

# Landlessness and land conflicts in Cambodia

## Land issues and poverty

Cambodia has enjoyed economic growth and a reduction of poverty in the past decade, but the benefits of this growth has not been shared equitably among the citizens. Disparities in income and access to opportunities have increased, particularly in rural communities. Rural communities are heavily dependent on land and forest resources, and landlessness is a main cause of widespread poverty in rural Cambodia.

- Poverty has been reduced from an estimated 47% in 1993 to 35% in 2004.<sup>1</sup>
- In 2004, 91% of the poor lived in the rural areas. Most of them depend on land and agriculture for survival.<sup>2</sup>
- 20-30% of landowners hold 70% of the land, while the poorest 40% occupy only 10%.<sup>3</sup>
- 20% of rural families do not own any land. 25% of rural families in Cambodia have not enough to survive (less than 0.5 ha).<sup>4</sup>



Conflicts over land is one of the most disturbing trends to emerge in recent years with far-reaching consequences for the people's basic human rights and livelihoods. By one calculation, about 4 % of Cambodian households have been or are involved in land-based conflicts.<sup>5</sup>

Violence against land activists take many forms, from verbal threats, intimidation to serious assaults and killings, in particular during the course of

violent evictions. Representatives of affected communities are targeted for arrest and imprisonment on fraudulent criminal cases. Most of the instigators were rich people and companies, soldiers, police or government officials. The number of land issues increase.

## The heritage of the Khmer Rouge

During the Khmer Rouge Regime from 1975 – 1979, all land was collectivized and the land administration, including cadastral maps and titles, were destroyed. The regime brought about one of the greatest population displacements in human history, forcing millions to move from cities and towns to the countryside and from one part of the country to the other. Many thousands also fled across borders.

After the departure of the Vietnamese troops in 1989 and the 1991 Paris Peace Accords, Cambodia started from scratch. In the land sector it was necessary to both develop and implement a sound legal and regulatory framework for land management and administration.

Currently, only about 20 percent of land owners in Cambodia hold secure titles to their land.<sup>6</sup> The multi-donor Land Management and Administration Project (LMAP) aims to strengthen land tenure security by extending systematic land mapping and title allocation across the country, but progress is expected to remain slow.<sup>7</sup>

## Land issues are gender issues <sup>8</sup>

Women make up more than half of the agricultural workforce and they have a potentially more important role in reducing food insecurity and poverty.

Landlessness is significantly higher for women and female-headed households. This group is most vulnerable to having their land rights ignored, partly due to a lack of knowledge of land rights and land title procedures.

Women have less access to infrastructure, common property, social, health, legal, and financial services. They have less access to male dominated networks at community and provincial level.

- Nearly 50% of all war widows do not have access to any land.
- Of the war widows, who own land, 84 percent own less than 0.5 hectare.
- Female headed households are twice as likely to have sold their land as male headed households.



Community activists fight against the destruction of public forests.

### Adverse consequences of growth

Due to economic growth and development, the demand for land increases and the land becomes more expensive. The main threats are speculation, privatization of public lands, mega projects, large scale infrastructure development, industrial farming, free trade and investment (Special Economic Zones), land grabbing and militarization.

In the context of economic growth, a one-dimensional economic valuation of land replaces the complex relation to land embedded in society. The social, cultural and political value of land gets lost within the process of privatization and market based formalization of property rights. Women and other marginalized groups and indigenous people lose out when land becomes scarce and is turned into an economic asset.<sup>9</sup>

### Indigenous people's rights <sup>10</sup>

The indigenous population is estimated at about 1.4% of the total population. 17 different indigenous groups are identified who are mainly found in the north-eastern provinces of Ratanakiri and Monduliri, but also in some central provinces. The Land Law from 2001 recognizes the collective land rights of indigenous communities, but until now not a single indigenous community has received title of ownership to its collective property. The lack of legal implementation has left indigenous

people vulnerable to commercial and state interests, increasingly attracted to exploit the economic potential of the forests and fertile upland areas, traditionally used and managed by indigenous people.

### Forest and Economic Land Concessions

With his last reports, the Special Representatives of the Secretary-General for human rights, Mr. Yash Ghai, expressed concern about the impact of economic concessions with regard to poor enforcement of and compliance with the requirements of related laws.<sup>11</sup> Usually, no public consultations and no environmental and social impact assessments were done. The restriction to the maximum size of 10.000 ha has not been properly enforced. The giant Pheapimex for example holds a land concession of 331,100 ha in Pursat and Kampong Chhnang provinces.

- 5.2% of Cambodian land has been granted as economic land concessions. 36 of these 59 concessions are granted in favor of foreign business interest or prominent political and business figures.<sup>12</sup>
- 21% of Cambodian land has been granted as Forest Concessions.<sup>13</sup>
- Cambodia's most powerful Company, Pheapimex, controls 7.4% of Cambodia's total land area.<sup>14</sup>

The concessions negatively impact on human rights and livelihoods in rural communities. Major concerns are encroachment on agricultural and grazing land, and loss of livelihoods, encroachment on forested areas on agricultural and grazing land, and loss of access to non-timber forest products, impact on areas of cultural and spiritual significance, displacement, and environmental destruction.

### Bad Governance, Corruption and Impunity

Asked about the main problems in the field of landlessness and land conflicts, NGO and donor representatives cited all characteristics of bad governance as shrinking democratic space, lack of rule of law, impunity, lack of transparency and competence, corruption and a ruling party that manifests its power prior to the upcoming elections in 2007 and 2008.<sup>15</sup>

The new Global Witness report "Cambodia's Family Trees", published in June 2007 and heavily controverted by the Cambodian Government, provides the evidence that "Cambodia is run by a kleptocratic elite that generates much of its wealth via the seizure of public assets, particularly natural resources."<sup>16</sup>



German Ambassador Pius Fischer said on June 7, 2007: "About the Global Witness Report, I think it is an open secret that illegal logging is a problem in Cambodia. ... my recommendation would be to take such allegations seriously, to start an investigation."<sup>17</sup>

Main findings of the Global Witness report "Cambodia's Family Trees" are:

- Cambodia's most powerful logging syndicate, the Seng Keang Company, is led by relatives of Prime Minister Hun Sen and other senior officials. The Company has strong connections to the Ministry of Agriculture, Forestry and Fishery and the Forest Administration as well as the Royal Cambodian Armed Forces.
- Some of these senior officials are directly responsible for corruption within the institutions that they head.
- Hun Sen's private army is financed through illegal logging and smuggling."<sup>18</sup>

The judicial system and the Cadastral Commission structure, which was set up in 2002 as a dispute resolution mechanism are plagued by bureaucracy and corruption. The Special Representative of the Secretary-General for human rights in Cambodia, Yash Ghai, wrote in his 2006 report:" The Special Representative was also briefed about several other land disputes in the province in which poor families are increasingly pitted against military officials or highly placed officials. He was also told that when cases come to court, the people always lose."<sup>19</sup>



Victims of land dispute protesting in Phnom Penh.

In March 2006, the Government created the National Authority for Land Dispute Resolution (NALDR) that should solve land dispute cases and complaints that are "beyond the jurisdiction of the National Cadastral Commission". NGO activists suspect the new Authority as being a political activity aiming at appeasing the international donor



Land protection project in Sihanoukville province.

community. They raised the concern that the NALDR might undermine "the capacity of existing judicial institutions mandated to resolve land disputes".<sup>20</sup>

### **The Human Right to Livelihood and Land: Activities of NGOs**

NGOs do not have much sway over national-level decisions, but they can have a great impact on issues of landlessness and land conflicts at the local and provincial levels. Their advocacy and human rights work is based on their close ties with communities and other people-based organizations which are affected by the issues.

Local and National Cambodian NGOs and Networks organize education programs, community development, advocacy and legal support in order to secure people's rights and access to natural resources. Rights monitoring programs have shown that land related human rights violations are increasing.

Whereas Prime Minister Hun Sen chided the international donor community for being "a bit over-concerned"<sup>21</sup>, national and international NGOs note a lack of serious donor pressure on the government regarding impending reforms on human rights, the rule of law, and good governance. Land disputes and forestry issues are hard to find on the political agenda of international and donor organizations.

### **The International Community: Funding where it Counts?**

The international donor community annually provides roughly half of the national budget in aid, but they do not use the leverage that this aid gives them effectively.<sup>22</sup> In the year 2006, aid grants reached \$601 Million for the year. This was an increase from the pledge of \$505 Million for 2005.<sup>23</sup>

For the year 2007, the international donor community has pledged \$690 Million in aid including the contribution from China. Main donors are:

- Japan: \$112.29 Million
- China: \$91.54 Million
- World Bank: \$62.6 Million
- European Commission: \$ 50.5 Million
- USA: \$ 48.83 Million
- France: \$25.12 Million
- Germany: \$ 21.75 Million<sup>24</sup>

To assess the government's achievements and reforms, the donor community and the government agreed on joint monitoring indicators in December 2004. The donors expressed their strong desire to see progress. Some even linked their funding to performance indicators. The majority of the 2004 benchmarks have still not been reached. The donors nevertheless remain optimistic: "What we heard from the mouth of the prime minister was very encouraging. To combat corruption we have been informed that, pending the anticorruption law, a number of measures have been taken already against this cancer."<sup>25</sup>



Global Witness Director Simon Taylor said: "Cambodia's donors have been staggeringly complacent. If their mission is to help Cambodia's long-suffering population, rather than just cosying up to its kleptocratic government, donors must start insisting on tangible actions to combat corruption and impunity."<sup>26</sup>



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## Endnotes

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