All victims must also be entitled to compensation for the loss of the properties, irrespective of whether or not they hold a property title. [Source: Basic principles and guidelines on development-based evictions and displacement, Special Rapporteur on Adequate Housing, A/HRC/4/18, paras 60-61, https://bit.ly/2uNZSh5.]

Businesses must also take an active part in ensuring that individuals whose rights are adversely affected by their operations can obtain an effective remedy. [UNGPF 19.]

Existing dispute Resolution Process

**IN Cambodia**

Depending on whether the land in question is registered or not, there are five dispute resolution mechanisms to address land-related conflicts:

1. The commune councils
2. The administrative committees
3. The cadastre commission
4. The national authority for land dispute resolution
5. The court system.

**Other Methods**

- Petitions to the authorities (Ministry of Environment, MLMUPC, Ministry of Agriculture, Provincial authorities, Prime Minister)
- Creation of Working Groups

By ratifying the ICPPR, the RGC undertook to provide an effective remedy in case of human rights violations, and in particular, to:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted. Art. 2 (3)

By voting in favour of the UNDRIP, the RGC undertook to:

- put into place mechanisms for the redress of any action which has the effect of dispossessing indigenous people of their lands, territories or resources without their prior and free informed consent. Art. 10
- provide indigenous people with a "just and fair redress", including land restitution, which must be of the same size, quality and legal status, unless the peoples concerned freely agree otherwise: Arts 20 (2), 28 (1) & (2)
- if restitution is not possible, then it must provide a "just, fair and equitable compensation". Art. 28 (1)

Key Principles

- Any remedy after a dispute resolution must be effective.
- The primary duty to remedy a human rights violation belongs to the state, even if the violation is committed by a private actor such as a company.
- Any consent to the final resolution must be informed and free from all forms of pressure.
- UNGP Principles 25 to 31 specifically deal with the State’s obligation to provide an effective remedy for human rights violations by businesses.

Where land has been taken, the victim should be compensated with land of the same quality, size and value, or better. [Source: Basic principles and guidelines on development-based evictions and displacement, Special Rapporteur on Adequate Housing, A/HRC/4/18, paras 60-61, https://bit.ly/2uNZSh5.]

**E.g. for forced evictions, an effective remedy should include: return, restitution, resettlement, compensation, judicial and administrative protection, and guidelines on development-based evictions and displacement. Para. 59**

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