CCHR Mini-Report – Phnom Penh, 14 February 2013

CCHR’s Monitoring of Land Concessions in Cambodia in 2012

Executive Summary

This mini-report sets out the results of the Cambodian Center for Human Rights’ (“CCHR”) findings regarding the number of land concessions granted by the Royal Government of Cambodia (“RGC”) in 2012 and forms part of CCHR’s Land Reform Project (“the Project”) monitoring activities relating to land disputes in the Kingdom of Cambodia (“Cambodia”). Land concessions are separated into three different categories: Economic Land Concessions (“ELCs”), Social Land Concessions (“SLCs”) and Reclassification Land Concessions (“RLCs”). The information compiled by CCHR has been taken from the various sub-decrees of the RGC, as published in the Royal Gazette and is available at www.sithi.org in the ‘Laws’ section, sub-section, ‘Sub-decree on Land Concessions’, or by clicking on the link http://www.sithi.org/temp.php?url=law_infrastructur.php&page_id=5&

As part of the Project, CCHR will compile a comprehensive set of data, detailing all land concessions granted by the RGC since 2008, so that this data can be compared to any future grants of land concessions after the general election has taken place in 2013.

CCHR’s research shows that, during 2012, the RGC granted a total of 30 ELCs, comprising 192,213.39 hectares of land, 55 RLCs, comprising 273,982.81 hectares and 68 SLCs, which comprised of 216,400.18 hectares.

The data collated by CCHR during 2012 demonstrates that land disputes were a regular occurrence over the course of the year, particularly in cases where communities had been affected by ELCs that had been granted to companies without sufficient prior consideration to the potential impact on the environment and on the communities and where individuals were evicted from their homes without being awarded proper compensation. Such disputes have led to an increasing number of demonstrations and have drawn criticism from both national and international communities and organizations. These disputes are also often the source of human rights violations when individuals are left without homes or livelihoods and when authorities react to lawful demonstrations and protests with unlawful and increasing levels of violence.

In May 2012 the RGC issued Order Number 01, “Measures to Strengthen and Increase the Effectiveness of the Management of Economic Land Concessions”, an order that was supposedly put in place in order to reduce land conflicts. Soon after this order was issued, the RGC commenced the controversial policy
of recruiting student volunteers to measure areas of land so that titles could be granted. The same order also placed a moratorium on the granting of further ELCs, although a number of ELCs were granted after Order Number 01 had come into force, making up a total of 66,314 hectares of land which represents 34.5% of the total amount of land granted in ELCs over the course of 2012. In addition, since Order Number 01 was issued, a total of 188,749.49 hectares of land was granted in RLCs, making up over half of the total land granted in RLCs in 2012.

The RGC has claimed that only ELCs that had already been agreed before the introduction of the moratorium have been allowed to proceed, although no list of such prior agreements has ever been made available to the public. The data gathered by CCHR also shows that there has been an increase in the number of SLCs as the general election draws closer; this trend was also seen during the run up to the commune elections in June 2012. Of the 216,400.18 hectares of land granted in SLCs in 2012, 191,894.30 hectares of this (equal to 88.67 %) was issued after Order Number 01.

Background

Violations of land rights are perhaps the most widespread and prevalent forms of human rights abuses in Cambodia today. The degree of violence that has been used by authorities while carrying out forced evictions has been alarming and in one case, resulted in the death of a 14 year old girl when authorities opened fire in an attempt to disperse a group of villagers during the forced eviction of around 1000 villagers in Kratie Province in May 2012. Other examples of the use of violence and excessive force on the part of the Cambodian authorities include the forced eviction at Borei Keila, in January 2012, where over 300 families were forcibly evicted as their homes were destroyed, resulting in a number of protesters being unlawfully and arbitrarily detained. These forced evictions continue to facilitate the wide scale transfer of land from poor and marginalized groups to a small political and economic elite with ELCs being granted to large businesses, many with connections to the ruling Cambodian Peoples’ Party (“CPP”).

Recommendations

In response to the concerns raised during the monitoring of the granting of land concessions in 2012, CCHR calls on the RGC to:

1. Refrain from granting any further ELCs or RLCs to companies while the land measuring program is still ongoing.
2. Resolve land disputes between communities and companies in a fair and just manner and in accordance with the law.
3. Further increase SLCs\(^1\) to communities who currently lack agricultural or residential land before granting land to companies in the form of ELCs and RLCs.

\(^1\) Social land concessions are a mechanism to grant state private land to poor landless families for residential and farming purposes.
4. Act with transparency and make public all information regarding the granting of land concessions, and publish a list of the ELCs that were agreed before the moratorium was imposed.

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