



## LAND GRABBING & POVERTY IN **CAMBODIA**: THE MYTH OF DEVELOPMENT

“The activities of tearing down the homes... is not an eviction but just an effort to clear the area for development”

Mann Chhoeun, Phnom Penh  
Deputy Governor

A LICADHO REPORT  
May 2009



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**LICADHO**

CAMBODIAN LEAGUE FOR THE  
PROMOTION AND DEFENSE OF HUMAN RIGHTS

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**LICADHO**

CAMBODIAN LEAGUE FOR THE PROMOTION  
AND DEFENSE OF HUMAN RIGHTS

## **Cambodian League for the Promotion and Defense of Human Rights (LICADHO)**

LICADHO is a national Cambodian human rights organization. Since its establishment in 1992, LICADHO has been at the forefront of efforts to protect civil and political and economic and social rights in Cambodia and to promote respect for them by the Cambodian government and institutions. Building on its past achievements, LICADHO continues to be an advocate for the Cambodian people and a monitor of the government through wide ranging human rights programs from its main office in Phnom Penh and 12 provincial offices.

LICADHO pursues its activities through two program departments:

### **Department of Monitoring and Protection:**

- **Monitoring of State Violations and Women's and Children's Rights:** monitors collect and investigate human rights violations perpetrated by the State and violations made against women and children. Victims are provided assistance through interventions with local authorities and court officials.
- **Paralegal and Legal Representation:** victims are provided legal advice by a paralegal team and in key cases legal representation by human rights lawyers.
- **Prison Monitoring:** researchers monitor 18 prisons to assess prison conditions and ensure that pre-trial detainees have access to legal representation.
- **Medical Assistance:** a medical team provides medical assistance to prisoners and prison officials in 12 prisons and victims of human rights violations.

### **Department of Communication and Advocacy:**

- **Training and Education:** advocates raise awareness to specific target groups, support protection networks at the grassroots level and advocate for social and legal changes with women and youths.
- **Public Advocacy and Outreach:** human rights cases are compiled into a central electronic database, so that accurate information can be easily accessed and analyzed, and produced into periodic public reports (written, audio and visual).

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# Introduction

In recent years it has become a tragic cliché to say that Cambodia is suffering from an “epidemic” of land-grabbing by the rich and powerful – an epidemic which is resulting in the loss of residence and livelihoods by the poor and vulnerable on a massive scale.

The statistics, which have become more alarming year by year, speak for themselves.

- In the 13 provinces in which LICADHO works – roughly half the country – more than a quarter of a million people have been affected by land-grabbing and forced evictions since 2003.
- In the capital, Phnom Penh, 133,000 people – more than 10% of its population – are believed to have been evicted since 1990.<sup>1</sup>
- In 2008, according to Amnesty International, a further 150,000 Cambodians were at risk of forced relocation nationwide.<sup>2</sup>
- As of 2004, it was estimated that 20-30% of landowners held 70% of the country’s land, while the poorest 40% occupied only 10%; in the countryside, 45% of families were landless or near landless.<sup>3</sup>

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*“We are trying to develop the city...  
The main purpose is to eradicate  
poverty”*

Phnom Penh deputy governor Mann  
Chhoeun on evictions in Phnom Penh, 2005<sup>4</sup>

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The excuse invariably trotted out by the government whenever another group of people are forcibly evicted from the homes they have occupied for years, and sent to a distant relocation site lacking the basic amenities for living, or lose the farmland that has sustained their families for generations, is that this is necessary for “development”.

There is little doubt that the appropriation of land in Cambodia has been a very positive development for the powerful individuals and private companies who have acquired prime real estate at little or no cost – as well as government officials who profited from the transactions.

There is little evidence, however, that ordinary Cambodians are benefiting from the mass confiscation of their land. On the contrary, those who are displaced are explicitly excluded from any benefits, and instead find themselves facing loss of income, poor health, lack of education and other dire consequences that are directly opposed to the government’s public commitment to development, expressed through targets such as the “Millennium Development Goals” (MDG).

There is no sign of the Cambodian authorities slowing down the pace of land grabbing and forced evictions, usually committed in flagrant contravention of their own laws. Economic Land Concessions continue to be granted in unlawful secrecy, concealed from the public, and sometimes in sizes far exceeding the legal limit of 10,000 hectares.

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<sup>1</sup> *Land and Housing Rights in Cambodia – A Parallel Report*, Land and Housing Working Group, April 2009, available at [http://www.cohre.org/store/attachments/Land%20and%20Housing%20Rights%20in%20Cambodia%20\(final\).pdf](http://www.cohre.org/store/attachments/Land%20and%20Housing%20Rights%20in%20Cambodia%20(final).pdf)

<sup>2</sup> *Rights Razed – Forced Evictions in Cambodia*, Amnesty International, February 2008, available at <http://www.amnestyusa.org/document.php?id=ENGASA230022008&lang=e>

<sup>3</sup> *A Fair Share for Women: Cambodia Gender Assessment*, World Bank, April 2004, available at <http://go.worldbank.org/IVGO944NYO>

<sup>4</sup> *UN Envoy Says Public Evictions Punishing Poor*, The Cambodia Daily, August 24, 2005

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*“In order to participate in developing the country and also in poverty reduction, I applied for permission from the Provincial authority of Ratanakiri for planting rubber trees on the land”*

Businesswoman Keat Kolney complaining against lawyers representing villagers in the notorious Kong Yu land dispute, 2007<sup>5</sup>

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*“Villagers reported that they have lost access to vegetation they used to collect from the forest, have insufficient land for future use, and are unable to leave their cattle free to roam, in case they wander onto the rubber plantation and are confiscated. Children are kept home from school in order to take care of the cattle.”*

UN Special Representative Yash Ghai on the experiences of Kong Yu villagers, 2008<sup>6</sup>

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Social Land Concessions continue to be established illegally – in fact, not a single one has been completed in accordance with the relevant laws – and perversely have been used to steal land from the poor rather than provide it to them. The Cambodian military continues to be involved in evictions, in contravention of the law, as well as heavily implicated in land-grabbing for their own benefit. The Cambodian courts continue to act on behalf of rich and powerful interests, ignoring the evidence, the Land Law and other relevant legislation, enforcing eviction where ownership remains undecided and imprisoning those who dare to protest. And to underline the fact that these evictions are really about grabbing valuable land – rather than actual development – many sites from which people have been evicted in recent years remain largely untouched by their new owners.

The government, meanwhile, says there is no problem.



*The government's Rectangular Development Strategy to develop Cambodia Dey Krahom eviction site  
24 January 2009*

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<sup>5</sup> Unofficial translation

<sup>6</sup> *Report of the Special Representative of the Secretary-General for human rights in Cambodia to the UN General Assembly, February 29, 2008, A/HRC/7/42*

## A Government in Denial

Despite a mounting tide of concern and criticism from both Cambodian civil society and the international community, the Cambodian government has so far adopted a policy of blanket denial that any problem exists – even going so far as to deny that any forced evictions take place – and of attacking those who point out otherwise.

Typical was the government's reaction to Miloon Kothari, the UN Special Rapporteur on Housing Rights, who visited Cambodia in 2005 and found a "frenzy now across the country by the rich and powerful in Cambodia to acquire land".<sup>8</sup> Instead of addressing the valid concerns raised, Prime Minister Hun Sen launched a personal attack on the Special Rapporteur, saying in a public speech that "One guy, a UN representative... He came just for money. He regarded Cambodians as thieves."<sup>9</sup>

When in 2008 Amnesty International released a detailed report on forced evictions in Cambodia, the government responded by denying that any "unlawful and forcible evictions" take place. Bizarrely, the Ministry of Foreign Affairs cited the under-threat communities of Borei Keila and Dey Krahom in Phnom Penh – where human rights workers have documented countless violations of land rights in recent years – as being "happy" with the government's approach.<sup>10</sup> (Within a year of the ministry's statement, the remaining families of Dey Krahom would be violently evicted in yet another example of forced evictions which the government claims do not occur). Meanwhile Hor Nambora, Cambodia's Ambassador in London, attacked the messenger, accusing Amnesty International of "sensationalism" and its researcher of being an "adventurist", and instead of addressing the report's detailed criticisms boasted of the international donor community's praise and support for the government's policies.<sup>11</sup>

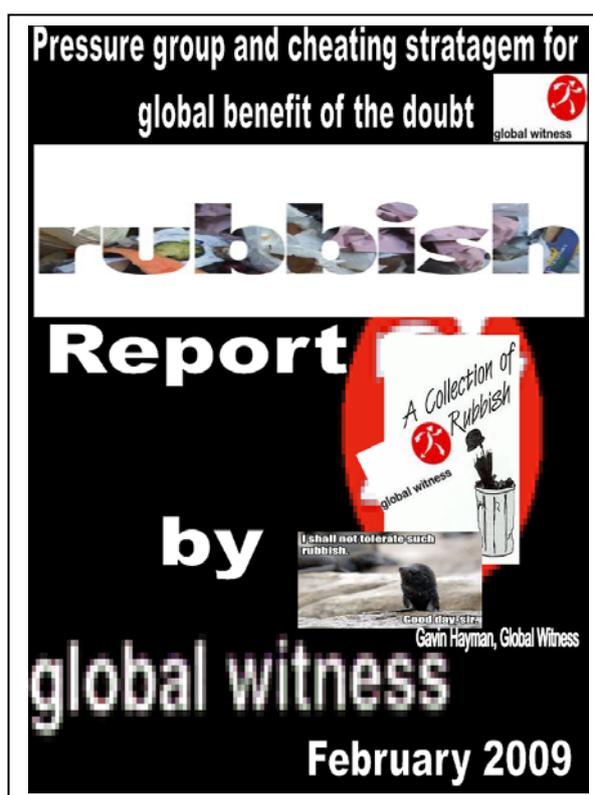
Ambassador Hor continued in a similar vein in 2009, when he responded to a Global Witness report on Cambodia's extractive industries – which also highlighted the widespread allocation of land to private

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***"There are absolutely no 'unlawful and forcible evictions' in Cambodia"***

Ministry of Foreign Affairs, responding to Amnesty International report on forced evictions, 2008<sup>7</sup>

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*Addressing the issues? How the Cambodian Government responded to a Global Witness report on extractive industries*

<sup>7</sup> Statement of the Spokesman of the Ministry of Foreign Affairs, February 13, 2008.

<sup>8</sup> Cambodia 'suffering land crisis', BBC News, September 2, 2005

<sup>9</sup> The Cambodia Daily, September 9, 2005

<sup>10</sup> Statement of the Spokesman of the Ministry of Foreign Affairs, February 13, 2008.

<sup>11</sup> Letter from Hor Nambora, Cambodian Ambassador to the UK, to Ms. Catherine Baber, Director of Amnesty International's Asia-Pacific Program, February 11, 2008

companies – by ridiculing the report as “rubbish”, claiming that the organization was “naïve” and stating that Cambodia’s donors were “fully aware of the way the Royal Cambodian Government’s conducts its affairs and its commitment to demonstrating the highest possible standards.”<sup>12</sup>

But perhaps the most telling response was that of Dr Sea Kosal, Cambodian Ambassador to the UN, following the visit of UN Special Representative Yash Ghai to Cambodia in December 2007. During his visit, which focused on land and housing rights issues, Professor Ghai warned of the

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***“The activities of tearing down the homes at Dey Krahorn is not an eviction but just an effort to clear the area for development”***

Mann Choeun, 2009<sup>13</sup>

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social instability which Cambodia risked because of such uncontrolled “development”. Dr Sea responded with a furious letter to UN Secretary-General Ban Ki-Moon accusing Professor Ghai of having “incited the people in Cambodia to revolt” against the government (ironically echoing the spurious criminal “incitement” charges that are frequently brought against the representatives of communities fighting evictions and land grabbing).<sup>14</sup>

The government ignores such warnings at its peril. Numerous local and international human rights organizations have supported Professor Ghai’s observations.<sup>15</sup> The links between land alienation and conflict are well-documented.<sup>16</sup> And the dangers for Cambodia have been repeatedly highlighted, most recently in a report issued by a British think-tank in March 2009 on risks posed by the global financial crisis, which analyzed factors such as social inequality and economic distress, and concluded that Cambodia is currently one of the very most vulnerable nations in the world to social and political unrest.<sup>17</sup>

Such willful disregard of the problems facing the country does no favors to the Cambodian people and, in the long run, will do no favors to the Cambodian authorities. While there is no doubt about the complexities of economic management – and that the country is affected by many factors outside its control – Cambodia is in the fortunate position that there are steps which could be taken *immediately* to address the hardships faced by its people. First and foremost among these would be to stem the tide of land-grabbing and other economic pillage in the name of “development”.

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***“The government talks about poverty reduction, but what they are really trying to do is to get rid of the poor. They destroy us by taking our forested land, 70% of the population has to disappear, so that 30% can live on. Under Pol Pot we died quickly, but we kept our forests. Under the democratic system it is a slow, protracted death. There will be violence, because we do not want to die.”***

A Pursat villager affected by an Economic Land Concession <sup>18</sup>

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<sup>12</sup> *Cambodian Ambassador Hits Back At “Naive” Pressure Group*, London Embassy Media Release, February 5, 2009

<sup>13</sup> *City, developer demolish Dey Krahorn homes*, Phnom Penh Post, January 24, 2009.

<sup>14</sup> Letter from Sea Kosal, Cambodian Ambassador to the UN, to Mr. Ban Ki-Moon, UN Secretary-General, December 18, 2007.

<sup>15</sup> See e.g. *Cambodia: Leading Rights Groups Support UN Envoy*, joint statement by HRW, AHRC, FORUM-ASIA, FIDH and OMCT, December 19, 2007.

<sup>16</sup> See e.g. *States, Scarcity, and Civil Strife in the Developing World*, Colin H. Kahl, Princeton University Press, 2006.

<sup>17</sup> *Manning the Barricades*, Economist Intelligence Unit Special Report, March 2009. The report placed Cambodia fourth overall in its Political Instability Index, behind only Zimbabwe, Chad and Congo Kinshasa.

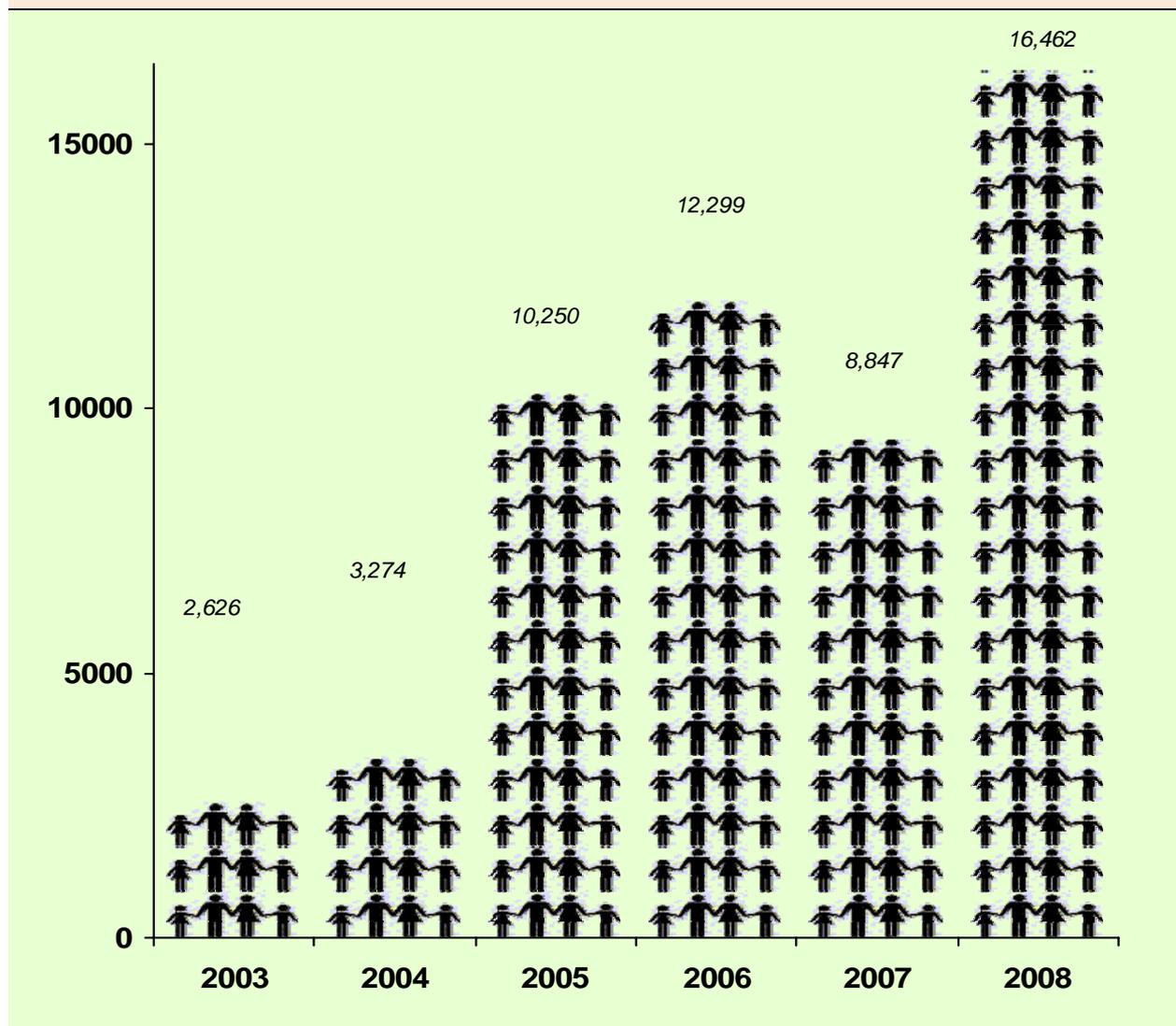
<sup>18</sup> *Land concessions for economic purposes in Cambodia: A human rights perspective*, Special Representative of the UN Secretary-General for human rights in Cambodia, November 2004, available at [http://cambodia.ohchr.org/EN/report\\_thematic.htm](http://cambodia.ohchr.org/EN/report_thematic.htm)

## Cambodia: The Scramble for Land

While forced appropriation of land is a longstanding problem in Cambodia, recent years have seen an explosion in related violations.

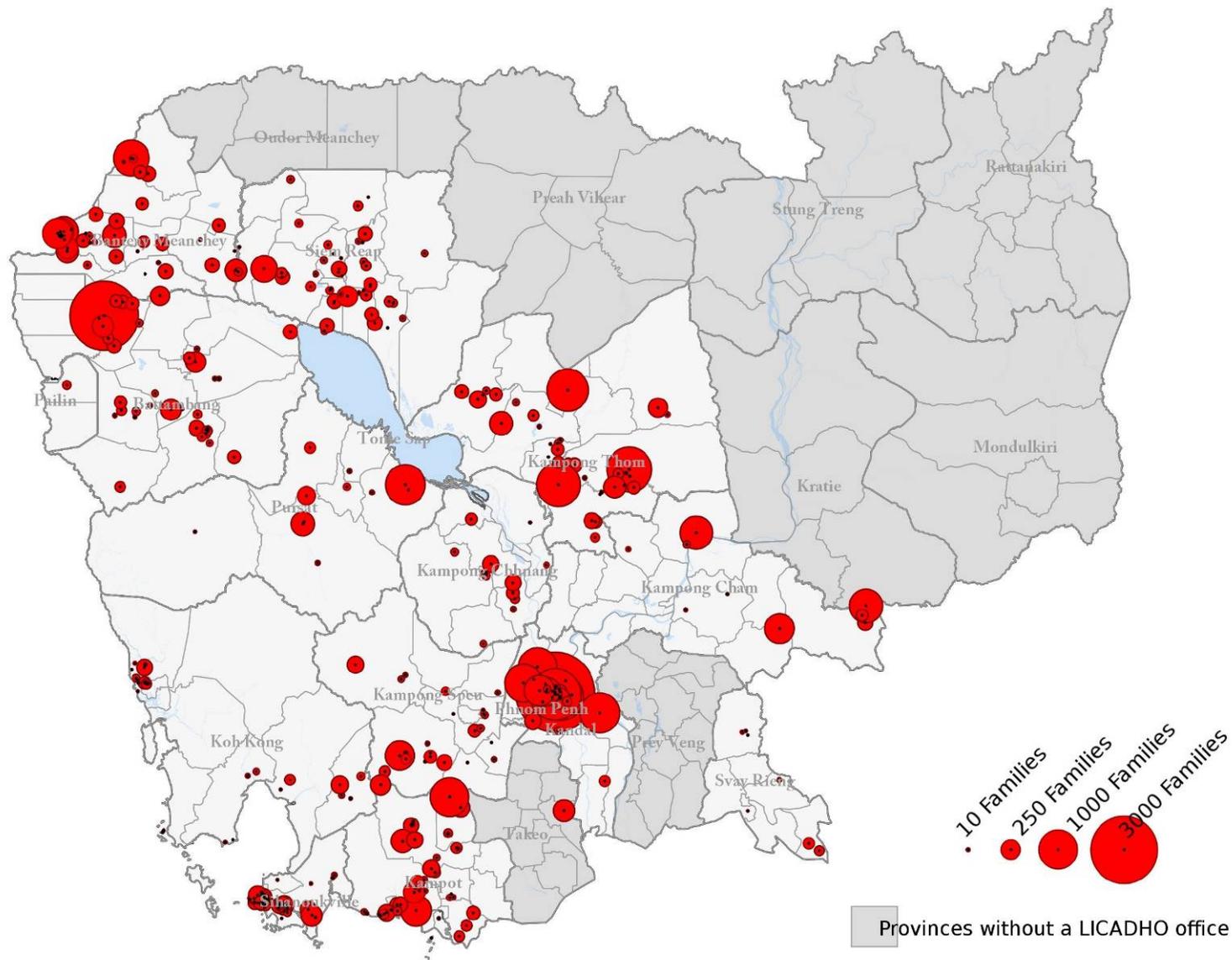
In cases monitored by LICADHO between 2003 and 2008, a total of 53,758 families fell victim to land-related human rights abuses, including land-grabbing, forced evictions and destruction of property. According to official statistics on the average size of Cambodian families, this represents *more than a quarter of a million* Cambodians – and that's just in the 13 provinces and municipalities where LICADHO maintains a presence.<sup>19</sup>

Numbers of Families Affected in Land Cases Monitored by LICADHO 2003-08



<sup>19</sup> Based on average household size trends from the National Institute of Statistics of Cambodia (<http://statsnis.org>), some 261,705 Cambodians have been affected in LICADHO's target provinces. This does not take into account the fact that victims of land-grabbing and forced evictions tend to come from a demographic with larger than average families.

### Land Cases Monitored by LICADHO 2003-08, by Location & Number of Families Affected



The perpetrators of land-grabbing are varied. Some cases are relatively simple disputes between neighbors. Others involve more powerful interests, with government officials and members of the security forces – in particular the military – behind the appropriation of valuable land from its occupants and rightful owners. Increasingly, however, is the government is permitting big business concerns – sometimes backed with foreign investment – to profit from seizing land for the minimal cost, and with minimal regard to the rights of the poor families who rely on it for their homes and livelihoods.



*Sambok Chap eviction site, still undeveloped in May 2009*

Despite the differences in scale, most cases have several factors in common – notably the disregard of applicable Cambodian legislation (in particular the 2001 Land Law), the unlawful use of security forces to threaten and evict people with legitimate claims to land, and the abuse of judicial processes to wrongfully rule on ownership and harass those who protest. Cases of malicious arrest and detention of those who dare to challenge land-grabbing continue to escalate, despite the 2006 pledge by Prime Minister Hun Sen that villagers jailed in land disputes should be released.<sup>20</sup> At the end of 2008, LICADHO documented at least 43 cases where land dispute protestors were being held in pre-trial detention or serving prison sentences based upon dubious charges, most usually of property destruction, property infringement and incitement.

Despite the abuses perpetrated in the name of “development”, it is particularly telling that in many cases where communities were evicted to make way for commercial projects, little or no actual development has since taken place.

For example, in June 2006, in the middle of the rainy season, 1,380 families who had rented properties at Sambok Chap in Phnom Penh were forcibly evicted 22km outside the city to Andong – a flood-prone empty field with no toilets, shelter, or drinkable water. The previous month, 1,367 house-owning families from Sambok Chap had been relocated to another site. The prime riverside land of Sambok Chap, close to the new National Assembly, had been granted to a company named Sour Srun for commercial development. However, three years later the land in question is overgrown and undeveloped.



*Monivong Hospital eviction site, still undeveloped in May 2009*

Similarly, in June 2006 168 families were forcibly evicted from nearby Monivong Hospital, close to Phnom Penh’s central market, to make way for commercial development by Kith Meng’s Royal Group (which also includes the Mobitel phone company and ANZ bank in its portfolio). Three years on, this prime real estate is being used as a yard to park and clean cars.

As there was clearly no urgent intention of developing either of these sites, it is outrageous that families should have been subject to forcible eviction – when years remained to negotiate a just settlement for them.

<sup>20</sup> Pin Sisovann, *Kem Sokha: PM o Free Land Dispute Prisoners*, The Cambodia Daily, March 16, 2006.

## A selection of land-grabs and forced evictions in Phnom Penh, 2006-2009

Related Company	Location	Families Affected	Date Evictions	Stated Use of Land	Status of Land	Status of Victims	Note
Sour Srun company	Sambok Chap Tonle Bassac Chamkar Mon	1,367 (house owners)	3 May 2006	Shopping center	Undeveloped	Relocated to Trapeang Anchanh, 20km from PP	Eight people were detained, and three subsequently imprisoned following the forced eviction in June 2006.
		1,380 (house renters)	6 June 2006			Relocated to Andong site, 22km from PP. Currently, more than 1,000 families remain living in grossly-inadequate conditions there.	
	Monivong Hospital Psar Thmei 3 Daun Penh	168	29 June 2006	Unknown commercial purposes	Undeveloped (currently serving as a car wash)	Relocated to Ang Snoul site, 30km from PP; most later returned to the city as squatters	Three women hospitalized, one pregnant woman shocked by electric baton during the forced eviction
	Chong Chroy Chroy Changvar Russeï Keo	132	2 November 2007	Not stated	Luxury apartment building under construction	Relocated to Trapeang Anchanh site	Forced eviction order claimed that it was "to eliminate disorder in the society, to protect environment, sanitation and public health, and to promote the municipality's beauty."
	Dey Krahorm Tonle Bassac Chamkar Mon	1,465	24 January 2009	On-site housing for residents and commercial development (town houses and office space)	Undeveloped	Families remaining at forced eviction relocated to Damnak Trayeung site, 20km away	The majority of families eventually accepted cut-rate compensation / relocation deals; more than 400 families were finally forcibly evicted, including house owners, renters and market stall-holders

 	<b>Borei Keila</b> Veal Vong 7 Makara	1,400	Ongoing	On-site housing for residents, Ministry of Education and commercial development	3 out of 10 proposed apartment blocks completed. Ministry of Tourism under construction, in contravention of original plans.	About 160 families evicted from homes, 42 families already forcibly relocated to Trapeang Anchanh site in 2007, more than 1,000 waiting to find out if they will be evicted or be re-housed on-site	At least 47 families, the majority of which are living with HIV/AIDS, are currently facing eviction to the sub-standard Toul Sambo relocation site, 20km from PP
<b>Sour Srun</b>	<b>Group 78</b> Tonle Bassac Chamkar Mon	146	Imminent	Multiple conflicting reasons given	Still occupied by community	66 families remain on site, awaiting eviction	Sour Srun company now claims to have granted the land to the municipality in order to build a road
	<b>Reak Reay</b> Tonle Bassac Chamkar Mon	209	Imminent	Luxury gated community	Still occupied by community	Awaiting eviction	Filling of community ponds with sand ongoing May 2009 despite nonviolent community protests
<b>Hassan Cambodia Development Co Ltd</b>	<b>Railway A &amp; B</b> Srah Chak, Daun Penh & Phsar Depo III, Toul Kok	325	Imminent	Office space and commercial center	Still occupied by communities	Awaiting eviction	Company chair Othman Hassan is a secretary of state at the Ministry of Labor
 <b>Pheapimex (Shukaku)</b>	<b>Boeung Kak</b> Toul Kork & Daun Penh	4,252	Imminent	“a commercial, cultural, tourist, housing and recreation center”	Still occupied by communities	Awaiting eviction	The 99-year lease granted to Shukaku on the lake, which is inalienable state land, is illegal under the 2001 Land Law.

Millennium Development Goals: The Andong Progress Report

*How has the forced eviction of 1,380 families from Sambok Chap to the Andong site helped Cambodia towards achieving the MDGs?*

**Goal 2: Achieve universal primary education**

*LICADHO monitors estimate that among the 1,200 families in Andong not officially recognized by the government, less than 40% of children attend school*

**Goal 3. Promote gender equality and empower women**

*Monitors report high levels of family desertion by husbands in Andong, leaving many women as the sole providers for large families*

**Goal 1: Eradicate extreme poverty and hunger**

*LICADHO doctors estimate that at least 50% of children in Andong are suffering from malnutrition*



**Goal 4: Reduce child mortality**

*The overall level in Andong is unknown, but doctors have noted an unusually high rate of child deaths, primarily from malnutrition, tuberculosis, dengue fever and diarrhoea*

**Goal 8. Develop a global partnership for development**

*(develop and implement strategies for decent and productive work for youth)*  
*Most residents of Andong have an earning capacity of less than \$2/day working as scavengers, rice planters, launderers or construction workers*

**Goal 5: Improve maternal health**

*LICADHO doctors estimate that at least 8% of children in Andong are born with serious illnesses resulting from poor maternal health*

**Goal 7: Ensure environmental sustainability**

*(halve by 2015 the proportion of people without sustainable access to safe drinking water)*  
*A 2008 water and sanitation analysis found that there is no safe drinking water in Andong; all wells, ponds and tanks contain unacceptably high levels of contamination*

**Goal 6: Combat HIV/AIDS, malaria and other diseases**

*HIV/AIDS patients evicted to Andong face severe difficulties accessing the treatment they require, while LICADHO doctors have observed a rate of potentially deadly hemorrhagic dengue fever in the site at least 50% higher than in Phnom Penh*

## Social Land Concessions

In March 2003 a new weapon was unveiled in the fight against poverty and landlessness:  
**The Social Land Concession.**

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*“Social land concession” is a legal mechanism to transfer private state land for social purposes to the poor who lack land for residential and/or family farming purposes.*

Article 2, Sub Decree on Social Land Concessions (2003)

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The new sub-decree, whilst not perfect, did set out a basic legal framework for the allocation of land to the poor. Amongst other provisions, it established new inter-ministerial/departmental bodies that would approve and manage the concessions – rather than leaving this to executive fiat. It required detailed information about land ownership, intended usage and allocation criteria to be submitted before approval, as well as stipulating how these plans be publicized. In an unusual step for a piece of Cambodian legislation, it even required community consultation in the process. The new Social Land Concessions (SLCs) were touted as a break from past practices of land-grabbing and forced evictions.

Four months later, the first “Social Land Concessions” were established – in total disregard for the new sub-decree. Rather than follow the process of planning, consultation and transparency, a simple letter from the Council of Ministers to the Governor of Phnom Penh announced the “approval” of SLCs on land occupied by four urban communities: the areas known as Borei Keila, Dey Krahom, Railway-A and Railway-B.

Over the next five years, it became abundantly clear that the real intention of these SLCs was not to provide land and housing for the poor, but rather to displace them from their existing land, and turn it over to private companies for lucrative “development” projects. To date, forced evictions have taken place at Borei Keila and Dey Krahom, while the remaining inhabitants of Railway-A and Railway-B are currently on final eviction notice.

While illegally-established, the proposals for the Borei Keila SLC seemed reasonable on the surface. A private company (Phanimex) would build new apartments on the site to be given to 1,776 families who, according to an official survey, were house-owners or long-term renters there. In return, the company would be granted some land at the site for commercial development. Meanwhile the Ministry of Education, which had historically used part of the site, would also return to the area.

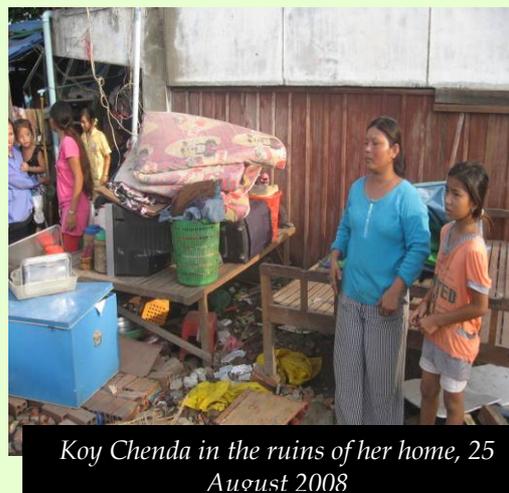
Nearly six years later, only 30% of the families have received their promised apartments, with widespread allegations of corruption and lack of transparency in the allocation process. About 160 families have been evicted from their homes and not received apartments –

including 25 who were specifically deemed eligible to get apartments by a joint municipality-NGO screening process two years ago. Forty-two families – including five judged eligible for apartments but who never received them – were violently evicted to the Trapeang Anchanh relocation site, 20km outside Phnom Penh. The remaining evicted families continue to live in squalor in temporary shelters, still hoping to get apartments eventually. And in a complete departure from the stated usage of the land, in 2008 the government allocated 7,000m<sup>2</sup> of the site to the Ministry of Tourism for the construction (by Phanimex) of a new ministry building, including a car park and sports facilities for staff. Under greatest threat at present are about 47 families, most of whom are living with HIV/AIDS, and whose houses were demolished in 2007 to make way for apartment blocks. They now live in a temporary shelter on land now earmarked for the Tourism Ministry, and are in imminent danger of forced eviction. The HIV/AIDS-affected families are to be taken to the isolated relocation site of Toul Sambo, 20km from Phnom Penh, which has been described as a “leper colony” lacking basic facilities, where they will be far from their jobs and the hospitals which give them the medication they need to remain alive.<sup>21</sup>

### Case Study: Koy Chenda

Few cases better illustrate the Cambodian authorities’ failure to meet their moral and legal obligations with respect to Social Land Concessions than that of that of Koy Chenda, a widow with five children who moved to a rented house in Borei Keila following the death of her husband in 2000.

It is hard to imagine someone better qualified legally for housing in the Borei Keila Social Land Concession. The criteria jointly agreed upon by the Phnom Penh Municipality and the Borei Keila community in February 2004 included that renters who had lived in the area for three years or more were eligible for on-site apartments. Furthermore, the sub-decree on SLCs states that where there are more applicants than available land, preferential treatment should be given based upon factors including that the head of the family is a woman, and that the family has six or more members.<sup>22</sup>



*Koy Chenda in the ruins of her home, 25 August 2008*

Unfortunately for Koy Chenda, she was not informed about the census of Borei Keila residents that took place in 2003, and was at work when the families were registered. She has also been unable to secure adequate documents from the local authorities that would have helped her to prove that she has been a community member since 2000 – despite confirmation from neighbors and other witnesses, including a former employer who has certified in writing that this is the case.

<sup>21</sup> *Borei Keila relocation creating modern-day leper colony: NGOs*, Phnom Penh Post, August 28, 2008. For more background see *Borei Keila: Cambodia's Social Housing Project Five Years On*, LICADHO Briefing, December 19, 2008, available at <http://www.licadho-cambodia.org/articles/20081219/84/index.html>

<sup>22</sup> Sub-Decree on Social Land Concessions (2003), Article 11

In August 2008, Chenda heard from neighbors that the Ministry of Tourism intended to conduct a ground-breaking ceremony in the area. She thought little of it until she received a call at work from her oldest daughter on 25 August, to say that five men equipped with axes, hammers and sticks had arrived at the family house and started to tear it down. She rushed back to find the demolition completed, and all the family belongings piled on a bed next to where her home had once stood. When she asked the workmen where she was supposed to go with her five children, she was told that they could not help, as they were only instructed to destroy the house.



*Koy Chenda with her belongings as the Tourism Ministry inauguration is prepared, 27 August 2008*

Koy Chenda and her family were provided with emergency relief by human rights organizations, and since the demolition they have lived in temporary accommodation near her old home. There are no toilets, water pours through the roof when it rains, and Chenda and two of her children now suffer from respiratory illnesses. She continues to press her rightful claim to one of the new Borei Keila apartments, but her case remains ignored by the local authorities. With work continuing on the new Tourism Ministry, and seemingly no prospect of her receiving the apartment to which she is entitled, she lives in constant fear that she and her children will join the 42 families already forcibly evicted

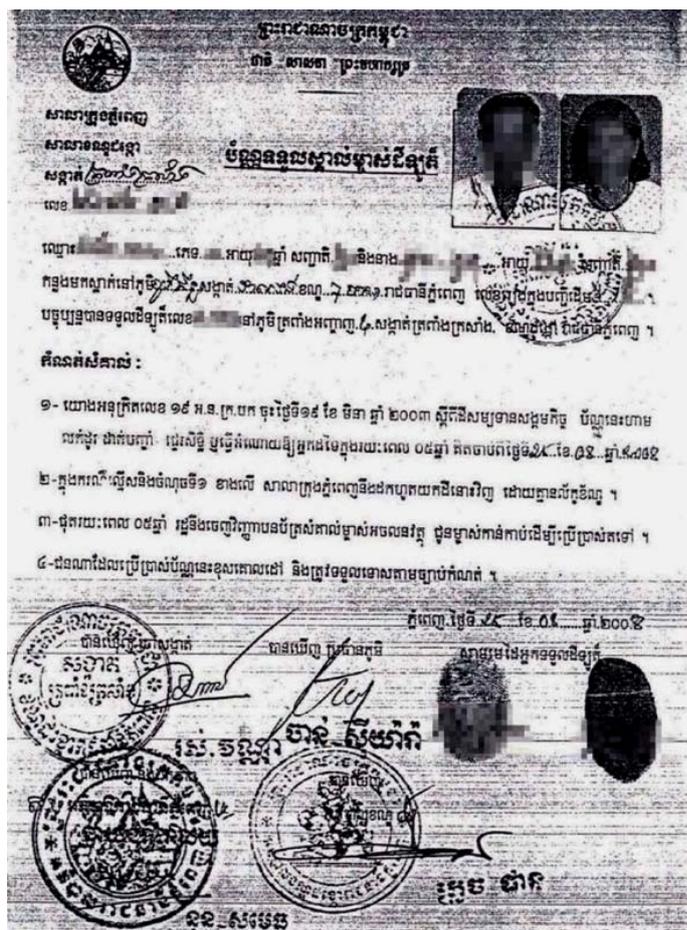
from Borei Keila to the Trapeang Anchanh relocation site.

Meanwhile in October 2008, the 42 families already evicted from Borei Keila – some of whom had been beaten and shocked with electric batons by military police during the eviction – were called to a ceremony in which government officials proudly gave them provisional land titles to plots of land at Trapeang Anchanh. The titles explicitly state that they were issued according to the sub-decree on SLCs. The irony of poor families who had been displaced from their homes because of one SLC then being given land through another SLC was apparently lost on the government officials and representatives of the international community who attended the ceremony.

Meanwhile the Ministry of Land Management, which is entrusted with oversight of the sub-decree, does not recognize the Trapeang Anchanh “social land concession” – nor indeed



*Recipient of Trapeang Anchanh land title, October 2008*



*Trapeang Anchanh land title, supposedly issued in accordance with the SLC sub-decree*

Council of Ministers in 2004. According to the Ministry, only three Social Land Concessions are currently in existence – one in Kratie province, one in Kampong Thom and one in Kampong Cham – and none of these has yet reached completion.<sup>23</sup>

Similarly unfortunate have been the members of the Dey Krahorm “social land concession”, who – like Borei Keila’s residents – were originally promised re-housing in new apartments to be built on-site by a private company. However, this plan was unlawfully changed to off-site housing at Damnak Trayeung, 20km away. The private company, called 7NG, and local authorities embarked on a prolonged campaign of violence and intimidation to coerce residents to “voluntarily” move out of Dey Krahorm. The campaign including filing unjustified criminal complaints against community members who opposed the company – despite a lack of evidence, and numerous breaches of criminal procedure, 21 individuals (including 10 community

representatives) were charged with crimes and two went to prison. A final forced eviction on January 24, 2009, saw the remaining more than 400 families forcibly removed to the relocation site at Damnak Trayeung. The house-owning families among them were given a “take-it-or-leave-it” offer of a one-room apartment at Damnak Trayeung, while the 335 remaining families – mainly renters and market stall-holders – were left to set up camp in the open in squalid conditions. Everyone at the distant site faces the familiar problem of expensive travel to get to jobs, and schools, hospitals and other essential services, in Phnom Penh.<sup>24</sup>

<sup>23</sup> LICADHO meeting with Ministry of Land Management officials, April 2009

<sup>24</sup> For more background see *Dey Krahorm Community Land Case Explained*, LICADHO Canada report, January 2008, *Nightmare at Dey Krahorm: Forced Eviction in the Heart of Phnom Penh*, LICADHO article, February 8, 2009, both available at <http://www.licadho-cambodia.org>

## Beneficiaries of the Dey Krahom Development

### Community Members



*Renters and market stall-holders dumped at relocation site which lacks basic infrastructure, drinking water, toilets, schools, and medical clinics*

### Community Representatives



*Malicious criminal prosecutions, including fines, probation orders and in two cases, lengthy prison sentences*

### Civil Society



*NGOs have covered bills totaling more than \$25,000 to provide emergency food and other relief to the evictees that the government has declined to do*

### 7NG Company



*Prime real estate in the center of Phnom Penh valued between \$44 million and \$180 million<sup>25</sup>*

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<sup>25</sup> In 2007, Bonna Realty Group reportedly put the total value of Dey Krahom at about \$44 million. A June-July 2008 estimation by Bonna Realty valued the land in the Tonle Bassac area (where Dey Krahom is) at \$3,000-\$5000 per square meter; Dey Krahom, which measures 3.6 hectares, could be worth up to \$180 million according to this.

## Economic Land Concessions

Whilst unlawful Social Land Concessions have come to the fore as a means of grabbing chunks of prime real estate in Phnom Penh, the same has been done in the countryside through the creation of Economic Land Concessions (ELCs) – the granting of state land to private companies for agro-industrial exploitation. Over recent years, huge swathes of the countryside have been given away as ELCs. As of December 2006, 59 ELCs were known to be in force, covering a total of 943,069 hectares in 15 provinces – or 5.2% of Cambodia’s total land area, and 14.5% of its arable land. (This excludes smaller concessions of less than 1,000 hectares, for which no information was available.)<sup>26</sup> One company alone is said to control 7.4% of the country’s territory.<sup>27</sup>

As with SLCs, the ELCs are failing to deliver the promised “development” to local communities, and many operate in flagrant violation of Cambodian law.

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***Land concessions areas shall not  
be more than 10,000 hectares***

Article 59, Land Law (2001)

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Less than three months after the promulgation of the 2001 Land Law, the Cambodian government clearly signaled its rural development intentions by awarding a 100,852 hectare concession in Stung Treng province to a company in the Cambodian Mong Reththy group.<sup>28</sup> It was not the last illegal concession to be approved:

- In September 2004, approval was given in principle by the Ministry of Forestry and Fisheries (MAFF) to two companies for a 19,900 hectare ELC in Mondulkiri province.<sup>29</sup>
- In April 2008, a Korean company called Kenertec was awarded a 60,000 hectare ELC by the Council for the Development of Cambodia (CDC), to plant trees and construct a biomass power plant.<sup>30</sup>

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<sup>26</sup> *Economic land concessions in Cambodia. A human rights perspective*, United Nations Special Representative of the Secretary-General for Human Rights in Cambodia, June 2007, available at [http://cambodia.ohchr.org/EN/report\\_thematic.htm](http://cambodia.ohchr.org/EN/report_thematic.htm)

<sup>27</sup> The Pheapimex company, owned by Choeung Sopheap and her husband, Cambodian People’s Party senator Lao Meng Khin. *Cambodia’s Family Trees: Illegal logging and the stripping of public assets by Cambodia’s Elite*, Global Witness, June 2007, available at <http://www.globalwitness.org>

<sup>28</sup> Official Ministry of Forestry and Fisheries ELC profile, <http://www.elc.maff.gov.kh/comprofiles/stgsea.html> and *Economic land concessions in Cambodia: A human rights perspective*, Special Representative of the UN Secretary-General for human rights in Cambodia, June 2007, available at [http://cambodia.ohchr.org/EN/report\\_thematic.htm](http://cambodia.ohchr.org/EN/report_thematic.htm)

<sup>29</sup> Technical Working Group on Forestry and Environment List of land concession companies who have signed contracts with MAFF, [www.twgfe.org/Docs/Statistics/Land%20Concession.pdf](http://www.twgfe.org/Docs/Statistics/Land%20Concession.pdf) and *Economic land concessions in Cambodia: A human rights perspective*, Special Representative of the UN Secretary-General for human rights in Cambodia, June 2007

<sup>30</sup> *Kenertec develops a bio-complex in Cambodia*, Kenertec Press Release, May 15, 2007, available at [http://www.kenertec.co.kr/english/relations/whatsnew\\_read.asp?page=2&num=12](http://www.kenertec.co.kr/english/relations/whatsnew_read.asp?page=2&num=12)

In addition to these illegal ELCs, eight other concessions larger than 10,000 hectares were already in existence at the time the Land Law was passed. The 2005 sub-decree on ELCs set out the procedures whereby such concessions would be reviewed and reduced to the legal limit. However, a report three years later by the NGO Forum on Cambodia found that only two of these concessions had actually been reduced, while three owners of oversized ELCs (including Mong Reththy) were simply refusing to renegotiate their agreements.<sup>31</sup>

Another common practice is to create oversized ELCs by simply placing two or more smaller concessions next to each other. For example, on the same day in 2006 two companies sharing the same registered office in Phnom Penh were awarded adjacent concessions in Koh Kong for sugar cane plantations. Each concession is under 10,000 hectares, but together they total 19,100 hectares.<sup>32</sup> A 2007 report by the UN Special Representative found reliable information that Cambodian People's Party (CPP) senator Ly Yong Phat had ownership interests in both companies. This practice does not exploit a loophole in the Land Law; it violates the Land Law. In fact, concessions totaling more than 10,000 hectares and awarded in favor of one specific person – or different companies controlled by that person – are illegal even if situated in completely different places.<sup>33</sup> Perhaps the most egregious offender in this respect is CPP senator Lao Meng Khin: in addition to the 315,025 hectare concessions in Kampong Chhang and Pursat provinces awarded to his Pheapimex company (pre-2001 contracts which Pheapimex refuses to renegotiate), he has used alternative companies of which he is also a director to add a 199,999 hectare concession in Monduliri (awarded in principle to a company named Wuzhishan), as well as the 133 hectare Boeung Kak lake development in Phnom Penh (a company named Shukaku).<sup>34</sup>

In addition to the flagrant breaches of the law concerning the size of ELCs, the government has consistently failed to meet its legal requirements regarding transparency over the awarding of ELC contracts, via the recording of all contracts in a publicly-available log book. While some limited data is available on ELCs through the website of the Ministry of Agriculture, Forestry and Fisheries, it remains incomplete, inaccurate and even contradictory. And, as has been observed by NGO commentators, an internet-based, English-language resource is hardly the most public way to convey information to Cambodian communities.<sup>35</sup>

To its credit, the international donor community has taken note of the problems relating to ELCs, and set specific benchmarks for improvement with the government in their annual Joint Monitoring Indicators (JMIs). To its shame, donor money has continued to increase while the government has largely ignored the JMIs with respect to the transparency requirements – and an indicator for review of ELC sizes was, after it failed to be met, quietly dropped.

<sup>31</sup> NGO Position Papers on Cambodia's Development in 2007-2008, NGO Forum on Cambodia, November 2008

<sup>32</sup> Ministry of Forestry and Fisheries ELC profiles, <http://www.elc.maff.gov.kh/comprofiles/kkplantation.html> and <http://www.elc.maff.gov.kh/comprofiles/kksugar.html>

<sup>33</sup> Land Law (2001) Article 59, Paragraph 3

<sup>34</sup> An initial 10,000 hectare concession was directly awarded to Wuzhishan in 2004, although its operations have already expanded outside this area. See *Land concessions for economic purposes in Cambodia: A human rights perspective*, Special Representative of the UN Secretary-General for human rights in Cambodia, November 2004; and *Economic land concessions in Cambodia: A human rights perspective*, Special Representative of the UN Secretary-General for human rights in Cambodia, June 2007, both available at [http://cambodia.ohchr.org/EN/report\\_thematic.htm](http://cambodia.ohchr.org/EN/report_thematic.htm)

<sup>35</sup> McInnes, *Attempts at regulating agro-industrial plantations in Cambodia*, World Rainforest Movement Bulletin N° 137, December 2008, available at [http://www.wrm.org.uy/bulletin/137/Cambodia\\_2.html](http://www.wrm.org.uy/bulletin/137/Cambodia_2.html)

Donor Meeting	Economic Land Concession JMI
March 2006 8th Consultative Group Meeting (\$601 million pledged)	Establish a mechanism and periodically disseminate information on ELCs in accordance with the notice issued by the Prime Minister on 30 June 2005.
June 2007 1st Cambodia Development Cooperation Forum (\$689 million pledged)	Implement all provisions of the sub-decree on ELCs, including establishing and making public log book of ELCs, including those issued at provincial level, and review a minimum of five economic land concessions over 10,000 hectares, taking appropriate action consistent with Chapter 6 of the Sub-Decree on ELCs.
December 2008 2nd Cambodia Development Cooperation Forum (\$952+ million pledged) <sup>36</sup>	Implement all provisions of the applicable laws and regulations, including establishing and making public the log book of Economic Land Concessions, Mining Concessions and other concession forms under the jurisdiction of MAFF, MoE, MIME.

As with Social Land Concessions, there seems to be little evidence that ELCs are a positive development for the ordinary Cambodians who are unlucky enough to live where they are established. An assessment by the Special Representative of the UN Secretary-General for human rights in Cambodia listed the impacts of the concessions on local communities as including encroachment on land and detrimental impacts on traditional livelihoods, displacement, adverse environmental impacts, poor employment and labor conditions, violence and intimidation, and lack of effective remedy or recourse for affected communities.<sup>37</sup>

Similarly, a specific study by NGO Forum on the 6,100-hectare Chup Rubber Company ELC in Tumring, Kampong Thom province found that as a result of the concession, local families lost access to crucial forest products, sold their livestock because of penalties if they strayed onto company land, and could no longer grow sufficient rice to feed themselves. The plantation, concluded NGO Forum, is “increasing the poverty of the community”.<sup>38</sup> And as an ongoing case in Kratie province demonstrates, the assumption that local people will welcome employment within an ELC is not necessarily correct.

<sup>36</sup> Does not include figures for countries including US and Belgium which had yet to fix their contribution; total pledges were expected to top \$1 billion.

<sup>37</sup> *Economic land concessions in Cambodia: A human rights perspective*, Special Representative of the UN Secretary-General for human rights in Cambodia, June 2007

<sup>38</sup> *A Study of the Impacts of Rubber Plantation Development in Tum Ring, Cambodia*, NGO Forum, May 2005, available at <http://www.ngoforum.org.kh/Land/Docs/Forestry/IRP/irp.htm>

### Case Study: The CIV company in Kratie province

On 27 May 2008, an Economic Land Concession was awarded to a Cambodian company named CIV for a rubber plantation in Snoul district, Kratie province. The 769-hectare ELC, one of 35 awarded in Kratie in recent years, is on ancestral land communally owned by hundreds of Stieng minority families – despite the fact that the 2001 Land Law bars acquisition of indigenous land. The affected families say they were never consulted about the plans, in contravention of the sub-decree on ELCs.



After the company sent in bulldozers to clear the villagers' rice and cassava crops, the villagers decided to take collective action. On 5 October 2008, 300 villagers held a peaceful protest at the site, demanding that company workers remove the camp they had set up. Two weeks later, four community members were invited to Kratie provincial court for questioning on allegations of robbery and property destruction relating to the protest – despite the fact that there no violent confrontation had taken place. No evidence has been presented against the men, beyond a criminal complaint from the CIV company, and one of the men was not even present at the protest. The case remains pending.



In addition to the now familiar use of spurious criminal charges to intimidate protestors and other victims into acquiescence, the case also highlights the flaws in the assumption that such “development” projects necessarily bring positive benefits for local communities. The managing director of CIV’s parent group has stated that the company would like local community members to work for the rubber plantation, yet villagers interviewed in the case say that they have no interest in being hired hands, and want to keep working for themselves. Had the

required consultation been carried out at the time, CIV might have been aware of this. Certainly local authorities are well aware; as the deputy secretary of the Kratie provincial cabinet told a researcher, “We want them [indigenous people] to work with the companies in their areas, but the villagers have a habit of not wanting to be laborers. So the workers for the companies usually come from elsewhere.”<sup>39</sup>

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<sup>39</sup> Unpublished LICADHO monitoring reports, 2008 and unpublished case study, NGO Forum, January 2009

## Military Involvement in Land-Grabbing and Forced Eviction

One of the most disturbing and dangerous aspects of Cambodia's land-grabbing epidemic is the involvement of military personnel, particularly in rural areas. In 2008 alone, LICADHO recorded 27 cases in its target provinces where members of the Royal Cambodian Armed Forces (RCAF) were involved in land-related violations against civilians (see table below).

The link between RCAF personnel and land appropriation is long established. Numerous investigations have documented their roles in guarding concessions and other interests for powerful businesspeople, as well as running their operations in fields such as illegal logging.<sup>40</sup> They are also heavily involved in the grabbing of land, sometimes for themselves and sometimes on behalf of state officials, private companies and other powerful interests. On numerous occasions, armed troops have been involved in carrying out evictions ordered by government officials, frequently resulting in arrests, assaults and even deaths of civilians.



*Military police guard the Phnom Penh villa of CPP senator Lao Meng Khin, headquarters of the land-hungry Pheapimex as well as its front companies Wuzhishan and Shukaku*



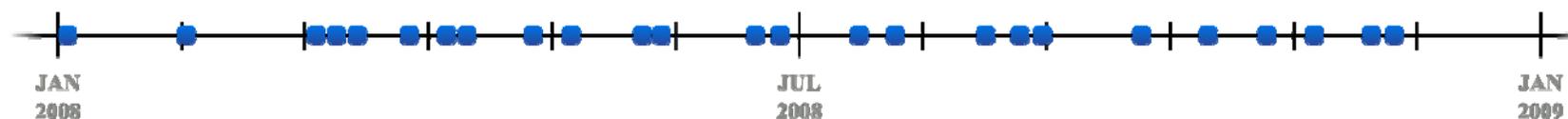
*Troops who participated in the deadly November 2007 eviction in Preah Vihear province. Behind them is a vehicle laden with looted bicycles and other possessions of the evicted families*

For example, in April 2007 RCAF officers were amongst the forces that forcibly evicted 105 families from Spean Ches village in Sihanoukville, injuring 18 villagers and arresting 13 (in yet another case where, years later, the eviction site has yet to be developed). Later the same year, heavily-armed soldiers and police were deployed in a forced eviction of 317 families in Choam Ksan district, Preah Vihear province, during which two unarmed civilians were shot dead – including a mother shot at point-blank range in front of her four children – and another six injured. Following the eviction, troops and police looted the belongings of the evicted families, and barred human rights monitors from entering the area.

<sup>40</sup> See, for example, the Global Witness reports *Deforestation Without Limits* (2002), *Taking A Cut* (2004), *Cambodia's Family Trees* (2007) and *Country for Sale* (2009), available at <http://www.globalwitness.org>

Under Cambodia's land, military and criminal procedure laws, the military has no power to conduct evictions. Unlike police and gendarmerie, soldiers have no law enforcement powers and cannot carry out lawful judicial decisions such as court-ordered evictions. (In reality, most evictions in Cambodia are unlawful – regardless of which authorities carry them out – because they are conducted without court order and without due process being given to the affected families). It is also a basic principle of international law that soldiers should not be used against unarmed civilians. The cases documented by LICADHO suggest that this principle is still being flouted with impunity.

## Involvement of RCAF Military Personnel in Land-Related Violations Against Civilians Investigated by LICADHO in 2008



<b>DAP</b> Destruction of Property	<b>FE</b> Forced Eviction	<b>IAD</b> Illegal Arrest & Detention	<b>LG</b> Land Grabbing	<b>PA</b> Physical Assault
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DATE OF MAIN EVENT	DESCRIPTION
<b>IAD</b> <b>FE</b> JANUARY 1	A 55-year-old man is illegally arrested by a provincial RCAF soldier during an attempt to forcefully evict his family from land in O Chrov district, Banteay Meanchey.
<b>LG</b> FEBRUARY 1	A village of 1,362 families facing forced eviction is surrounded by a mixed force of RCAF soldiers, military police and police in Santuk district, Kampong Thom. The disputed land was leased by the government to a private Vietnamese company Tin Bean as an Economic Land Concession.
<b>DAP</b> <b>LG</b> MARCH 7	Military Region 5's Development Unit 4 Commander and his deputies attempt to grab land of 157 families; RCAF soldiers illegally destroy properties on the disputed land, shoot at the community and make death threats to villagers in Koas Krolar district, Battambang.
<b>PA</b> MARCH 8	A Malai district RCAF soldier shoots and injures three villagers during a land conflict affecting 450 villagers in Malai district, Banteay Meanchey.
<b>LG</b> MARCH 8	84 families in a land dispute with the director of the Salvage Disabled Association are threatened and one beaten by a mixed force of police and RCAF soldiers in Phnom Sruoch district, Kampong Speu.
<b>LG</b> MARCH 20	Land owned by 152 families is unlawfully grabbed by local authorities. The families were threatened by Brigade 31 soldiers in Chhuk district, Kampot.
<b>LG</b> APRIL 4	Farmland belonging to 25 families is grabbed by Khen Company. An RCAF soldier who guards the land threatens a 58-year-old community representative in Soutr Nikom district, Siem Reap.

<b>PA</b> <b>LG</b>	APRIL 5	Land initially promised to be given to 574 families by local authorities is grabbed by the Kirirum environment deputy chief who, helped by an RCAF soldier, assaults and shoots at 3 men in Phnom Sruoch district, Kampong Speu.
<b>PA</b>	APRIL 29	A 27-year-old man is physically assaulted by an RCAF soldier and, while running away, is shot at by a Battalion 62 tank division commander as a result of an ongoing land dispute in Phnom Sruoch district, Kampong Speu.
<b>DAP</b> <b>PA</b>	MAY 5	A Brigade 31 soldier and two other soldiers, including the son of the Brigade 31 deputy commander, shoot at two women and destroy their properties while attempting to grab their land in Kampong Seila district, Koh Kong.
<b>LG</b>	MAY 24	52 families are threatened by a mixed force including RCAF soldiers led by a municipal deputy governor in an ongoing attempt to grab their farmland in Sala Krau district, Pailin.
<b>LG</b>	MAY 25	Land belonging to two families is grabbed by local authorities and later sold to the Smach Meanchey district military deputy commander in Smach Meanchey district, Koh Kong.
<b>DAP</b> <b>FE</b>	JUNE 20	Farmland used by 87 families is grabbed by 30 engineering soldiers under order of the provincial governor to create a “social land concession” for handicapped soldiers in Prasat Bakong district, Siem Reap.
<b>FE</b>	JUNE 25	Brigade 31 soldiers violently evict about 200 families living nearby a “social land concession” developed for disabled soldiers in Chhuk district, Kampot. During the eviction, four villagers are arrested and later sent to pre-trial detention.
<b>LG</b>	JULY 18	40 hectares of farmland belonging to 20 families is grabbed by an artillery division soldier, who claims the land is needed to build a military camp in Teuk Phos district, Kampong Chhnang.
<b>DAP</b>	JULY 27	A tractor belonging to a 47-year-old man is confiscated by five Military Region 5 Development Unit soldiers, who accuse the victim of plowing over military land in Tham Puok district, Banteay Meanchey.
<b>LG</b>	AUGUST 15	Farmland belonging to a 25-year-old woman is grabbed by a local businessman and sold to a provincial RCAF soldier, who later threatens victims when they attempt to remove a fence on the disputed land in Mondol Seima district, Koh Kong.

<b>LG</b>	AUGUST 26	400 hectares of land belonging to 154 families is surrounded on behalf of private company Phanimex by Battalion 141 soldiers in Phnom Kravanh district, Pursat.
<b>DAP LG</b>	AUGUST 31	14 military Brigade 31 soldiers destroy rice fields and plants belonging to 28 families and grab land with the approval of the provincial governor in Chhuk district, Kampot.
<b>DAP</b>	SEPT 24	Houses belonging to 63 families, accused by the authority of illegally living on state land, are destroyed and burned by military police officers, RCAF soldiers and forestry officers in Varin district, Siem Reap.
<b>PA</b>	SEPT 24	Region 5 soldiers violently crack down on a protest by villagers who are among 73 families affected by land grabbing in Samlot district, Battambang. A 16-year-old boy is shot in the stomach by a Military Region 5 officer.
<b>LG</b>	OCTOBER 10	The deputy commander of Brigade 53, accompanied by six armed soldiers, threatens a 55-year-old man at night in an attempt to grab his land in Sampov Loun district, Battambang.
<b>IAD</b>	OCTOBER 24	Four villagers are sent to pre-trial detention after representing a community of about 40 families facing land grabbing by the Siem Reap military deputy commander in Banteay Srei district, Siem Reap.
<b>DAP</b>	NOVEMBER 1	Provincial RCAF soldiers are unlawfully mobilized to burn and destroy seven houses as a threat to force 162 families off state land in Mittapheap district, Sihanoukville.
<b>DAP FE</b>	NOVEMBER 17	A mixed armed force led by Brigade 31 soldiers burns and destroys property of 300 families in an attempt to forcefully evict them from land in Chhuk district, Kampot.
<b>DAP LG</b>	NOVEMBER 19	Two provincial RCAF Development Unit soldiers destroy rice crops of families on land belonging to 156 families which is claimed by their commander in Thma Puok district, Banteay Meanchey
<b>LG</b>	NOVEMBER 21	441 hectares of land belonging to 338 families, most of them former Khmer Rouge combatants who reintegrated with the government in late '90s, is claimed by the military sub-region Unit 51 commander and his soldiers in Malai district, Banteay Meanchey

*Note: This table includes only cases investigated by LICADHO's offices (in 13 provinces & municipalities). It does not include some provinces which have a strong military presence (such as Preah Vihear, Stung Treng, Ratanakiri and Oddar Meanchey) but where LICADHO does not yet have offices.*

### Case Study: Taken, Kampot

During 2008, communities in Chhuk district's Ta Kaen commune endured a year of persecution and forced eviction at the hands of forces led by RCAF's Brigade 31.

The problems started in March, when troops from Brigade 31 seized land belonging to a community of 152 families in Chey Sena village. The families were told that the land was required in order to build a road leading to a so-called "social land concession" for families of disabled soldiers, reportedly sponsored by Prime Minister's wife Bun Rany and RCAF Deputy Commander Kun Kim. Several confrontations ensued, with soldiers threatening the villagers and firing shots



*Soldiers Guard the Entrance to Anlong Kraom, 17 November, 2008*



*An Along Kraom villager in the ruins of her home, 18 November 2008  
(Photo Courtesy of Hallam Goad)*

over their heads, and assaulting one villager – a mentally-disabled woman. Fearing further consequences, the families eventually agreed to hand over part of their land.

The situation deteriorated in June, when human rights monitors received information that around 200 families in Chey Sena living close to the "social land concession" were facing forced eviction at the hands of mixed forces led by Brigade 31 and also including gendarmerie and Forestry Administration officers. Human rights monitors traveled to the area, only to find all roads into Chey Sena illegally

blocked by the military. It was not until a week later that Cambodian human rights teams accompanied by the UN Office of the high Commissioner for Human Rights were finally allowed access into the area – closely watched by Brigade 31 soldiers – and only to find that the eviction was largely completed. Villagers had been given two options by the heavily-armed troops: either have their homes and belongings completely destroyed or pay the soldiers to transport them to a new location 10km away – using cargo trucks recently donated to RCAF by the US government as military aid.

In addition to the destruction of the villagers' property, three men and one woman were arrested during the eviction and sent to Kampot provincial prison. After nearly half a year in pre-trial detention, charges were dropped against the three men, whilst the woman was sentenced to six months for alleged property destruction.

There were similar scenes in November, when mixed forces led by Brigade 31 forcibly evicted 278 families from nearby Anlong Kraom village. Once again, troops blockaded the area and refused access to human rights and medical workers, who could see smoke rising from homes burning in the villages. Five villagers were physically assaulted and three hospitalized, one requiring more than 10 stitches to his head after being beaten with a stick and a gun butt, another with a tooth knocked out and bruises to his legs, and the third with chest injuries from beatings.

As in Chey Sena, the people were not shown any lawful eviction order or given any advance notice of the eviction. Authorities have claimed that the land in question is protected state forest where people have no right to settle. However, the locations in question do not appear to accord with official maps of protected areas, and Cambodia's military is not usually so zealous in its defense of Cambodia's forests. It remains to be seen whether the land in question will indeed remain untouched.<sup>41</sup>

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<sup>41</sup> See e.g. <http://www.mekong-protected-areas.org/cambodia/maps/pas.gif> - Ta Kaen lies between (but outside) the protected National Park areas of Kirirom and Phnom Bokor

# Conclusion

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*“Our partnership should lead to concrete results for Cambodians, especially the poor and the vulnerable”*

Qimiao Fan, World Bank Country Manager for Cambodia, 2008<sup>42</sup>

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The Cambodian government’s policies and practices on land management have failed. Rather than contributing positively to the development of the country, they are swelling the ranks of the landless, the unemployed and the poverty-stricken. The Cambodian authorities seem chronically unable – or unwilling – to respect their own laws, sub-decrees and regulations, and instead are facilitating an orgy of land-grabbing by powerful individuals and companies. The associated human rights abuses are the most widespread seen in modern Cambodia, ranging from forced evictions and property destruction to assault, illegal arrest and detention, and even murder.

Numerous communities currently live in constant fear of eviction, of losing their homes and livelihoods and sinking into the lowest levels of poverty. It is highly unlikely they will ever be able to afford to live in the expensive apartment blocks, or shop in the glitzy malls slated to be built on their homes – if, indeed such developments ever take place. The impending eviction of 4,252 families from the Boeung Kak lake area would represent the biggest forced relocation of people from Phnom Penh since the Khmer Rouge seized control of the city in 1975 – hardly an admirable statistic for the current government.

The government behaves as though poor communities are incapable of involvement in development, and that their land must therefore be handed over to companies who claim the ability to do so. To the contrary, many studies and initiatives have shown how, given the opportunity, Cambodian communities are fully able to effectively manage their own land, and even enter into innovative partnerships with big business to bring income and development.<sup>43</sup>

Yet perversely, many such attempts to build sustainable community-based initiatives have actually been overridden by large-scale “development” plans – such as the participatory land management process in Koh Kong that was rendered useless by the granting of a sugarcane Economic Land Concession, or the indigenous eco-tourism project in Kampong Speu that was halted after the granting of a big business tourism concession in the same

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<sup>42</sup> Closing Observations, Second Cambodia Development Cooperation Forum (CDCF), December 5, 2008

<sup>43</sup> See, for example, Fox, McMahon, Poffenberger and Vogler, *Land for My Grandchildren: Land-Use and Tenure Change In Ratanakiri 1989-2007*, Community Forestry International (CFI) and the East West Center, 2008, for an example of successful and sustainable land use planning by an indigenous community; also Bolster and Brimble, *Cambodia: Corporate Social Responsibility and the Cambodia Business Initiative in Rural Development (C-BIRD)*, 2008, for examples of corporate-community partnerships.

area.<sup>44</sup> While solutions to Cambodia's development issues are readily available, all too often government officials choose "development" which harms rather than helps ordinary people.

If the government is truly concerned for the alleviation of poverty, then it needs to take immediate action - working in partnership with its citizens, with support from the international community - to start producing concrete results for the poor and the vulnerable. It is time for the government to face up to the reality of development in Cambodia rather than keep perpetuating the myth.

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<sup>44</sup> *Economic land concessions in Cambodia: A human rights perspective*, Special Representative of the UN Secretary-General for human rights in Cambodia, June 2007

## Recommendations

Many recommendations for action to address Cambodia's land crisis have been made time and time again by human rights, legal and development advocates. LICADHO maintains the importance of these recommendations – including that the government should declare a moratorium on involuntary evictions, and that all Economic Land Concessions should be suspended pending a review of their legality and impact on communities. In addition to these and the array of other detailed recommendations previously made to the government and international donor community<sup>45</sup>, LICADHO also recommends the following actions be taken:

In order to demonstrate its genuine commitment to development for the Cambodian people, and to truly consulting and engaging with them, as well with the international community, **the Cambodian Government** should:

1. Implement Articles 147-149 of Cambodia's Constitution, which has thus far been ignored, which requires the holding of an annual National Congress, under the chairmanship of His Majesty the King, in which members of the public and the government can discuss issues of national importance and recommend solutions. Land issues should be a priority for discussion at the Congress.
2. Extend invitations to the following individuals, all relevant UN mandate holders of special procedures of the United Nations Human Rights Council, to visit Cambodia; enter into a genuine dialogue with these experts, in a spirit of mutual cooperation, over Cambodia's development and land and housing issues:
  - Ms. Raquel Rolnik, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context
  - Ms. Maria Magdalena Sepúlveda Carmona, Independent Expert on the question of human rights and extreme poverty
  - Mr. Anand Grover, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
  - Ms. Catarina de Albuquerque, Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation
  - Mr. Olivier de Schutter, Special Rapporteur on the right to food
  - Mr. Vernor Muñoz Villalobos, Special Rapporteur on the right to education

<sup>45</sup> Including the recommendations made in: *Economic land concessions in Cambodia. A human rights perspective*, United Nations Special Representative of the Secretary-General for Human Rights in Cambodia, June 2007, available at [http://cambodia.ohchr.org/EN/report\\_thematic.htm](http://cambodia.ohchr.org/EN/report_thematic.htm); *Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Miloon Kothari, On His Mission To Cambodia*, March 2006, available at <http://daccessdds.un.org/doc/UNDOC/GEN/G06/119/37/PDF/G0611937.pdf?OpenElement>; *Rights Razed - Forced Evictions in Cambodia*, Amnesty International, February 2008, available at <http://www.amnestyusa.org/document.php?id=ENGASA230022008&lang=e>; *Land and Housing Rights in Cambodia: Parallel Report 2009*, Land and Housing Working Group Cambodia, April 2009, available at [http://www.cohre.org/store/attachments/Land%20and%20Housing%20Rights%20in%20Cambodia%20\(final\).pdf](http://www.cohre.org/store/attachments/Land%20and%20Housing%20Rights%20in%20Cambodia%20(final).pdf)

- Mr. James Anaya, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people<sup>46</sup>

The **international donor community** should, in recognition that land insecurity is a cross-cutting issue with grave implications for poverty reduction and other fundamental development goals:

1. Suspend all direct financial assistance to the Cambodia government until such time as it demonstrates a true commitment to addressing the land crisis, including by declaring a moratorium on forced evictions and temporary suspension of all Economic Land Concessions.
2. Create a forum for quarterly meetings with key NGOs and other civil society members which actively work with communities and have first-hand information about the land situation and land violation cases, in order to improve sharing of information which would assist the international community to better engage with the government on these issues.
3. Actively intervene, individually and collectively, in selected key cases of land violations with the Cambodian authorities, in order to ensure an ongoing dialogue with the government which translates into real improvements on-the-ground.

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<sup>46</sup> None of these individuals have visited Cambodia in an official capacity in the past. Ms. Rolnick's predecessor as Special Rapporteur on housing, Mr. Miloon Kothari, visited Cambodia in 2005. See website for listing of corresponding Special Rapporteurs: <http://www2.ohchr.org/english/issues/>

