land still be wanted by the company. Three brokers

within the village appeared and threatened people to sell land to company. They are the well known civil servants within the village and from the village nearby. The same strategy that the brokers used: Using the advantage of the company in having the economic land concession contract to threaten and persuade villagers to sell land to the end for cheap price.

An assistant to village chief said: *“General speaking, we can say we were swindled by the businessman. They used to persuade villagers by threaten them. Thus the land was sold. If we keep it no one could force us to sell”*.

The same process happened for the case in Trapeang Kong village of Aoral district. The different only some villagers received nothing from the company, due to the treacherous brokers.

Case Study 1: Land dispute in Boeng Pram Commune, Bavel District, Battambang Province

As part of three communes in Bavel district, Boeng Pram was previously a jungle which was occupied by the Khmer Rouge faction, until the adoption of the RGC win-win policy, known as the reintegration of the Khmer Rouge to the Royal Government of Cambodia in 1997. Due to the unclear (non-written) policy, some Khmer Rouge senior officers who ruled over this area sold it to the local businessmen. This led to the loss of interest among other people who thought they should have shares in it.

Consequently, in mid-July 2005, a former Khmer Rouge officer, known as reintegrated captain to the newly-formed Brigade 53 collected about 50 people in civil clothing from his military unit to come to Boeng Pram for examination and saw that his commanders sold to the businessmen the land as their own shares. So information about how each family would get plots of land for both residential and agricultural purpose there was quickly spreading. This could then attract many people, mainly poor from different provinces to reside here up to more than 3,000 households in 2006. This man as the head of the community of this sort started to transform people living in the camp to a society with administrative mechanism, including village chiefs and self-defense units. However, people as newcomers had to pay this kind of authority for settlement and the price for land became high and high for people coming after. Landless people at the beginning needed to clear forest land for houses and cultivation, causing confrontation with the businessmen's security forces based on this area and farmers from the three communes.

Although the leader of the community attempted several times to persuade the government at the different levels to recognize his rule over Boeng Pram, this ended

with the failure. The problem was that Boeng Pram was considered as a dangerous area by local officials and NGOs as well at that time. So he stressed:

«When people were suffering, due to anger I couldn't think about safety of my own as to challenge the government. At that time, as I saw injustice for soldiers and ordinary people who had no shelters and farmland this allowed them to share happiness and pain with me. However, the local authorities and government didn't recognize us but they considered us to live here lawlessly. Yes, I accept it, but the problem came first from having sold the land to the anarchic people that made us angry»

On August 1, 2006 over 100 police, military police and soldiers came to arrest the Boeng Pram leader over a long-standing land dispute with local officials and business people at his house near the commune office. Although more than 100 villagers staged a stand-off to protect him from arrest, he was arrested and detained in Battambang province. He mentioned that he was charged for seven different offences mainly infringements against private ownership. However, according to a local government official, he was accused of act of secession and encroachment on forest land as state property. At the same time, not only the Boeng Pram leader, but some who worked with him were arrested one after another and convicted of mainly infringement on private property.

Many people from Boeng Pram came to urge several times those who were detained in Battambang province, especially their leader to be released. As the villagers' protest seemed unceasing the leader of Boeng Pram was transferred to the prison in Phnom Penh.

Although the leader was detained in Phnom Penh, the protesters from Boeng Pram gathered in the capital to provide their support to him to be released. He also recognized that his wife who had felt lonely before and this event allowed her to learn how to organize and lead the public protest among other representatives. At that time, many local NGOs and International Organizations, mainly Human Rights Group were strongly supportive of the leader's release.

At last, the Boeng Pram leader was released in November 2007 after 14-month imprisonment. He appeared at the court of appeal concerning the dispute with the business people. The businessmen had to be out of Boeng Pram area in accordance with an agreement with the government. Thanks to his popularity and with support from the government he has become the chief of Boeng Pram commune since the commune elections in 2012.

The conflict has not ended in Boeng Pram commune yet. In 2007-2009 main confrontations for farming land occurred twice between residents of Boeng Pram and their neighboring villagers (known later as 192 families) causing one death and injuries. Moreover, in 2011 the Social Land Concession (SLC) was adopted by the Sub-Decree # 202 in 2011 and the Directive 01 in 2012 in order to secure access to land for residents

of Boeng Pram and families of former soldiers. However, this caused impact on 192 families living or farming in 800-ha land as part of Boeng Pram commune. They came mainly from neighboring communes/districts, so their representatives attempted to claim ownership on the disputed land to relevant institutions in Phnom Penh.

Remarkably, in December, 2011 a fighting took place when the commune authorities with support from police, military police and soldiers arranged land for former soldiers' families during rice harvest of villagers (group of 192 families). Both parties were affected by this confrontation: wounded, destroyed cars/equipment and some people were arrested and others accused. Over 300 villagers appeared there as open protesters armed with knives and axes. They took firearms from the government's security unit so many protesters were charged with «hold up» and «destruction of state's property» and gave back all firearms in January 2012. Only in August 2014, they were released or no more the object of accusation, as followed a rally of villagers to the provincial hall.

During 2012-2013, within SLC, groups of youth volunteers and cadastral commission came there to measure plots of land for both residential (40m by 40m) and agricultural (1ha) use going to 3,638 ha in total as planned for 1,736 families in Boeng Pram commune. However, 192 families who were residing and/or growing crops on 800ha a part of land in a village of the commune reacted when the groups were fulfilling their tasks there. Only some wealthy families with big plots of land were excluded and provided land titles. So a man from the 192 families said:

«They have no land here but they have land titles. I don't know who did it for them. They showed us their land titles; each contained 3 Rai (one hectare) of land. They came to find where plots of land were given them. While coming here, youth volunteers measured my land but they didn't give me a land title. They measured plots of land for big landowners and provided them land titles and they said: people who possess small plots of land shouldn't be worried, but those own more plots of land».

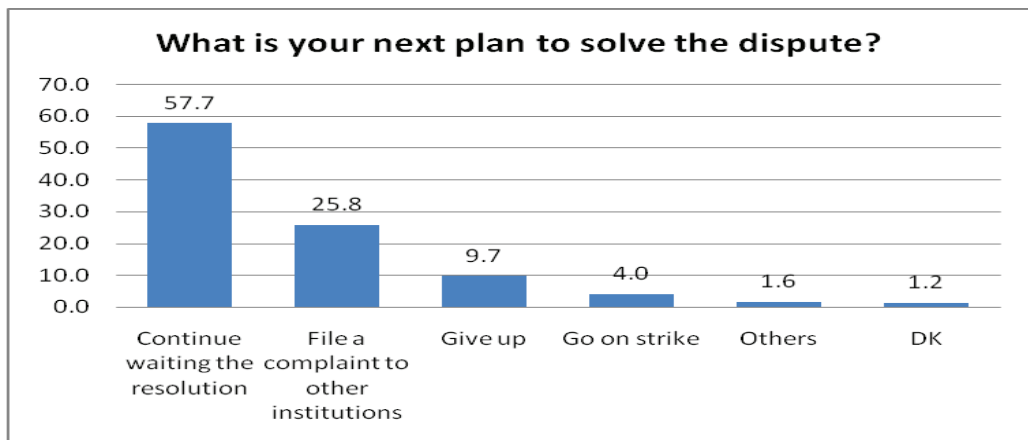
Some irregularities and challenges concerning Social Land Concession (SLC) in Boeng Pram commune may relate to complicated land management and transparency in implementation of SLC. While the 192 families need legitimacy of their land occupation as they claim for a long time, the Boeng Pram commune authority always denies their claim and said they have cleared and occupied it illegally referring to SLC. The representatives of 196 families continue to file complaints to concerned institutions/organizations in Phnom Penh, both national and international. In March 2015, they lodged a complaint with National Assembly that sent a letter to the provincial hall to inform residents of the commune to stop their action on the disputed land as it was under investigation.

So far, the 196 families are still concerned about their claim whereas residents of Boeng Pram have no expectation of being granted agricultural land, thus leading to a flow of migrants.

10. Cause and failure of the dispute resolution

Not all land disputed cases in four target provinces have been solved. 65.2% of respondents point out that the disputes were not solved yet until now. Indeed the resolution of 9 cases are failed and these cases are pending until the time of our fieldwork without clear resolution, while another one cases the outcomes of the resolution are acceptable for both sides of disputes. Other 18 cases were solved, but for the villagers feel somehow inequity resolution. The outcome of the resolution resulted with 33.8% solved by giving the compensation, 55.5% unresolved, 8.9% is unknown. 80.6% of respondents mentioned that the second parties are occupying the disputed land until now. 82.5% of respondents said that the outcome of the resolution were unfair. More than half of respondents (57.7%) are continuing to wait the resolution, while 25.8% want to file a complaint to other institutions. Some 9.7% despaired that would give up. A few respondents said that they would go on strike or go back to install on their former land.

Figure 4: Next plan to solve the dispute



First of all, the failure is connected to the lack of standardized compensation to the villagers whose land was confiscated by economic and social land concession. Most of impacted household received a very small compensation about 35\$ to 300\$ depend on the size of land in the dispute, and with this amount they cannot buy new land or start new business for maintaining their livelihood, while only a few households who were strongly persisted received from 900\$ to 1000\$. We observe that in some cases villagers requested a big compensation that the company could not afford to do. The compensation was exchanged with thumb print as a solid legal argument, so that villagers could not complain later on. However from villagers' perspective, they feel that the resolution was inequity. They agree with this compensation because they have no alternative choice: get a small

compensation rather than nothing. Villagers also complained that they spent a lot of resources: money and their own labor force to clear their agricultural land and crops planting, while the compensation was small and not appropriate to what they spent.

From the mediator's point of view, villagers were suspected that they have the political party or powerful relatives as backers that linked to the failure of the mediation. In Taming case of Kampong Speu province the mediator mentioned about the resolving process could not go ahead due to the brokers always behind the villagers. And the case in Srae Sar, Samaki Meanchey the resolution process could not go smoothly due to the mediators are afraid of the higher rank official who also obtains land within the disputed site.

Another factor that links to the failure was that the lack of commitment from local authority to solve the dispute. The case of land dispute in Prambei Mon commune of Kampong Speu province phase 1, villagers complained that the company City Mart got land in exchange with compensation. But the company kept quiet and did not give compensation as promised. This complaint was quiet without any resolution. The same for the case in Tbaeng Kpos of Kampong Chhnang province, the authority keeps quiet without resolution. However, villagers are waiting for their resolution, because the crop production is pending and villagers' livelihood is suffered. Lack of commitment from local mediators to solve the dispute, villagers was despaired and addressed the complaint to the authorities in higher levels, expecting that these institutions be responsive to solve the problem for them.

The mediators in different levels mentioned about the difficulty in resolving the disputes where the decision making in offering land for economic or social concession from the highest level. They said that these types of land dispute are beyond their competence to resolve. For instance, the case of Phnom Srouch, Kampong Speu province can serve as an example. They are likely to send the case to higher level of hierarchy of authority. Besides this the mediators in the lower level mentioned about lacking of technical and legal capacity to resolve the land dispute. To mediate the land dispute they have to visit the disputed sites, but frequently mentioned that they do not have budget to do so.

Case Study 2: Land Dispute in a village of Prambei Mom Commune, Thporng District, Kampong Speu Province

During the war period (1970-75) and Pol Pot regime (1975-79), a forest highland area of 2,925ha in a village was occupied by KR (Khmer Rouge) as source of crop production. After the collapse of the Khmer Rouge in 1979 it seemed to be an isolated area of confrontation between the Khmer Rouge soldiers and the government armed forces. However, early in 1990s, a few families from the village started planting crops there. After the reintegration of the Khmer Rouge to RGC in 1996, many families came one after another to farm on this land.

In 2006, this area was partly bulldozed by City Mart for planting acacias. Villagers had not been informed about ELC on this area. So this led to confrontations between the company's security armed guards and landowners armed with knives and axes several times, but no crash happened to both parties. Although they asked the company to stop their action its equipment's continued to bulldoze the planted land. The company referred to ELC granted by the government whereas the residents of the village claimed that they farmed there for a long time.

In 2006, first the villagers went for support to the village chief who asked them to go to the commune chief for information about how the company was grabbing villagers' land. Over 40 villagers went on a car to the commune chief who told them to wait for a resolution. 2 months later, a group of villagers with their representatives approached the district governor who gave the same answer as the commune chief.

Nevertheless, the affected villagers did not stop protest against the company. 3 months later, 6 representatives collected thumbprints from over 300 people and went first to the ADHOC provincial office where its female manager advised them how to make a complaint. She advised them to lodge it with the provincial governor, they then approached the governor but there was not any resolution.

Half month after, the representatives came back to the local human right manager who led them to meet a National Assembly (NA) member in Kampong Speu province constituency who drove them to National Assembly to file a petition. Two months later, they received a call from NA to get an official document which stated that district and provincial authorities had to distribute land in this area to local population.

When granting them the document, a female NA senior member told them that they should keep it with them and not to have interview with an international radio. A week

later, the district governor asked one of the villagers' representatives to examine which land the company was grabbing, but he visited only rice fields but not the forest land. So there was no solution to the dispute as land had not been distributed yet whereas the company seemed to stop temporarily its action against the villagers.

The dispute broke out again in February, 2012 when the company resumed bulldozing the disputed land and planting acacias on it. The enraged villagers armed with knives and axes came there several times in attempt to stop the company's action protected by the security armed unit.

In this step, some representatives (of 555 families) lodged a complaint with the provincial governor through the village, commune and district authorities. On August 19, 2012, a working group consisted of commune, district and provincial officials came to examine the disputed land.

On October 12, 2012 the provincial hall invited all parties concerned to negotiate. The following day, six villagers' representatives, two company representatives, the commune chief and the district deputy governor were present there at a meeting held by the provincial deputy governor. The latter asked the company representative about any document indicating that the villagers had sold their land to the company. But no document was shown. The two next meetings were organized at the district hall but any agreement did not reach. The company promised to pay US\$62.50 per hectare, but the representatives rejected it.

The second meeting at the provincial hall focused on dividing disputed land for the villagers and the company. The representatives proposed 1,000ha for the company and 1,925ha for the villagers whereas the company representative wanted the last number too. So as mediator, the provincial deputy governor decided that all concerned parties would meet at the following meeting for resolution.

On November 7, 2012 at the last meeting held in the provincial hall, the villagers' representatives decided to take only 1,500ha for 555 concerned families in the village and the remained 1,425ha would be for the company. An agreement concluded to end the long-running disputes between the company and the affected villagers. Two representatives from the company as Party A and five villagers' representatives as Party B and the commune chief as a witness thumb printed the document.

Some days later, a working group from the provincial authorities and concerned parties came to the disputed area in order to divide it into two parts for both parties as agreed. However, it was difficult for the villagers to share this part of land among them, to manage and protect it as the company often mistreated them such as polluting water by

chemicals, limited grazing land or accusing villagers of burning its plantation. So two weeks after, at a meeting they decided to sell off the land to another company. As a rule, each family got US\$300, but in fact some might get less or others more than this share. For instance, one of the representatives and his close relatives whose plots of land sized over 40ha excluded from the community's land sold it out later at high price.

A woman in FGD said:

«US\$300 as compensation for each of us was not equal to what amount we had expended for protecting our land. We might spend it only for one day. We didn't know how to do; we should adapt to our today's society but not live alone».

Some families got plots of land nearby in exchange for theirs. A younger woman in the village said that a company representative came to her and said she had get cash compensation. However, she could not accept it and added:

«Unlike others, I had only a plot of land my parents passed onto me for rice cultivation. So I told him I needed a new plot instead. He thus showed me a plot in the forest nearby. This one is not fertile as my old one that ensured family's food security. But it's better for me to take this plot and land is like my parents. If I lost it I would lose everything».

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11. Gender aspect of land ownership

After the national reconciliation in 1991, and the first democratic election in 1993, the participation of women in decision-making positions has steadily increased in many fields. The number of women in the National Assembly has continuously increased over the past four legislatures, from 5 % in 1993 to 20.3 % in 2013 (Ministry of Planning, 2013). The proportion of female members in the Senate remained stable at 14.7% between 1999 and 2012 (Ministry of Planning, 2013). There has been an increase in the proportion of women in senior government positions since 1998. In 2013, although there are no female Senior Ministers among a total of 15, one out of nine Deputy Prime Ministers is female. The percentage of female Ministers has increased from 7.14 % (two female ministers out of a total of 28) in 2008, to 11 % (three female ministers out of 27) in 2013 (MoWA, 2014). All ministries have at least one female Secretary of State and one female Under Secretary of State. The proportion of female Secretary of State appointees increased from

16 (8 %) in 2008 to 38 (20.5 %) in 2013. The number of female Under Secretary of State appointees has increased from 33 (15 %) in 2008 to 48 (17.58 %) in 2013. Affirmative action in promoting women in public administration has made a difference. As a result of the State Secretariat of Civil Services Guidelines in 2007, that each ministry to have 20–50% women among new recruits, the proportion of female civil servants has increased from 34 % in 2008 to 37 % in 2013. In the judiciary, in 2010, women represented 14 % of judges, an increase from 7.7 % in 2008 (Ministry of Planning, 2013).

At sub-national level, strong progress in female representation has been made at Deputy levels with females comprising 16.78 % of Deputy Governors at Provincial/Capital level (24 females of a total 143) and almost 25 % of Deputy Governors of Municipalities, District & Khans (23.79 %, 196 female of 828 total) (MoWA, 2014). Also, the proportion of women elected as members of Commune/Sangkat councils more than doubled from 8 % in 2002 to 18% in 2012. (MoWA, 2014)

In all cases woman and man went to protest to claim their land rights. However, it seemed less female involvement in the land dispute resolution due to the number of female in the governance offices is less than male, even we observe the increased number of female through promotion or mainstreaming women in all sectors of governance.

In all levels of local authority from the district to village, there is a small proportion of leadership compare to male. In each district of our study in four provinces there is only one female who works in board of district governor, and one female in the district council, except in Thporng District with three female members. At the commune level also there is only one female in each commune council, where their role is in charge of women's and children's affairs. At the village level, we have seen also just one female who is the deputy or the assistant of village chief, except in Srae Sar village of Kampong Chhnang the village chief is a woman.

We do not see women at the district level actively involved in the land dispute resolution. We observe one female commune council member and a female village chief who are active in helping villagers in the dispute resolution.

However, many women are very active in the protest for maintaining their land. In FGD in a village (Tropeang Kroeunh, Prambai Mum commune) of Thporng district, some participants said that as soon as the company was razing villagers' plots of land some who saw first this event called others to come to the disputed site as to gather to protest against the company's action. Meanwhile, they approached the village chief to seek support. The village chief answered that they ought to struggle for plots of land granted them by local authorities. A woman amongst the participants stated:

«I told the bulldozer operator to stop tearing down as this land is in Prambei Mom commune. He answered that he is hired by the company to do this, so he knew nothing about it and added that I had to claim it to the commune and district authorities. However, I told him to stop operating his equipment on this land or I would burn down his bulldozer, as I relied on hundreds of protesters on the disputed site, armed with knives and axes. They came there by hand tractors, which also transported noodle and water from the village. It was noon, we were preparing noodle to eat together. At last, all bulldozer operators stopped their action and moved away».

She added:

«This was a temporary halt. If we didn't go there to protect our land they resumed their action. So we had to go there all the time. We had to gather more people, and went to the site on hand tractors as to oblige them to stop operating; otherwise, they didn't listen to us if we were 10-20 going there by motorbikes. Meanwhile, in the village, we usually had meetings before going on protest to the commune and district authorities. We had our representatives up to 15, including the village chief who collected thumbprints from the villagers».

The wife of a community leader in Battambang was actively involved in peaceful protests, especially she was amongst several hundreds of villagers, staged a stand-off to protect him from arrest. So the community leader in Battambang proved that his wife became one of villagers' representatives following the event of his arrest:

«Villagers were determined not to leave the protest site. They were still going out for rally, having meetings and staying there. New protesters went from the village to replace those who came first for protest and sometimes they met each on the road to do this. At the beginning, there weren't any formal representatives of villagers, only ADHOC and LICADHO that appeared to support us. As for my wife, she was actually a lonely figure, but when the event took place she learnt to work with NGOs. We had 23 NGOs which were familiar with villagers staging claim. Meanwhile, my wife as a villagers' representative went to lead the public protest».

A woman representing affected families, as quoted her response from FGD in a village in Pursat showed her protest against the company's action on the disputing land:

«In 2010, Pheapimex was bulldozing forest land around my rice farmland without prior notice. They came to clearing it three times, but I went to protect my land from being razing with success during the day time, but my husband armed with an ax went to replace me at night».

Another woman in FGD also described her involvement in land protest:

«In 2014, a man as the company's security guard took his rifle to point on me as a kind of threat to stop my farming on my own land. However, I didn't feel defeated. He then scolding me and said that I was so opinionated, but I answered why he said like this it is my ancestral land. He repeatedly threatened me so that my children were too afraid. But I didn't fear as I thought if all of my family members feared who would claim the land to share with my children. If I would die for this my husband would replace me to struggle».

The male affected divorcee in a village of Kampong Chhnang province praised courage of an elder woman to fight for her land until she got a proper compensation:

«She has never feared. She carried on one of her shoulders a knife. She wasn't afraid of the presence of gendarmerie. No one amongst the gendarmes could take her knife. When her plot was being bulldozed she didn't fear all armed gendarmes and she continued her protest until she got appropriate cash compensation. She was very different from me who dared the presence of armed gendarmerie and as a result I received nothing».

A brave woman in a commune of Pursat

Mrs. X is 59 years, lives in a commune of Phnom Kravanh district. She is married with 6 children. She was served as commune chief during the period of 2002-2007. In 2007, she bought plots of 30 ha in a forest area, but she could plant crops (rice, corn, cassava) on 8 ha. She has appeared as courageous in the name of today's women in Cambodia, to fight for the land she claimed, although it faced her husband's warning not to protest against the company as he was worried of her imprisonment.

In 2010, part of her land was bulldozed by a company. It is rare to find any women in Cambodia's society today who have courage to challenge such a conflict. As for this woman, she dares to confront the company, telling the equipment operator to stop this action.

However, it was a transitory halt, in 2012 the company came back to raze her planted land again. It was a rice transplantation season. 6 men armed with rifles from the company's security unit appeared before her. Facing it, she did not fear to go against the company. She thought that she used labor to clear this land for many years and expected to share it with her children. Suddenly, she told them that why they destroyed her transplanted rice, quoted speech of Samdech Hun Sen stated that farmed land was not taken. One of them answered that she should not believe Samdech who just uttered like this. Nevertheless, they didn't stop operation on her land.

Seeing this, she approached the commune chief and contacted the district governor by phone as to intervene to stop the company's action. However, there was no answer. So she decided to complain to the provincial hall. As a result, a commission was sent to the disputed site and measured only 8ha out of 30 ha she claimed. As indicated a district official, she claimed all 30 she was occupying, but in fact she only farmed some part. Technically, it was impossible to measure her land as isolated from others, but some as farmed part was measured on tolerance basis because she very often claimed her land with insistence.

Although it seemed the dispute ended, she has complained once more to the provincial authorities to give back her remained land, taken by the company.

Education of male and female respondents has statistically significant difference, that male have better education than female respondents ($p=0.000$). The same situation was observed between male and female household head ($p=0.010$). Female household head respondents know more about the size of their land more than female spouse respondents, despite of they are disadvantaged than male. Asking about the size of land, female spouse or other female than household head, they always refer to her husband or father, or brother.

In General, inequalities between males and females in access to land and land ownership have been observed in the villages studied. In this study, the gender gap was most clearly seen in the difference between male and female-headed households. Female-headed households control over the number of plots of all types of land less than do households headed by males. On the other hand, we can see the negative correlation between the size of land and the number of female headed households: The size of land obtained becomes bigger – the number of female headed household becomes smaller than man. Female household heads play double role as male and female, so they could not obtain more land as male household heads.

Table 10: Gender in land ownership 1 (Number of plots of land)

	Residential				Rice field				Chamkar				Forest land				Community forest land			
	Male		Female		Male		Female		Male		Female		Male		Female		Male		Female	
None	1	25.0%	3	75.0%	5	41.7%	7	58.3%	102	58.5%	47	31.5%	82	71.3%	33	28.7%	133	73.1%	49	26.9%
1->2 plots	148	73.3%	54	26.7%	104	70.3%	44	29.7%	42	80.8%	10	19.2%	65	73.0%	24	27.0%	16	56.7%	8	33.3%
3 -> 5Plots	0	0	0	0	33	84.6%	6	15.4%	5	100%	0	0.0%	1	100%	0	0.0%	0	0	0	0
More than 5 Plots	0	0	0	0	7	100%	0	0.0%	0	0	0	0	1	100%	0	0.0%	0	0	0	0

Table 11: Gender in land ownership 2 (Land size)

	Residential				Rice field				Chamkar				Forest land				Community forest land			
	Male		Female		Male		Female		Male		Female		Male		Female		Male		Female	
None	1	25.0%	3	75.0%	4	33.3%	8	66.7%	102	68.5%	47	31.5%	82	71.3%	33	28.7%	133	73.1%	49	26.9%
Less than 1 ha	140	72.2%	54	27.8%	42	66.7%	21	33.3%	14	70.0%	6	30.0%	6	46.2%	7	53.8%	6	50.0%	4	40.0%
1 to 5 ha	8	100%	0	0	87	77.0%	26	23.0%	33	91.7%	3	8.3%	24	72.7%	9	27.3%	2	100%	0	0
More than 5 ha	0	0	0	0	15	88.2%	2	11.8%	0	0	1	100%	10	76.9%	3	23.1%	4	80.0%	1	20.0%

Moreover, land dispute effects on woman function in family and community. 56.2% mentioned that women increased stress due to land lost. Loss of land pushes women to be vulnerable because they cannot produce rice and other crops for household consumption as well as cannot have income from selling crop. They need to choose the alternative to move from the local village to other places for job or they need to work for company with low wage that cannot support the daily life of the family. A villager from FGD in a village (Srae Popeay) in Pursat province was dissatisfied regarding lost land:

«I lost my land and this affects my life. I feel that I will no rice to eat as they took my land where I usually planted crops. I regret it, I feel discouraged and exhausted».

A woman from FGD in a village (Srae Sar) in Kampong Chhnang said: *«I lost my land and I feel not concentrated and I am worried that I will not get it back. Now, my life becomes worse because I usually buy rice from the local seller. For this, I have to work for others. I become indebted and my health condition is bad».*

Table 12: Land dispute effects on women function in family and community

Land dispute effects	N	%Cases
Increase stress	123	56.2%
Women cannot access to farmland	82	37.4%
Lose job	48	21.9%
Women cannot access to natural resources	19	8.7%
Face health problem	19	8.7%
DK/No answer	9	4.1%
Lose opportunity to participate in development in community	4	1.8%
Get violation from husband	1	.5%
Total	305	139.3%

Case Study3: A poor woman in a village of Sangkae Satob commune, Aoral District, Kampong Speu Province

In her 40s, Mrs. Y is married with 7 children and lives with her family in a village of Aoral district. She was born in a village of the same commune and still lived there during Pol Pot time. In 1979, she moved to another village and due to violent confrontations between the Khmer Rouge troop and government armed force she fled to a commune of Samroang Tong district where she married a native young man.

She returned to her home district in 2000 and by clearing forest she has gained only a residential plot seized 100m by 160m. In 2001 like other villagers, she and her family decided to clear a forest which had been under the Khmer Rouge control until their reintegration in 1997. She then planted crops on 3ha (out of 5ha she possessed) that was the family's main source of income.

In 2011, without informing local people before, a company bulldozed this area for Economic Land Concession (ELC) that caused impact on many villagers who owned plots of land there. As other local landowners, she and her family came to Chamkar in attempt to stop the company's action but this resulted in a temporary halt.

In February 2012, a female commune councilor came there to measure disputed land and she then invited all concerned families for a meeting at the commune office. Many villagers gathered there and on this occasion, a female representative of the company said:

«You have farmed on the land as state property in secret, the state land concession. Now, I pay you \$200 per hectare for planted plot. If you don't agree you'll get nothing».

As a result, almost affected villagers accepted such compensation except four families including hers. They came to the district hall for protest but the negotiation between her family and the company representative seemed fruitless. She mentioned that:

«In Pol Pot time, people were killed, but nowadays people go gradually to death as they have lost land. I've lost plot of farm land to raise my children. I don't need anything else but only want to get my plot back. When I pass my lost land my eyes fill with tears. I regret it. If I had my land I would share it with my children».

Two months later, the female commune councilor approached her house, placed \$1,000 on her bed with no document for her thumbprint and told her that there would not be any other resolution than it so she had to take it. If she disagreed she would get nothing.

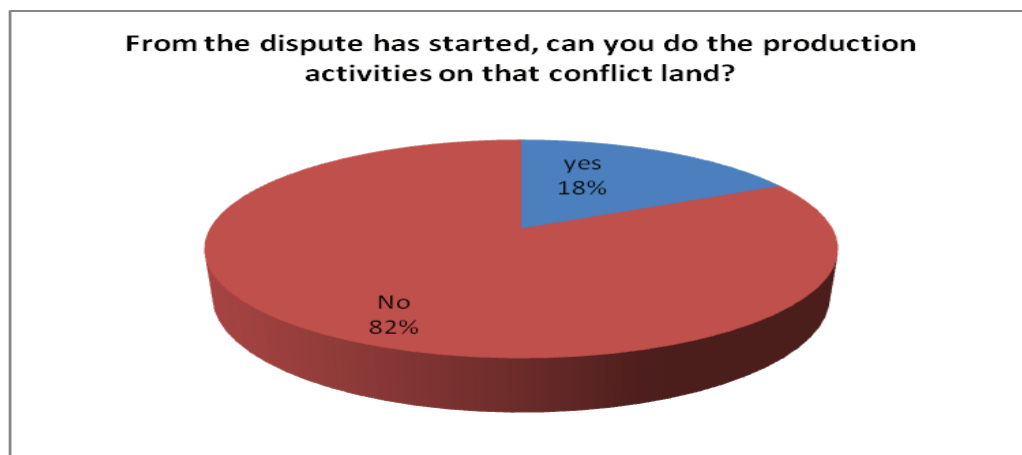
As a result, her family becomes landless. Poverty encourages them to do hired work. Health is in bad conditions whereas her children have dropped out.

12. Impact from land dispute

This part attempts to examine the impacts of the disputes on the target areas, mainly on the effect that the resolution process had on the villagers, communities and institutions involved. Although local officials stated that the outcome of the land dispute resolution caused less impact on people's livelihoods and community as a whole, villagers proved that it strongly affected their daily life and the future of their children (See table 13). Impact varied by geographic location, nature of land dispute, people involved and outcome as well.

The specific objective of the economic land concession is to develop the intensive agricultural and agro-industrial activities. The aim is to generate state or provincial revenues through economic land taxes and increase the employment in the rural areas for the poverty reduction. It is true that the company provides the employment opportunity for villagers. However, the employment is occasionally by season, but not long term contracted employment. The wage of the workers is about 14,000 Riels or 3.5 US \$ per day.

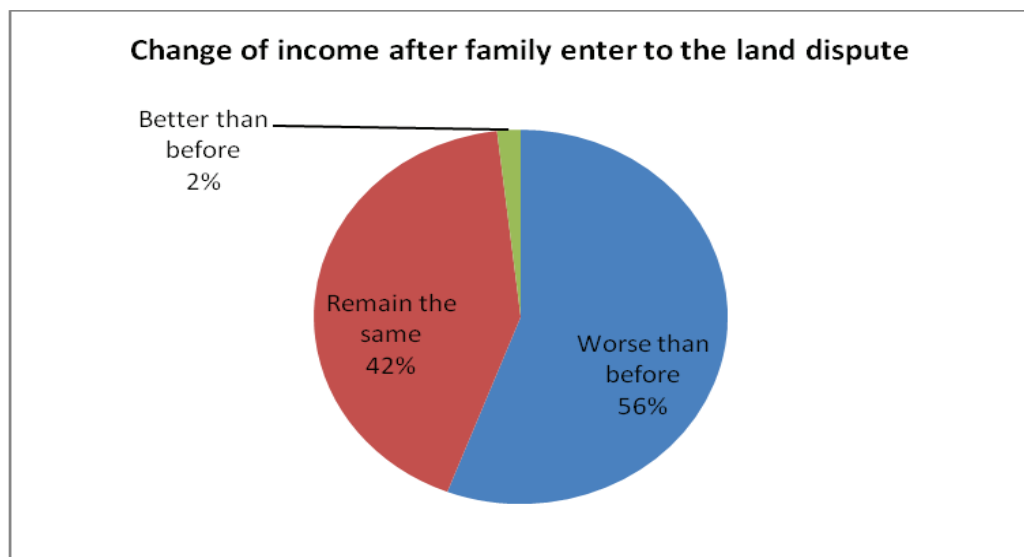
Figure 5: Can villagers do the production on the disputed land from the disputed start



In the four target provinces the negative impact obviously seen and aware by local villagers because of land dispute. As a result of the loss of farmland, grazing land, crops and access to forest resources, affected people have been destabilized and faced with food insecurity. Many affected families have pulled their children out of school due to the migration for job, and many have had no choice but to work with the company, which for many people have become their only livelihood option since losing their productive resources.

As mentioned above, many cases were not solved yet and local villagers raised concern on the agricultural land. This means that their land in the dispute was not assured to be continuously usable for them for farming activities. 82% of respondents said that from the dispute has started they cannot do the production activities, and 73.3% cannot access to the natural resource on the conflict land.

Figure 6: Change of income from the disputed start



A local official (Thporng district deputy governor) in Kampong Speu showed how land disputes have affected local population: *«Land disputes need more time to be resolved, but not just a few days. Investigation and a commission for this and other relevant things should be taken into account, which prohibit people to do their job as usual. Sometimes, they sold their land as received by dispute resolution, thus leading them to lack of farm land as main source of income, especially for those who own a single plot or large families with many children».*

A former local officer in a village (Tropeang Kong) of Kampong Speu province mentioned his dissatisfaction regarding land loss that impacts his and other villagers' livelihood: *«Although I came from a border refugee camp I hoped that in my life, I had a plot of land and expected it to be distributed to my children. Now I felt hopeless, I recalled how much money I spent for clearing forest and making dikes for rice fields. Moreover, my neighbor, a poor woman who depends on daily income regularly from selling banana from her land become landless and decided to go to Thailand for work».*

Table 13: Impact from land lost

Impact of land lost	Yes		No	
	N	%	N	%
From the dispute has started, can you do the production activities on that conflict land?	68	17.8	314	82.2
From the dispute has started, can you access to the natural resource on that conflict land?	102	26.7	280	73.3
From the dispute has started, can you have enough money for investing your livelihood activities	97	25.4	285	74.6
From the dispute has started, does your family have sufficient income to maintain the basic livelihood needs during a year	93	24.3	289	75.7
From the dispute has started, has your village and family accessed to the road, markets, and other services and facilities	208	54.5	174	45.5

The land dispute affects the income of villagers. 55.8% of respondents said that their household income becomes worse than before. 75.7% of respondents said that their household does not have sufficient income for maintaining the basic livelihood needs during a year. 74.6% said that they lack of money for investing their livelihood activities. Villagers cannot access to the farm land (63.8%) and cannot access to natural resources (33.8%) are the main reasons of decreasing the household incomes of villagers. A villager (Tropeang Kong) of Sangkae Satob told us how land loss impacts on his family’s livelihood: *«Compensation seemed less for me. My family depended on this plot of land I planted rice, banana trees and mango trees on. I’m a newcomer I relied only on it but now I’ve lost everything. My family life has become worse and I have to work seasonally for this company with low wages».*

45% of villagers said that they cannot pass by the disputed land due to the company has built fence. Villagers also cannot let their cattle roam for free like before. An Achar (wise layman in charge of ceremonies at the pagoda) in a pagoda (Tropeang Kreunh village) of Prambei Mom commune referred to impact on environment: *«Before, we didn’t take care for cattle. We let them go freely to grazing land almost the whole year. Now, land for our cattle has been limited as the company has made fence around the past grazing land. Furthermore, the disappearance of forests caused loss of wildlife habitat and impact not only on human health, but also on climate such as storms and earth warmings».*

A woman from Tropeang Kong commune said that she obliged to give up and give land to company for compensation due to her land is surrounded by the company land and she

cannot pass to: *“I need to give land to the company for compensation; otherwise, as the company’s representative told me I need to use a helicopter to pass to my land”.*

It is true that from the land dispute has started people cannot access to natural resources. 73.3% of respondents said that they cannot access to natural resources anymore from the land felled in the dispute. A local official (Prambei Mom commune chief) proved that the cash compensation was less referring to impact on people’s livelihood related to raising cattle and collecting non-timber products: *«Compensation in cash was very little for people. In fact, it was the first cause of impact on their livelihood, and furthermore they lost forests as grazing land for cattle and where they usually collected firewoods».*

An elder in Kouk village expressed his dissatisfaction with less compensation adding: *« Lost land impacts on my psychological health. Now, I only rely on pagoda as I have nothing to do. Before, I usually worked on my land and if I turn to hired work no one will accept me as I’m too old. In addition, destroyed forests has caused drought and consequently, how about the rice cultivation? »*

Land dispute also affects the education of children. 19.1% of villagers mentioned that children cannot go to school but help parents to earn money or keep after their younger sibling. A female representative of local NGO (LWD community facilitator/Prambei Mom commune) said: *«Loss of land due to land disputes provokes migration. As usual, when going to work outside they take their children with them or ask the elder children to take care of the too young ones. This is the reason for them not go to school or drop out. Migration may also affect health for them».*

A divorced woman in a village (Tropeang Kreunh) of Thporng district describe how her family has been affected by the outcome of land dispute resolution: *«Before, I had a plot of land in the disputed area where my family was growing crops. After the land dispute ended I received cash compensation, not enough to sell land for farming. So my husband and I went to work at the sugar cane plantation, but the wage was not enough to support the family’s life. Afterwards, my husband went away, and lives with his second wife at Pailin as a border province. For my youngest daughter, she dropped out of school as I could not buy a bicycle for her to go to the school. Now, my four children went out, three of them were working at the footwear factory in Phnom Penh, and I am staying at home for caring my four grandchildren».*

An elder widower in a village (Srae Sar) of Samaki Meanchey district described his difficult life as a result of land dispute: *«Losing land makes my life very difficult. Now, my family lacks of rice to eat. When I came to farm on my plot they prohibited me to do so. When rice was growing it was destroyed by cattle as I was busy at the pagoda. Now, I have three small children with me. They could not go to the school, about 10km from here, let alone school uniform for them. As usual, when I go out I ask somebody as neighbor to care for them».*

A villagers' representative in a village (Chrok Kov) in Kampong Chhnang province was concerned about land loss:

«Losing land causes physical and psychological effects. As we've lost land we have to move to different places to find jobs. As citizens like others, I felt disappointed because they took our land to other people; it is so different from the country's policy of pluralism. Since, my wife has got sick. We lost my land we thus have no future and become immigrants on our land. Furthermore, my children have dropped».

A female representative of local NGO (commune level) also indicated: *«People have become hired workers due to lost land as to buy rice to eat. Some have been indebted. Moreover, I've heard that landlessness causes psychological impact on a number of households, leading to drunkenness and violence».* A local officer (Srae Sar village chief) in Kampong Chhnang province described how affected villagers lead their life: *«They hoped that from year to year their living conditions became better. But they lost land in spite of their claim, and this makes them more hopeless without any support. So, now they are poor and poor until they are indebted. To earn income, they have to do hired work. Some of them go to Thailand or Malaysia for work ».*

A separated woman in FGD in Battambang province told us how her life is hard due to landlessness: *«We have no land for rice cultivation so we have to go away as migrants. My husband went to Thailand and stays there with his second wife. As casual worker, my daughter died during delivery at TBA (Traditional Birth Attendant). Now, I have complicated feeling as I always think about my husband and my children's education. When I go away for work, I usually ask my mother in Pursat province to take care of my younger children».*

A divorced woman in a village (Kset Borey) of Pursat province told us about impact of land loss on her family: *«How I can earn a life when I have lost land for farming. Now, I have lost everything: land, something to eat and money. It impacts my children as they cannot go to school. My family is poor so children are obliged to work at the Chinese cassava plantation. In addition, cattle cannot go everywhere for grazing as before ».*

Case Study 4: A divorced man in a village of Tbaeng Khpos Commune, Samaki Meanchey District, Kampong Chhnang Province

Mr. Z is 48 years old and lives in a thatched house on a residential land measuring 20m by 20m.

He was born in a village of the same commune, and in 1986 as other villagers, he moved to the current village. Between 1979 and 1987 he worked as a policeman in a district. After resignation, he got married to a young woman in a commune and has 5 children.

In 1987, he and his family came and settled in a mountain area as part of three communes in the district. There, he built two houses and a small rice mill on 3ha land. Later on, in 2011 this area was arranged for the gendarmerie's training base that affected over 10 families from two villages. One day, gendarmes told him that the land he was occupying belonged to them and he answered that he had occupied since 1987. However, they denied his claim and asked him to thumbprint a piece of document by adding that this plot would be taken whether he thumb printed or not. Everything in his plot would be bulldozed if he disagreed.

Unfortunately, he received a plot of land which belonged to a villager in a neighboring district. So he returned to build a hut on the gendarmerie's land. A few months later, gendarmes carried it away and placed it on SLC land. Although he told them everything happened with insistence they did not solve his problem.

Therefore, he tried to seek support from the village chief who made a complaint for him and lodged it with the commune chief. The latter submitted it to the district authority. They all told him to wait for resolution. Especially, when he met the new district governor he received the same answer. As a hired worker, he said with a sad expression on his face:

«Before, I lived a wealthy life with my family. After the gendarmes took my land in exchange for nothing my wife divorced me. She and all my children went to Thailand for work. Now, I live alone and land for supporting my life was taken, let alone a small plot for a grave for me.

13. Conclusion

As the result of the study, the findings of this report are not representative. They are drawn from both qualitative and quantitative studies regarding land disputes, resolution mechanisms, villagers' action for their right to land, and the impacts in LWD's four target provinces of Cambodia's 25 provinces. The findings have also been compared, but sometimes contrasted with other previous research in the area. It has been found that big-scale conflicts involved ELC, SLC and community forests, and amongst 28 land disputes occurred only 18 were solved and the rest still pending. Both solved and pending cases will probably cause problems in the future, as compensation in cash or land exchange seemingly inappropriate and given by putting pressure on the villagers. Key elements were remarked as follows:

- The rhythm of the systematic land registration has gone slowly in comparison with granting ELC by RGC. Therefore, it has impacted local people who need land titles to ensure their land right.
- Problem affected local people while there was no EIA (Environment Impact Assessment) in the ELC's target areas, in addition to the company's strategy which used equipments to raze the disputed land claimed by the villagers first and then came to negotiate with them if required.
- As the cases seemed complicated depending on their 'bigger' size, villagers usually attempted to approach the lowest level, the village chief before referring to the higher levels, from the commune to the district. With despair when there was no responsiveness, thus they tried to complain to the provincial government or furthered their claim to someone as powerful individuals at the National Assembly, the Prime Minister Cabinet and some relevant ministries such as Ministry of Interior.
- Local resolution mechanisms, from the village to the provincial levels appeared not to have good will to solve the land disputes, as they thought it was beyond their competence, and therefore waiting the decision from the higher levels. Within the predominance of patrimonial power over legal/bureaucratic forms of power, villagers did their best to get a powerful administrative decision maker to intervene on their behalf. Moreover, Directive No 001 by Prime Minister as for government-granted ELC or SLC was likely to override a decision of a subordinate.

- Cadastral Commission as resolution entity at both levels is included in the provincial/district mix mediation mechanism to solve collective land disputes. If any case went to them they would send it to the provincial/district as they thought it was beyond their capacity.
- Only one case amongst those studied which the villagers filed with the provincial court. The reason was that the local complainants could not afford such a mechanism that required time consuming, more cash expense and legal awareness, and especially as they expected, the outcome would not be in the favor of the advantaged like them.
- Land Law 2001 and its relevant regulations as the legal framework for the government versus the traditional/customary practices, perceived by the villagers as their ancestor/inheritance land.
- Local people considered 'Land' as their life (or rice pot), and they were thus determined to struggle for their land they were holding. However, villagers' action appeared sporadic with vague poor strategy whereas their representatives in general proved not active or competent to gather people or approach the resolution mechanisms. Moreover, local residents had limited legal knowledge, mainly Land Law and felt different regarding land titles, leaving them at the risk of landlessness.
- The women involving in local government as compared to men suggested at the much lower percentage as compared to men. Therefore, the female participation in the dispute resolution process showed remained in a little number. This does not mean that women were less actively involved in the land disputes. According to the cases studied, although at less quantity, the women appeared sometimes better than some men regarding their open protests and approaching resolution mechanisms.
- Nevertheless, local people to claim their land also required what extent of support from the local government so that the peaceful protests would be a success as seen in the study. On the contrary, less attention paid by local government regarding dealing with their land disputes might have led the villagers in despair to use violence.
- It has been found that local people referred to, besides the national level, outside actors i.e. relevant NGOs and International Organizations, mainly human rights groups as assisting in making complaints and where and how to lodge them if

their complaints could not have been resolved at the local level. Some NGOs also took part in making people aware of advocacy, existing laws, and human rights and assisting them to create self-help groups. However, trend to search any support from the political parties seemed less influential.

- Impacts caused by collective land resolution, in addition to implementation of ELC and SLC conducted affected villagers to increased poverty. Consequently, due to loss of land as their main source of income has left them to live without land security, they may move to work outside as migrants with casual work. Furthermore, their children have dropped out or might be involved in child labor, let alone their health problems. Poverty also causes domestic violence, crimes in society. Meanwhile, climate change would occur due to deforestation.

14. Suggestion for better resolution from community perspective

The complexity of the factors contributing to the current situation, such as the post conflict setting, the historical background of ownership and the current political situation makes it highly difficult to tackle.

All dispute cases in four provinces demonstrate the issue of power imbalance prevalent in land disputes. Almost all cases highlight the failure of existing dispute resolution mechanisms in providing remedies to communities whose lands have been appropriated through SLCs or ELCs by companies or powerful individuals. 18 out of 28 cases involve a land dispute between a community of farmers and companies. 3 cases of SLC, 2 cases involve the dispute between villagers with businessman and 1 case with the government illustrating the asymmetry of power between the parties and the ineffectiveness of the Commune Council, Cadastral Commission and District Governors, as well as the court in resolving the conflict. The situation surrounding the dispute resolution process is characterized by intimidation and corruption. Besides calling on government and legislative institutions to safeguard their land and sources of livelihoods, communities involved in land disputes are turning to protest and direct action to challenge the companies and local authority to claim their legitimacy.

Cambodians who have been dispossessed or are at risk of dispossessed due to ELCs and SLCs are not fully benefitting from dispute resolution mechanisms. This failure to protect and provide access to legal remedies, particularly for the poor and disadvantaged communities, especially women is the evidence of violation of Cambodia's Constitution which guarantees that "Khmer citizens are equal before the law, enjoying the same rights,

liberties and duties regardless of race, color, sex, language, beliefs, religions, political tendencies, birth origin, social status, wealth or other situations.”

Given the high incidence of land disputes and lack of tenure security, the effective functioning land dispute resolution mechanisms, villagers with land dispute are contributing the following idea for better solution to land dispute resolution:

- Having seen that many land disputed cases are pending, villagers are waiting the decision and want the institutions involved in the land dispute resolution have strong commitment and take action and speed up the process; otherwise, these institutions will be no longer trusted by villagers, and people could be on strike
- Villagers want a committee for land dispute resolution should perform its role with transparency and accountability.
- Villagers want independent and well trained mediators, who are not in favor or under the influence of the higher authority or the second party, and also take care of the poor equally to the rich and powerful.
- Villagers want to have a fair resolution, but not forced agreement, due to the villagers’ side is weak in the context of the country legal framework. Villagers want the mediator investigate carefully about the history how they own the land, because when looking at the context of the country legal framework, history of land ownership, and the current process of land titling, they think that they are legitimate to claim their land back or receiving the appropriate compensation. The forced agreement to receive inappropriate compensation might lead to the new wave of land dispute.
- Many villagers complained that their agricultural land does not have land title yet. They want the government accelerate the process so that everyone has land certificate in order to prevent and/or reduce the land conflict.
- The predominance of patrimonial over the bureaucratic form of power was seen in issuing the “Sor-Chor-Nor” (Directive) for giving land for economic land concession from the highest level. The lower levels need to follow the higher level. Villager would like the higher authorities conduct the social impact assessment and/or consultation with local authority before decision making to give land for economic or social concession should be done. Local authority knows where and how many villagers stay and do agricultural activities. This approach also helps to prevent the land dispute. However, in our cases the “Leopard Skin Formula” from Directive 001 was issued after the implementation of economic concession already.

From the perspective of stakeholders, the recommendations are the following:

- Public awareness rising of dispute resolution mechanisms and the duties and responsibilities of all levels should be done throughout the country.

- Having seen that the land dispute mechanism in Cambodia exists, however, it does not work smoothly due to the predominance of patrimonial over the bureaucratic form of power. We suggest giving full power according to the legal framework.
- Public awareness rising on the importance of the certificate of immovable properties, especially on land, because land is life.
- Having seen the implementation of the order 001 that only land with plantation that was measured and given to villagers, but not entire land that they have with part of the forest. We suggest to measure the entire land that they have, due to they can little by little clear that land for enlarge their agricultural land or for sharing to their next generation.

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APPENDICES

Appendix 1:

LWD/NGOF LAND STUDY QUESTIONNAIRE FOR HOUSEHOLD

Case Number:	
Interview Date:	Province:
Interviewer's code:	District:
Starting Time :	Commune:
Finishing Time:	Village:
GPS-Code:..... Waypoint ID:..... X-6: <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> Y-7: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

CONSENT SCRIPT (*Please read the following*):

“My name is ____. I am working for a research project for the organization LWD & NGO Forum and we are collecting information in Cambodia about land dispute resolution and livelihoods. I would like to ask you to participate in a one-to-one interview. Please answer all of the questions truthfully. There are no wrong answers to the questions that will be asked.

The information you provide will be used to write a report about land dispute resolution and land rights in Cambodia. The researchers will keep your responses confidential and only the research team will know your identity. Your name will not be included in any reports and there will be no way to identify you.

There is no direct benefit to participating in the research. However, we hope that the research will benefit rural people and stakeholders by helping us to understand the land conflict resolution in Cambodia.

Your participation is voluntary. You may refuse to answer any question and you may choose to stop the discussion at any time. Refusing to participate will not affect your family in any way. Do you have any questions for any of us? You may ask questions about this study at any time.

May I begin the Interview now?" Yes No

Household information:

No	A1 Name (Used only for identification during interview)	A2 Age	A3 Sex 1. Male 2. Female	A4 Relation to household head <i>(See code 1)</i>	A5 Main economic activity <i>(See code 2)</i>	A6 Highest level of education Completed 1. None/primary incomplete 2. Primary 3. Secondary 4. High school 5. University 99. Don't know	A7 Able to read a newspaper (in any language)? 1. Yes 2. No 99. Don't know	A8 Disable people? 1. Yes 2. No
1								
2								
3								
4								
5								
6								
7								
8								
9								

For code 1 (*Relation to household head*)
 1> Head 2. Spouse 3. Son/daughter 4. Son/daughter-in-law 5. Grandchild 6. Parent 7. Parent-in-law 8. Brother/sister 9. Niece/nephew by blood 10. niece/nephew by marriage 11. other relatives 12. Adopted/step child 13. Other (Specifies.....)

For code 2 (*type of household members' main activity*)
 1. Family farm 2. Agricultural wage labor 3. Fisherman 4. Common natural property collector 5. Government employee 6. Skill worker employee 7. Unskilled worker employee 8. Household task 9. Unemployed 10. Student 11. Retired 12. Construction worker 13. Motor Dup driver 14. Organization employee 15. Private company employee 16. Self business 17. Too old/small/stay home 18. Other (Specifies.....) 99. Don't know

1. **Respondent name:** _____
 Tel: _____

2. **Ethnicity:** (*Circle one*)

- Khmer = 1
- Khmer Kroam = 2
- Vietnamese = 3
- Chinese = 4
- Cham = 5
- Thai = 6
- Lao = 7
- Indigenous group = 8

3. When did you start living in this village?

Year _____ Month _____

4. What is the average monthly income of the family (including the household head and all household members)? (Include rice production, fishing, and everything that can be sold for money, money send from family members). Please be careful to get all sources of income as this can make bias easily. (*Circle one that applies*)

- a. Less than 100,000 Riel =1
- b. 100,000 - 199,000 Riel =2
- e. 600,000 - 799,000 Riel =5
- f. 800,000 - 999,000 Riel =6

- c. 200,000 - 399,000 Riel =3 g. 1 million - 1.2 million Riel =7
- d. 400,000 - 599,000 Riel =4 h. More than 1.2 million Riel =8

5. What is the average monthly expenditure of the family? (include all expense) (Circle one that applies)

- a. Less than 100,000 Riel =1 e. 600,000 - 799,000 Riel =5
- b. 100,000 - 199,000 Riel =2 f. 800,000 - 999,000 Riel =6
- c. 200,000 - 399,000 Riel =3 g. 1 million - 1.2 million Riel =7
- d. 400,000 - 599,000 Riel =4 h. More than 1.2 million Riel =8

6. **If the household expenditures are higher than income, how would you deal with this issue? (*Multiple that applies*)**

- Borrow money from others =1
- Sell the valuable property =2
- Use the saving/reserve money (money which saved before) =3
- Sell the rice which keep for consumption =4
- Receive money from family work in Phnom Penh =5
- Receive money from family overseas =6
- Others, (please specify.....) =9

7. **How many plots of land do you have? (*Multiple that applies*)** _____

- Residential = _____
- Rice field = _____
- Chamkar = _____
- Forest land = _____
- Community forest land = _____
- Community production land = _____
- Indigenous people land = _____

8. **How big is the size of these plots of land? (*Fill in all apply*)**

- Residential = _____
- Rice field = _____
- Chamkar = _____
- Forest land = _____
- Community forest land = _____
- Community production land = _____

Indigenous people land = _____

9. How big is the size of the disputed land? (Fill in all apply)

Residential = _____

Rice field = _____

Chamkar = _____

Forest land = _____

Community forest land = _____

Community production land = _____

Indigenous people land = _____

10. Since when is the disputed land in your/community's possession? (Fill in all apply)

Residential _____ (date, e.g. 2009)

Rice field _____

Chamkar _____

Forest land _____

Community forest land _____

Community production land _____

Indigenous people land _____

11. How you /your community acquired that conflict land?

	Cleared/claim unoccupied land	Inherited	Bought	Distributed	Others (Specify)
Residential	1	2	3	4	5
Rice field	1	2	3	4	5
Chamkar	1	2	3	4	5
Forest land	1	2	3	4	5
Community forest land	1	2	3	4	5
Indigenous people land	1	2	3	4	5

12. Do you have any document proving the possession?

Residential Yes = 1 No =2 DK=88

Rice field Yes = 1 No =2 DK=88

Chamkar Yes = 1 No =2 DK=88

Forest land Yes = 1 No =2 DK=88

Community forest land Yes = 1 No =2 DK=88

Community production land Yes = 1 No =2 DK=88

Indigenous people land Yes = 1 No =2 DK=88

13. If yes, since when?

	Before 1992	Between 1992 and 2001	After 2001
Residential	1	2	3
Rice field	1	2	3
Chamkar	1	2	3
Forest land	1	2	3
Community forest land	1	2	3
Community production land	1	2	3
Indigenous people land	1	2	3

14. If yes, the document is issued by whom? (Multiple answers possible)

	Code
Residential	
Rice field	
Chamkar	
Forest land	
Community forest land	
Community production land	
Indigenous people land	

Code for Q 14	
Ministry of LMUPC	= 1
Provincial department of LMUPC	= 2
District office of LMUPC	= 3
National Cadastral Commission	= 4
Provincial Cadastral Commission	= 5
District Cadastral Commission	= 6
Village chief	= 7
Commune chief	= 8
Commune council	= 9
District governor	= 10
Provincial governor	= 11
Others (Specify)_____	= 99

15. For what reason the land emerged in the dispute?

	Code
Residential	
Rice field	
Chamkar	
Forest land	
Community forest land	
Community production land	
Indigenous people land	

Code for Q15	
Residency	1
Farming/plantation	2
Economic land concession	3
Social land concession	4
Mineral exploration/extraction	5
Military purpose	6
State land	7
State development area	8
Others (Specify)_____	9

16. Who is the second party?

Other villagers	=	1
Private company	=	2
Military/Gendarmerie	=	3
High rank official	=	4
State	=	5
Others (Specify_____)	=	6

17. How did the second party claim to own the conflicted land?

Supporting documents/Authorized letters from local authority	=	1	→Go to Q.18
Abuse of power by government official and well connected business people	=	2	→Go to Q.18
Threat against primary landholders	=	3	→Go to Q.18
Violence against primary landholders	=	4	→Go to Q.18
Primary land holder placed in detention	=	5	→Go to Q.18
DK	=	88	→Go to Q.18

Other (Specify _____) = 99 → Go to Q.18

18. What type of documents or Authorized letters from local authority that the second party obtains?

Letter by authority allowing temporarily settlement (on state public land) =

1

Land occupation certificate issued by the authorities in the late 1980's

= 2

Recognition letter from authority =

3

Official land titles

= 4

Social land concession contract

= 5

Economic land concession contract

= 6

Mineral exploration concession contract

= 7

Private documents of land sale

= 8

DK

= 88

Others (Specify) _____

= 99

19. When did the dispute start?

Month: _____; Year: _____

20. How many families were in the conflict?

21. How many women were representatives of all conflicted households?

22. (If there were women in Q. 21), did these women receive the training on the awareness on dispute resolution and its mechanism from stakeholder like men?

Yes = 1
 No = 2

23. Are there any grass-root groups in your community? (multiple answer)

Youth group = 1
 Women group = 2
 Education group = 3
 Child protection group = 4
 Land issues group = 5
 Self-help group = 6
 Human rights group = 7
 Health care group = 8
 None = 0 → Go to Q.27
 Others _____ = 9

24. What roles do these organization play?

To secure community =1
 To enhance women’s capacity =2
 Educate communities on reproductive health and child health =3
 Provide awareness raising on dispute resolution and mechanism =4
 Strengthen advocacy especially on land abuse and compensation =5
 Represent the community victims when the court or companies want to talk or discuss with =6
 Do awareness raising on human right and rights-based =7
 Participate with advocacy group =8
 Others _____ =9

25. What are the most active groups? _____1 _____2 _____3

Youth group = 1
 Women group = 2
 Education group = 3
 Child protection group = 4
 Land issues group = 5
 Self-help group = 6
 Human rights group = 7
 Health care group = 8
 Others _____ 9

26. What is the level of capacity of the groups in advocating on land rights?

High = 1
 Average = 2
 Low = 4

27. Did you/community do something before going to the DKCC?

Yes = 1
 No = 2 → Go to Q.31
 Give up = 3 → Go to Q.31

28. If yes, which of the following steps did you/community undertakes? (Multiple answers possible: Use codes)

Step1_____ Step2_____ Step3_____ Step4_____ Step5_____

Talking to second party	=	01	
Elders in the village	=	02	
NGO/CBO	=	03	
Local Authority	=	04	
Individual Member of Parliament/political party	=	05	
National Authority for Land Dispute Resolution	=	06	
Provincial/Municipal Court of First Instance	=	07	
Royal Palace	=	08	
Ministry of Interior	=	09	
Council of Ministry	=	10	
Prime Minister Cabinet	=	11	
Provincial Hall	=	12	
Ministry of National Assembly-Senate Relations and Inspection	=	13	
Foreign embassy	=	14	
District hall	=	15	
DK	=	88	→ Go to Q.31
Others (Specify)_____	=	99	

29. **When were these steps taken?** (Multiple answers possible)

	Year	Month
Talking to second party		
See elders		
NGO/CBO		
Local Authority		
Individual Member of Parliament/political party		
National Authority for Land Dispute Resolution		
Provincial/Municipal Court of First Instance		
Royal Palace		
Ministry of Interior		
Council of Ministry		
Prime Minister Cabinet		
Provincial Hall		
Ministry of National Assembly-Senate Relations		
Foreign embassy		
District Hall		
Others		

30. **Why you/community decided to go to seefirst?**

- He/she is the most trusted person = 1
- He/she is my relatives/friend = 2
- He/she is easy to accessible = 3
- His/her roles is the mediator = 4
- Try to solve conflict between both parties = 5
- Others (Specify) _____ = 9

31. **Did you/community know that you had the right to have a friend, lawyer or NGO/CBO representative assist him/her in the conciliation process?**

- Yes = 1
- No = 2 → Go to Q.33

32. **From whom they know about this?** (multiple answer)

- Awareness raised by local authorities and NGOs/CBOs = 1
- Cadastral commission = 2
- Commune chief and District governor = 3

Community members	=	4	
Through their visit to community when conflict happened	=	5	
Look at the structure of duty bearers	=	6	
Village leader, community members	=	7	
Media	=	8	
Others (Specify) _____	=	99	

33. Did you/community have someone who assisted in the conciliation process?

Yes	=	1	→	Go to Q.35
No	=	2		
DK	=	88	→	Go to Q.35

34. If not, did you/community want to have someone assist in the conciliation process?

Yes	=	1
No	=	2
DK	=	88

35. Did you/community have a chance to choose conciliators?

Yes	=	1		
No	=	2	→	Go to Q.37
DK	=	88	→	Go to Q.37

36. If yes, do you say that he/she can be absolutely trusted, somewhat trusted, somewhat distrusted, or absolutely distrusted?

Absolute trust	=	1
Somewhat trust	=	2
Somewhat distrust	=	3
Absolute distrust	=	4
DK	=	88

37. Did any mediator explain something of the land law or any other legal text related to land to you/community?

Yes	=	1		
No	=	2	→	Go to Q.39
DK	=	88	→	Go to Q.39

38. If yes, did you/community understand the explanation?

Very clear	=	1	
Somewhat clear	=	2	
Not so clear	=	3	
Not clear at all	=	4	
DK	=	88	

39. Of all mediators you seek for help, anyone is female?

Yes	=	1	
No	=	2	
DK	=	88	

40. Did the case go to the Cadastral commission?

Yes	=	1	
No	=	2	→ Go to Q.64
DK	=	88	→ Go to Q.64

41. Who complained to the Cadastral Commission (CC)?

you/community/representative	=	1	
Second party	=	2	
Both	=	3	
DK	=	88	→ Go to Q.43

42. When was the complaint lodged with the CC?

Month: _____; Year: _____

43. Did CC staff come to the disputed land?

Yes	=	1	
No	=	2	→ Go to Q.47
DK	=	88	→ Go to Q.47

44. When did CC staff come for the first time?

Month: _____; Year: _____

45. **When did CC staff come for the second time?**

Month: _____; Year: _____

46. **When did CC staff come for the third time?**

Month: _____; Year: _____

47. **Has the CC staff interviewed you/community/representative?**

Yes	=	1
No	=	2
DK	=	88

48. **Did the CC staff measure the disputed land?**

Yes	=	1
No	=	2
DK	=	88

49. **Did the CC staff interview other persons besides your group?**

Yes	=	1
No	=	2
DK	=	88

50. **Did the CC staff explain the conciliation process to you/community?**

Yes	=	1	
No	=	2	→ Go to Q.53
DK	=	88	→ Go to Q.53

51. **If yes, did the CC staff explain the conciliation process clearly to you/community?**

Very clear	=	1
Somewhat clear	=	2
Not so clear	=	3

Not clear at all = 4
DK = **88**

52. Did you/community feel that he/she understood the process?

Very clear = 1
 Somewhat clear = 2
 Not so clear = 3
 Not clear at all = 4
DK = **88**

53. Did CC staff explain something of the land law or any other legal text related to land to you/community?

Yes = 1
 No = 2 → Go to Q.55
DK = **88** → Go to Q.55

54. If yes, did you/community understand the explanation?

Very clear = 1
 Somewhat clear = 2
 Not so clear = 3
 Not clear at all = 4
DK = **88**

55. Did you/community feel that the CC staff did a proper investigation of the case?

Yes = 1
 No = 2
 DK = 3
 Refuse to answer = 4

56. Did you/community give something to the CC staff beyond of necessary information and documents?

Yes = 1
 No = 2 → Go to Q.59
DK = **88** → Go to Q.59

57. If yes, what did he/she gives?

Money	=	1		
Others things	=	2	→	Go to Q.59
DK	=	88	→	Go to Q.59

58. If money, which amount?

Less than 5\$	=	1
5-20\$	=	2
21-50\$	=	3
More than 50\$	=	4

59. Did you/community feel obliged (forced) to give money to the CC staff?

Yes	=	1
No	=	2
DK	=	88
Refused to answer	=	66

60. Did the CC staff ask for something else beyond of necessary information and documents?

Yes	=	1		
No	=	2	→	Go to Q.63
DK	=	88	→	Go to Q.63

61. If yes, did they ask for money?

Yes	=	1		
No	=	2	→	Go to Q.63

62. If yes, which amount?

Less than 5\$	=	1
5-20\$	=	2
21-50\$	=	3
More than 50\$	=	4

63. Did you/community feel that the CC staff treated him fairly?

Absolute fairly	=	1
Somewhat fairly	=	2
As much fair and unfair	=	3
Not so fairly	=	4
Not fairly at all	=	5
DK	=	88

64. Until now, did the conflict was solved already?

Yes	=	1	
No	=	2	→ Go to Q.67

65. If yes, when?

This month	=	1
Three months ago	=	2
Last year	=	3
Two years ago	=	4

66. If, 'No' where is your complaint now?

Individual Member of Parliament/political party	=	01
National Authority for Land Dispute Resolution	=	02
Provincial/Municipal Court of First Instance	=	03
Appeal court	=	04
Supreme court	=	05
Royal Palace	=	06
Ministry of Interior	=	07
Council of Ministry	=	08
Prime Minister Cabinet	=	09
Provincial Hall	=	10
Ministry of National Assembly-Senate Relations	=	11
District hall	=	12
DK	=	88
Other (Specify _____)	=	99

67. What are the outcomes of the resolution?

Unknown	=	1
Unresolved	=	2
Partly resolved	=	3
Resolved in the favor of the second party	=	4
Resolved in the favor of the original land holder	=	5
Resolved by compromise between both parties	=	6
Resolved by compensation	=	7
Abandoned	=	8

68. Who occupied that conflicted land until now?

Interviewee/representative	=	1
Second party	=	2
Both parties	=	3
No one	=	4
Both parties occupied partly and partly left	=	5
Interviewee/representative occupied partly and partly left	=	6
Second party occupied partly and partly left	=	7
Others (please specify).....	=	8

69. Did you/community feel the outcome of the case was fair?

Very fair	=	1
More fair than unfair	=	2
As much fair and unfair	=	3
More unfair than fair	=	4
Not fair at all	=	5
DK	=	88

Some disputing parties felt forced to agree in something, others said they did not feel forced to agree at all. Related to the agreement that has been reached how have you/your community felt when having agreed?

Very much forced	=	1
Somewhat forced	=	2
Quite free	=	3
Totally free	=	4

70. If the dispute was not solved yet, what is your or community plan to solve the dispute?

Give up	=	1
Continue waiting the resolution	=	2
File a complaint to other institutions	=	3
Go on strike	=	4
Others (Specify_____)	=	9

71. If the dispute was not solved yet and it will send to the court, do you think your family or community will be able to afford it?

Yes	=	1
No	=	2

72. Are you satisfied with the present life in comparison with the life before the land conflict?

Very satisfy	=	1
Somewhat satisfy	=	2
Somewhat not satisfy	=	3
Not satisfy at all	=	4
DK/No answer	=	9

73. Did you/your community receive any compensation as the results of mediation? *(Please see the answers of Q 67. If the answer 3-7)*

Yes	=	1
No	=	2

→ Go to Q.76

74. Are you satisfied with the compensation you got ?

Yes = 1
No = 2

75. Why and why not?

76. Do you think the compensation improve your livelihood?

Yes = 1
No = 2

77. From the dispute has started, can you do the production activities on that conflict land?

Yes = 1
No = 2

78. Does the land dispute effects on women function in family and community?

Yes = 1
No = 2 → Go to Q80

Women cannot access to farmland =1
Women cannot access to natural resources =2
Lose job =3
Face health problem =4
Increase stress =5
Get violation from husband =6
Lose opportunity to participate in development in community =7
DK/N answer =88

79. From the dispute has started, can you access to the natural resource on that conflict land?

Yes = 1
No = 2

80. Does your household income have changed after your family enters in the land dispute?

Better than before	=	1	→	go to Q83
Worse than before	=	2	→	go to Q82
Remain the same	=	3	→	go to Q83

81. Why family income has decline?

The family cannot access farm land/chamkar land	=	1	
Family cannot access natural resources	=	2	
Family busy with land dispute resolution	=	3	
Family lose the occupation	=	4	
Family involve debt	=	5	
Others (Specify_____)	=	9	

82. From the dispute has started, can you have enough money for investing your livelihood activities

Yes	=	1
No	=	2

83. From the dispute has started, does your family have sufficient income to maintain the basic livelihood needs during a year?

Yes	=	1
No	=	2

84. From the dispute has started, has your village and family accessed to the road, markets, and other services and facilities like before?

Yes	=	1
No	=	2

85. Does the land dispute cause any problem on children?

Children cannot go to school but help to earn money	=	1
There is no school in new place for children	=	2
Children quite school for accessing reason	=	3
Children stay in violation environment (can be from family or community)	=	4
No problem	=	5
Other (Specify_____)	=	99

86. Does the land dispute lead to strike?

Yes = 1
No = 2 → go to Q89

87. If yes, how many times?

One time = 1
Two times = 2
More than 2 times = 3

88. Does land dispute cause any violations?

Community makes violation on dispute party = 1
Dispute party makes violation on community = 2
Both parties fighting each other = 3
Police/authorities fight community = 4
Community fight police/authorities = 5
No violation = 6

89. Is village chief takes any action to help community to solve land dispute before the dispute case send further?

Yes = 1
No = 2 → go to Q92

90. Does community feels like they trust their village chief for any of his help?

Yes = 1
No = 2

91. Does village chief and community people have the same voice regarding to the resolution of land dispute case?

Yes = 1
No = 2

92. G What is your suggestion and recommendation to roll out the successful land dispute resolution?

Thanks!

Appendix 2:

Guide Questions for Village Chief/Deputy, Commune/District Council

1- Personal Background (*name, age, gender, phone number. Years at CC/DC as village chief/deputy, he/she received training in mediation/conciliation provided by whom and working experiences as mediator/conciliator*)

2-Brief History

- Geographic location, remoteness, natural resources, infrastructures
- Demographics (population including female, old residents vs. newcomers, livelihoods/ main occupations, access to services)

3-Commune Council (District Council, Village authority)

- Structure, functions, management, relations (both internal and external)
- Women issue, and if any, role of women in CC (DC, Village authority)
- CBOs/NGOs and their development role

4- Land Disputes

- Brief history of land (land distribution/occupation, land tenure/ownership)
- Current land status, land management/administration
- Customary/traditional mechanisms of conflict resolution
- Collective land disputes in the district/commune:
 - Nature of land dispute (how disputed land has been occupied by whom, location/size of disputed land)
 - Cause of land disputes (social tension, trigger, people involved in causing dispute, occurrence date of dispute)
 - People involved in the disputes (disputing parties, number of affected families involved in each dispute, local authorities, CBOs/NGOs, and other stakeholders)
 - Process of dealing with the land disputes (both disputing parties, group of villagers for claim, role of female representative of villagers/CBO/NGO and other stakeholders)
 - Resolution process (steps and how all stakeholders including women involved in dispute resolution)
 - Outcome (success or failure of the resolution process and its cause). What is the next plan to solve the land dispute in your area effectively?

- Impact (on disputing parties, other relevant people, and livelihood of community people as a whole, mainly the disadvantaged group and female heads of household)

5-Land dispute Resolution by CC/DC

- Number of cases received by CC/DC in the period of 5 years.
Nature of the disputes and kinds of cases.
- Number of land cases lodged with CC/DC this year:
 - Nature of land disputes, kinds of cases
 - Cases resolved, ongoing, abandoned or rejected and the cause
 - What do you think are the weaknesses in solving land dispute?

6- Final Questions

What interviewee thinks about :

- Factors leading to solving the land disputes
- Challenges and factors causing the failure of dispute resolution
- Impacts of land disputes in the commune (village, district) in general on livelihood of local population, especially the disadvantaged groups and poor women.

Interviewee's suggestion for improving the resolution of (collective) land disputes.

Guide Questions for District (Provincial) Cadastral Commission

Name of Respondent: Sex: ... Phone Number:

Position: District/Provincial Name:

1- Background Information

- Experiences and years of working at the cadastral commission of this district.
- Number of people working as permanent members at the DKCC. If so, the role of female staff member at the DKCC.
- Interviewee and/or other DKCC members received training in the land law, relevant sub-decree/Prakas and reconciliation method
- His/her task and responsibility as the staff member of the DKCC.

2-Land management/administration in the district

- Brief history of land management (land tenure, land occupation, land distribution...)
- Land possession/ownership by local population and the land problems in relation to villagers, companies, authorities and other people.
- Collective land disputes in the district:
 - Nature of land dispute (how disputed land has been occupied by whom, location/size of disputed land)
 - Cause of land disputes (social tension, trigger, people involved in causing dispute, occurrence date of dispute)
 - People involved in the disputes (disputing parties, number of affected families involved in each dispute, local authorities, CBOs/NGOs, other stakeholders)
 - Process of dealing with the land disputes (both disputing parties, group of villagers for claim, role of female representative of villagers/CBO/NGO, and other stakeholders)
 - Resolution process (steps and how all stakeholders including women involved in dispute resolution)
 - Outcome (success or failure of the resolution process and its cause). What is the next plan for effective resolution of land dispute in your authority?
 - Impact (on disputing parties, other relevant people, and livelihood of community people as a whole, mainly the disadvantaged groups and female heads of household)

3-Land dispute Resolution by Cadastral Commission

- Interviewee's experiences in the resolution of land disputes
- Number of cases received by DKCC in the period of 5 years.

- Nature of the disputes and kinds of cases.
- Number of land cases lodged with Cadastral Commission this year:
 - Nature of land disputes, kinds of cases
 - Specific approaches/ways of dispute resolution by Cadastral Commission
 - Cases resolved, ongoing, abandoned or rejected and the cause
 - What do you think are the weaknesses in solving land dispute?

4-Final Questions

What interviewee thinks about:

- Factors leading to solving the land disputes
- Challenges and factors causing the failure of dispute resolution
- Impacts of land disputes in the district in general on livelihood of local population

Interviewee's suggestion for improving the resolution of (collective) land disputes.

Guide Questions for Representative of CBO/NGO

1-Personal Background

- Name, age, gender, phone number
- Education (including training he/she has received)
- His/her position at CBO/NGO or other institutions
- Years that he/she works the community (village, commune, district, province) as CBO/NGO worker

2- Background of CBO/NGO

- Name of CBO/NGO, phone number
- Years CBO/NGO at the community (village, commune, district, province)
- CBO/NGO structure, General Programs and Programs/training for the target groups (including the disadvantaged groups and poor women) ,
- Role of CBO/NGO on land dispute reduction or solution and if any, role of the female staff members.

3- Land Disputes

- Brief history of land (land distribution/occupation, land tenure/ownership)
- Current land status, land management/administration
- Collective land disputes in the community:
 - Nature of land dispute (how disputed land has been occupied by whom, location/size of disputed land)
 - Cause of land disputes (social tension, trigger, people involved in causing dispute, occurrence date of the dispute)
 - People involved in the disputes (disputing parties, number of families involved in each dispute, local authorities, CBOs/NGOs, other stakeholders)
 - Process of dealing with the land disputes (both disputing parties, group of villagers for claim, role of female representative of villagers/CBO/NGO and other stakeholders)
 - Resolution process (steps and how all stakeholders including women involved in dispute resolution)
 - Outcome (success or failure of the resolution process and its cause). If the case was not solved yet, what is the next advocacy plan?

- Impact (on disputing parties, other relevant people, and livelihood of community people as a whole, mainly the disadvantaged groups and female heads of household)

4- Involvement as mediator in dispute resolution process

- If any, experiences of CBO/NGO as mediator in the period of 5 years
- Number/kinds of cases (including land disputes) they received
- Number of cases solved or unsolved and the cause of the failure
- What do you think are the weaknesses in solving land dispute?

5- Final Questions

What interviewee thinks about:

- Factors leading to solving the land disputes
- Challenges and factors causing the failure of dispute resolution
- Impacts of land disputes in the community in general on livelihood of local population, especially the disadvantaged groups and poor women

Interviewee's suggestion for improving the resolution of (collective) land disputes.

Guide Questions for Representative of Villagers

1- Personal Background

- Name, age, gender, phone number
- Marital status, how many children, relationship within the family
- Main occupation
- Education and training he/she has received, including training on land dispute resolution or mechanism)
- If any, his/her position at the local authorities or CBO/NGO or other institutions
- Number of parcels of land he/she owns (location, size and use of the land)
- Size, location and use of his/her disputed land
- Years in the village (how he/she conducts his/her life, old resident or newcomer, relations with local authorities and other people/institutions...)

2- Information Background of the village

- Geographic location and demographics in brief
- Land occupation, distribution of land for local population and land management in the previous time
- Current status of land and land management/administration
- Customary/traditional mechanisms of conflict resolution

3- Land Dispute

- Nature of land dispute (how disputed land has been occupied by whom, location and size of disputed land)
- Cause of land disputes (social tension, trigger, people involved in causing dispute, occurrence date of dispute)
- People involved in the disputes (disputing parties, number of affected families involved in land dispute, local authorities, CBOs/NGOs, other stakeholders)
- Process of dealing with the land disputes:
 - Formation of group of villagers for claim
 - Representatives of villagers (including interviewee) seek someone for support their claim
 - Role of local authorities and outside actors such as elders, CBO/NGO
 - If any, role of women as representative of villagers/CBO/NGO
 - The second party

- Resolution process (steps and how all stakeholders including women involved in dispute resolution)
- Outcome (success or failure of the resolution process and its cause). What is the next plan of community towards this dispute?
- Impact (on disputing parties, other relevant people, and livelihood of community people as a whole, mainly the disadvantaged groups and female heads of household)

4- Final Questions

- What the interviewee think about the outcome and ways of the dispute resolution
- Interviewee's suggestion for improving the resolution of (collective) land disputes

Guide Questions for the second party (company, military, police...)

1- a) Personal Background

- Name, age, gender, phone number
- Marital Status
- Education
- Main occupation
- If any, his/her position at the local authorities or other institutions
- Size, location and use of his/her disputed land
- Years in the community (how he/she conducts his/her life, relations with local authorities and other people/institutions...)

b) Background of the company

- Name of the company
- Kind of the company and its current address
- Disputed land claimed by the company (its size, location and purpose of its use)
- Years in this area (relations with local people and authorities and other people/
institutions ...)

2- Land Dispute

- Land occupation, distribution of land for local population and land management in the previous time
- Current status of land and land management/administration

- Nature of land dispute (how disputed land has been occupied by whom, location/size of disputed land)
- Cause of land disputes (social tension, trigger, people involved in causing dispute, occurrence date of dispute)
- People involved in the disputes (disputing parties, number of families involved in dispute, local authorities, CBOs/NGOs, other stakeholders)
- Process of dealing with the land disputes (both disputing parties, role of (female) representatives of local authorities/CBO/NGO or other institutions)
- How company dealt with local people with regard to the land dispute? How people acted towards this land dispute?
- Resolution process (steps and how all stakeholders including women involved in dispute resolution)
- Outcome (success or failure of the resolution process and its cause). What is your next plan to solve this dispute with people?
- Impact (on disputing parties, other relevant people, and livelihood of community people as a whole, mainly the disadvantaged groups and female heads of household)

3- Final Questions

- What the interviewee think about the outcome and ways of the dispute resolution?
- Interviewee's suggestion for improving the resolution of (collective) land disputes

Guide questions for focus group discussions

1- Introduction of participants

- Name, age, gender, main occupation, from what villages/communes
- Location, size and use of his/her disputed land

2- Background information of the village

- Geographic location and demographics in brief
- Land occupation, distribution of land for local population and land management in the previous time
- Current status of land and land management/administration
- Customary/traditional mechanisms of conflict resolution

3- Story of land dispute

- Nature of land dispute (how disputed land has been occupied by whom, location/size of disputed land)
- Cause of land disputes (social tension, trigger, people involved in causing dispute, occurrence date of dispute)
- People involved in the disputes (disputing parties, number of affected families involved in each dispute, local authorities, CBOs/NGOs, other stakeholders)
- Process of dealing with the land disputes:
 - What action has been done by local people regarding to land dispute advocacy
 - Formation of group of villagers for claim
 - Representatives of villagers (including interviewees) seek someone for support their claim
 - Role of local authorities and outside actors such as elders, CBO/NGO
 - If any, role of women as representative of villagers/CBO/NGO
 - The second party
- Resolution process (steps and how all stakeholders including women involved in dispute resolution)
- Outcome (success or failure of the resolution process and its cause). What is the next advocacy plan to solve this land dispute?

4- Final Questions

- What the interviewee think about the outcome and ways of the dispute resolution
- Interviewee's view on the cause of failure and their suggestion for improving the resolution of (collective) land disputes
- Impact (on disputing parties, other relevant people, and livelihood of community people as a whole, mainly the disadvantaged groups and female heads of household)
- Suggestions and recommendations for effective land dispute resolution from community perspective

