



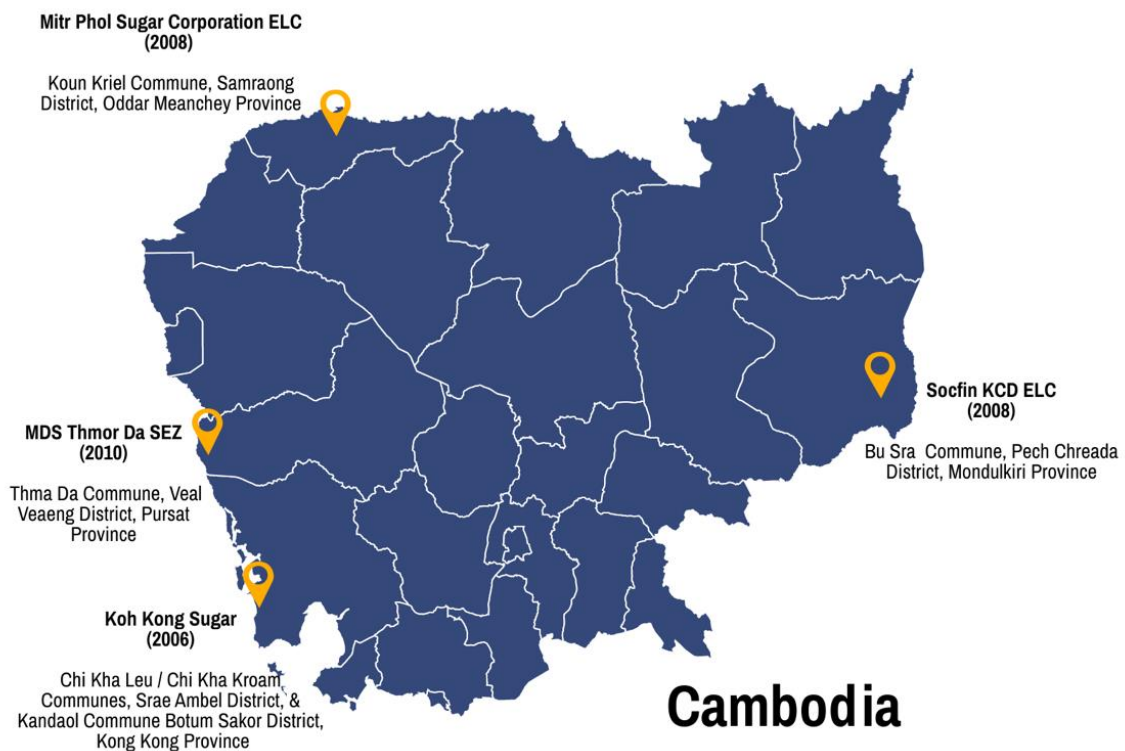
Briefing Note on Business and Human Rights: Corporate Accountability in Land Rights Violations

Executive Summary

INTRODUCTION

Over the past two decades, Cambodia has undergone a substantial transition in economic growth. The country’s economy maintained an 8% growth rate between 1998 and 2018, with a four year high in 2018, making it the fastest growing country in East Asia in 2018 and one of the fastest growing economies in the world. While it is noted that 2020 has seen some serious economic hardship and uncertainty in the country due to the economic ramifications of the global COVID-19 pandemic, there is no doubt the overall economic growth in recent years has done great things for Cambodia, including leading to significant poverty reduction, strides in maternal and child health, as well as increases in education at all levels. However, it has also led to **an exponential increase in land disputes across the country** in recent decades.

Significant portions of land are now used for infrastructure developments, creating factories and plantations, and developing special economic zones, and is often leased to large companies and the political elite via economic land concessions, through which over two million hectares of land has been granted. This has proved problematic when combined with Cambodia’s fractured land registration system, historically linked with the systems put in place during the Khmer Rouge era, a result of which is that large tracks of land remain unregistered across the country. Due to this insecurity of land tenure, a lack of formal titles and a weak rule of law, a wave of land grabs and forced evictions have occurred. As a result, the **systematic violation of land rights is currently one of the most prevalent human rights issues in Cambodia.**



A core part of this problem is that **it is difficult to hold companies accountable for their human rights impacts.** Businesses across the globe have an impact, directly or indirectly, on virtually all human rights. This is particularly evident in land disputes, as companies are frequently accused of land grabbing, forced evictions

and disrespecting indigenous land rights. While on paper Cambodian communities should be able to seek a remedy for land rights violations through a range of methods, including through companies themselves, relevant Government bodies and the courts, in practice seeking corporate accountability is difficult.

The Cambodian Center for Human Rights (“CCHR”) has been working on land issues in Cambodia since its creation in 2002. As part of its Business and Human Rights Project, it conducted research in order to assess the situation of land conflicts in Cambodia and their impact on human rights, in collaboration with ActionAid Cambodia. In this report, CCHR focusses on the challenge of seeking corporate accountability across four land disputes, examining the various mechanisms available to those facing land rights violations in Cambodia, and the methods employed by the communities to achieve a resolution. CCHR identified **four land disputes, which, taken together, affected more than 1,800 households**: the land dispute involving indigenous communities and rubber company Socfin-KCD in Monduliri Province; the dispute involving villagers and Mitr Phol Sugar Company in Oddar Meanchey Province; the dispute involving villagers and the MDS Company in the MDS Thmor Da Special Economic Zone in Pursat Province; and finally, the dispute between villagers and Koh Kong Sugar Industry Co. Ltd And Koh Kong Plantation Co. Ltd in Koh Kong Province.

FINDINGS

CCHR has been closely monitoring these land disputes, and undertook **13 field trips between 2017 and 2020**, conducting interviews with government officials, provincial and local authorities, company representatives, non-governmental organizations and individuals and communities who have been directly affected by the conflicts. It also undertook **desk review research** of applicable laws and standards, and corporate research.

On paper, the Cambodian legal framework allows for relatively strong protection of land rights. It provides for meaningful consultations, protects against forced evictions and guarantees the rights to freedom of expression and peaceful assembly. Similarly, the Royal Government of Cambodia (“RGC”) have acknowledged the severity of the issue of land disputes in Cambodia and have publicly announced several measures to be taken to solve them. Yet, CCHR’s research shows that in practice, the situation remains dire. Not only do most of the disputes we monitor remain ongoing, in many cases dispute resolution processes and remedies are still being sought. Across the four cases, the communities involved in land disputes faced a series of challenges in seeking corporate accountability and achieving a resolution. As a result of the research, CCHR identified **nine key problems in ascertaining a resolution for land disputes in Cambodia**, which if addressed, would improve the efficiency and fairness of accessing a remedy for those impacted by rights violations, and reduce the complex and harmful nature of land disputes:



Finding 1 – A lack of commitment, engagement and transparency by the RGC and local authorities to resolving land disputes;



Finding 2 – A lack of knowledge by relevant parties about land rights, disputes and resolution processes;



Finding 3 – A lack of availability of domestic remedies;



Finding 4 – The lack of will and commitment on behalf of companies involved in land disputes;



Finding 5 – That remedies available do not meet human rights standards;



Finding 6 – A lack of consideration of community human rights impacts of land allocations;



Finding 7 – Communities are hindered in their ability to freely advocate for their rights;



Finding 8 – The disproportionate impact on women; and



Finding 9 – The use of force and involuntary resettlement.

RECOMMENDATIONS

The Briefing Notes ends with **26 recommendations** to the Royal Government of Cambodia, private companies operating in Cambodia and to civil society organizations, outlining simple steps to better protect human rights and achieve corporate accountability for land disputes in Cambodia, centered around:

- Improving the process for granting ELCs and developing SEZs to minimize the risk of land disputes, including **increasing process transparency, undertaking meaningful consultation** with communities, and ensuring compliance with legislation on **environmental and social impact assessments**;
- **Immediately ceasing forced and violence land evictions**;
- Ensuring **transparency** on behalf of the RGC and businesses in the resolution of land disputes;
- Ensuring timely and fair **resolutions of disputes** and improving access to grievance mechanisms;
- **Providing just and effective remedies** that comply with international standards to victims of land abuses;
- **Stop monitoring, harassing and punishing human rights defenders and land activists**; and
- Improving **protections for women** and women human rights defenders.

ABOUT THE BUSINESS AND HUMAN RIGHTS PROJECT

This Briefing Note forms part of the ‘Strengthening CSOs to Advocate for Increasing Respect for Human Rights by Corporate Actors in the Land Sector’ project, implemented by CCHR and ActionAid Cambodia. It aims to improve corporate conduct through advocating for the authorities to regulate corporate conduct; through supporting communities’ rights and raising awareness; and by enabling a safe environment for civil society and human rights defenders, to create space for dialogue and collaboration between the government, corporate actors, local communities and CSOs and materialize the application of the business and human rights standards in the land sector. More information on the project can be found [here](#).

ABOUT THE CAMBODIAN CENTER FOR HUMAN RIGHTS

CCHR is a non-aligned, independent, non-governmental organization that works to promote and protect democracy as well as respect for human rights throughout the Kingdom of Cambodia. CCHR’s vision is of a non-violent Cambodia in which people can enjoy their fundamental human rights, are empowered to participate in democracy, and share equally the benefits of Cambodia’s development. CCHR promotes the rule of law over impunity; strong institutions over strong men; and a pluralistic society in which variety is harnessed and celebrated rather than ignored or punished.

CCHR is a member of International Freedom of Expression Exchanges (“IFEX”), the global network for freedom of expression. CCHR is also a member of the World Organization Against Torture (“OMCT”) SOS-Torture Network, the Civicus Alliance and OECD-Watch. The Cambodian Human Rights Portal, www.sithi.org, managed by CCHR, is the 2011 winner of the Information Society Innovation Fund Award in the category of Rights and Freedoms and the 2013 winner of the Communication for Social Change Award, awarded by the Centre of Communication and Social Change at the University of Queensland in Brisbane, Australia.

QUERIES AND FEEDBACKS

The Briefing Note and all other publications by CCHR are available online at www.cchrcambodia.org and www.sithi.org. Should you have any questions or require any further information, or if you would like to give any feedback, please email CCHR at info@cchrcambodia.org. Alternatively, please call us at +855 (0) 23 72 69 01 or contact us at #798, Street 99, Boeung Trabek, Khan Chamkarmon, Phnom Penh, Cambodia.

