

Land Issues in Cambodia

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LICADHO

CAMBODIAN LEAGUE FOR THE PROMOTION
AND DEFENSE OF HUMAN RIGHTS

An Epidemic of Land Grabbing

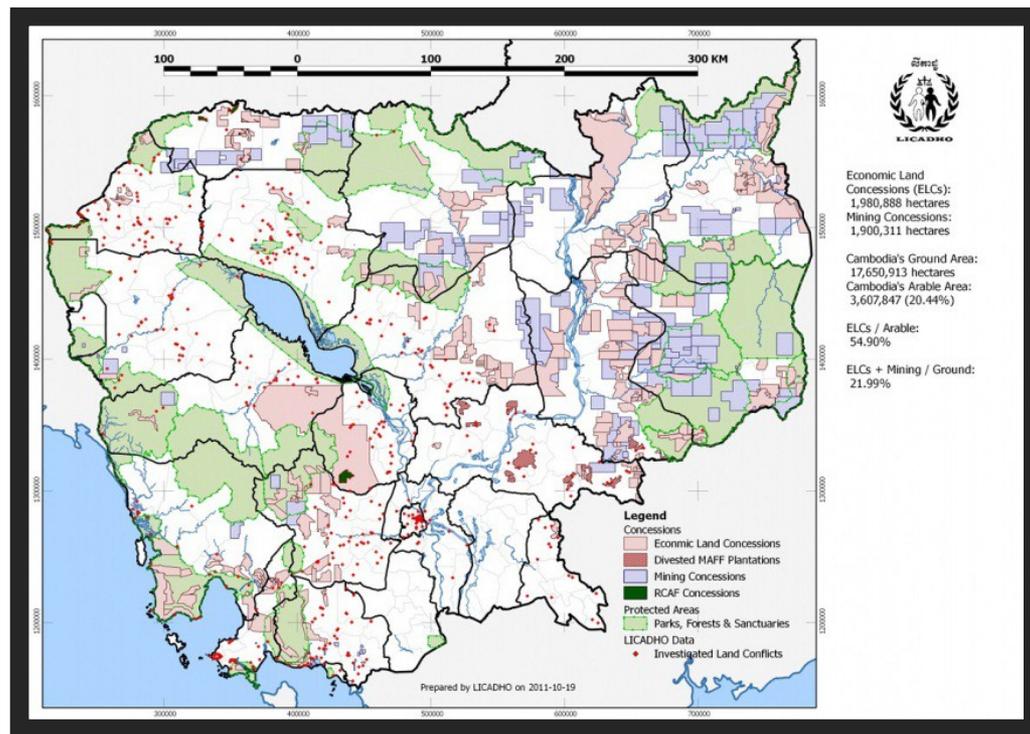
- In Phnom Penh and 12 provinces where LICADHO works, over 400,000 people have been affected by land-grabbing and evictions since 2003.
- In just the first half of 2011, nearly 9,000 Cambodian families were affected by land conflicts.
- Land-grabbing is facilitated by the rapidly increasing issuance of various land concession contracts by the government to private companies.



Protesting land rights abuses in Phnom Penh

Economic Land Concessions

- An Economic Land Concession (ELC) is a long term lease – often 99-years – of state private property that is granted to a private entity. ELCs are intended to promote industrial agriculture development.
- As of November 2011, the government has given 1,980,888 hectares of land to private companies as ELCs. This amounts to 54.9% of Cambodia's arable land.



Pink Areas Are ELCs



Legal Framework

- The 2001 Land Law and subsequent sub-decrees create the legal framework for granting ELCs.
- The Land Law limits ELCs to 10,000 hectares each. It also provides for land ownership rights based on inhabitation.
- A 2005 sub-decree on ELCs offers further legal protections for residents facing such concessions over their land. Under the sub-decree, an ELC may only be granted after there have been public consultations with territorial authorities and residents, and after solutions have been reached for any potential resettlement issues.
- Such consultations and resettlement negotiations have rarely, if ever, taken place prior to the issuance of ELCs. On the contrary, the laws are often misused to prosecute and imprison community representatives and victims of land grabbing when they try to defend their land rights.

Sugar Plantations

- The rapid expansion of the sugar industry is fast becoming one of the leading causes of land-grabbing—accounting for concessions totaling more than 80,000 hectares over the last 2 years.
- This is largely fueled by trade preferences under the EU’s Everything But Arms initiative.
- Ruling party Senator Ly Yong Phat owns or has interests in sugar concessions totaling at least 60,000 hectares of land.
- Rights observers have documented serious and widespread human rights abuses caused by sugar industry related land grabbing.



ELCs totaling about 80,000 hectares, at least 60,000 for sugar, have been given to companies controlled by or linked to CCP Senator Ly Yong Phat



Reclassification Games

- Because ELCs may only be granted over state private land, the government has increasingly reclassified land to allow concessions. These reclassifications often result in the loss of protected areas. This past summer saw a flurry of such reclassifications followed quickly by ELCs. The following are just a few examples out of many:
- On July 6, the government reclassified more than 45,000 hectares of land in Preah Vihear province from state public to state private land, and then granted ELCs over that land the very same day to five companies for rubber plantations.
- Also mid this year, the government granted more than 17,000 hectares inside Kampong Speu province's Phnom Oral Wildlife Sanctuary to private companies.
- And in one particularly egregious example, the government recently granted concessions over a staggering 60,000 hectares in Virachey National Park to seven companies.
- Many of the protected areas, which include wildlife sanctuaries and nature preserves, have been developed with substantial help from international development partners, including the EU and World Bank. That assistance is at serious risk of being lost as the government continues to implement this disingenuous reclassification strategy.

Extralegal Use of Armed Force

- One of most dangerous aspects of Cambodia's land-grabbing crisis is the involvement of Royal Cambodian Armed Forces personnel, particularly in rural areas.
- Soldiers often grab land for their own benefit, or participate in evictions of families from their homes or agricultural land on the orders of the government - typically on behalf of private interests with close links to the ruling party.
- Use of armed soldiers against civilians carries a high risk of violence and is unlawful. On November 15, 2007, a man and a woman were shot dead during a forced evictions by armed forces, including armed soldiers.



Armed military police and soldiers stop a protest by the Prey Lang community

Potential for Unrest and Violence

- Recent violence resulting from land disputes in Kampong Speu and over the Prey Lang forest, potentially offer a grim glimpse into Cambodia's future.
- In Kampong Speu, a dispute between 88 families who have lived and farmed on the land in question for decades, and a Taiwanese owned company that filed a claim of ownership in 2004, has resulted in multiple instances of violence.
- The Kampong Speu villagers first tried to resolve the dispute in court, but their evidence of ownership was systematically ignored. The company, meanwhile, asserted ownership based on demonstrably fraudulent documents.



Violent clashes have occurred in Kampong Speu

Social and Economic Costs

- Taking away homes and farmland:
 - increases poverty;
 - reduces access to education, health care, and other services;
 - increases vulnerability to exploitation such as human trafficking;
 - destroys indigenous methods of securing sustainable livelihood, such as rotational agriculture, and cultural traditions.



Resident of land subject to ELC waits for information about the concession's impact



Human Rights Defenders and Civil Society

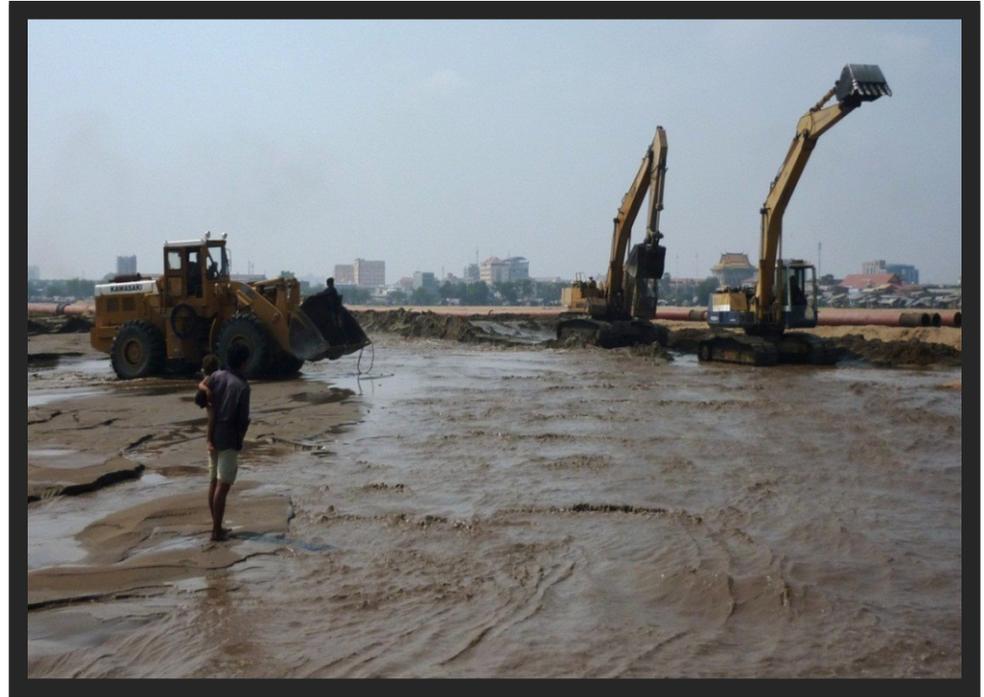
- At least 14 human rights defenders are currently imprisoned on charges relating to land rights (as of July 30, 2011, based on figures from 18 of Cambodia's 26 prisons).
- Seven community members have also been unjustly convicted or charged in cases relating to land in the past year.



A government employee demands that Venerable Luon Sovath not to sit with people at a land rights protest in PP

Boeung Kak Lake

- In February 2007, without public consultations, Phnom Penh Municipality agreed to a 99-year lease for Boeung Kak Lake with private developer Shukaku Inc.
- In 2008, the land was reclassified to state private land, in an effort to legitimize the lease.
- The lease implementation required the forced displacement of over 4,000 lakeside families.



Excavators at Boeung Kak Lake following a recent unannounced demolition of homes



Boeung Kak Lake

- Over the next few years, over 3,000 families were coerced by the company and Municipality through a sustained campaign of intimidation into accepting grossly unfair compensation.
- In August 2011, the World Bank (WB) announced it had suspended all funding to Cambodia. The announcement came after the Bank determined that lakeside residents were discriminatorily denied land titles by the WB funded land titling program.
- Two days later, Prime Minister Hun Sen issued a sub-decree granting formal ownership of 12.44 hectares near Boeung Kak Lake to the remaining 779 families.
- After the sub decree was signed, the municipality announced that over 10% of those families were excluded and not eligible to take part in the resettlement.

Prey Lang Forest

- The government has sold 6,044 hectares of Prey Lang forest to a Vietnamese owned rubber company. It has also granted logging rights to private companies within the forest.
- Clearing the forest will affect the livelihood of many communities dependent on its resources, particularly of the Kouy, an ethnic minority living near the forest.
- In early November, hundreds of residents affected by Prey Lang land-grabbing trekked through the forest for over a week in an effort to protect it from illegal



Prey Lang protest, November 2011

clearing and to protest the rubber company's actions. Two NGO workers and two community representatives have since been informed of criminal proceedings against them in relation to the protest.



Land Grabbing and EU Policies and Safeguards



- Land-grabbing in Cambodia violates the core principles described in the EU's Guidelines on Human Rights Defenders.
- UN Special Rapporteurs, LICADHO and civil society partners have documented links between trading preferences under the EU's Everything But Arms (EBA) initiative, and extensive human rights abuses. Current circumstances warrant an investigation under the EBA scheme. The EU regulations also states that it must withdraw EBA's trading preferences for certain products and other benefits from Cambodia when systematic human rights abuses occur.
- An EU investigation of EBA-related abuses connected to sugar industry concessions in particular would also be in keeping with the over-arching theme of poverty reduction contained within the Cambodia-EU Community Strategy Paper.



Role of International Community

- Having contributed billions in aid money, accounting for roughly half of Cambodia's government budget each year, the international community should:
- Ensure that money is not misappropriated or squandered through mismanagement and corruption and increase the visibility of international support for Cambodian organizations that monitor and document human rights abuses linked to land concessions.
- Ensure that the benefits of development projects paid and/or sponsored by the international community are not lost to the granting of land concessions. The World Bank's suspension of funding provides a recent, concrete example of the immediate positive impact that such actions could have.
- Urge the Cambodian government to suspend the granting of economic land concessions and to undertake comprehensive land planning to ensure that Cambodians' rights to property, water and food are respected and that this type of economic development does not compromise Cambodia's environmental sustainability
- Encourage international NGOs, development partners, civil society and other stakeholders to take strong positions on key human rights issues.

For more information please visit
www.licadho-cambodia.org

