

### Theme: Land Rights & Natural Resource Governance

Submitted by:

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#### SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

In the past few years, the Royal Government of Cambodia has been trying to transform its governance at the ministry and department level by switching the leaders of the Ministry of Land Management, Urban Planning and Construction (MLMUPC), the Ministry of Environment (MoE) and Ministry of Agriculture, Forestry and Fishery (MAFF) in order to increase commitment to findings solutions to land conflict, which have become chronic all over the country. Contrary to these aims of easing land conflict, these ministries have adopted policies against the existing laws and constitution, which have worsened land conflict, particularly in regards to rural farmer's land, and efforts to conserve natural resources and forestland. The Sub-Decree on Economic Land Concessions, the legislative framework enabling economic land concessions (ELCs) are a prime example of this, due to the widespread land grabbing that has ensued as a result. MAFF has also been trying to adopt a new law entitled "Draft Law on Agricultural Land" which would cause further land grabbing due to the law's promotion of corporations and aggressive privatization which would come at the expense of other marginalized social groups.

#### NATIONAL FRAMEWORK

The 'win-win' approach used by the government, which is meant to benefit small-holder farmers, rural communities and private concessionaires, have given little benefit to vulnerable and oppressed groups, with a strong tendency to favor corporate interests. These vulnerable and oppressed people have actively and non-violently advocated for their land rights, which they claim have been unjustly taken. Instead of achieving a fair result, the resolution process has frequently benefited elites and many land conflicts in a number of provinces are left unresolved. The victims of these cases continue non-violent advocacy through filing legal complaints, attending face-to-face meetings, using alternative dispute resolutions, using public forums to requested a response from decision makers, and posting their distressing experiences on social media channels in attempts to influence to politicians and policy makers.

Even though, the MoE increased reformed and protected areas, these do not reflect the needs of local people. Instead, many local people and Indigenous people living in and around these areas are being arrested and punished while the powerful people and companies who promulgate the most environmental destruction aren't held accountable. Moreover, the government has canceled a number of MOU's of ELC companies, in addition to problematic decentralization efforts to the sub-national level. This is largely due to a lack of capacity, technical skill and knowledge, which has in turn affected decision making on land and natural resource management. The MoE has played a role on natural protected areas or zones and MAFF has played a role on developing land zones, especially ELCs. In 2016-2017 the government restructured forest management and plans to combine three previously distinct types of laws governing land, forestry and protected areas.

There are many development projects which have affect public area and natural resources such as lakes and rivers. This includes no transparency surrounding the exporting of sand to other countries as well as for domestic use has degraded local ecosystems and violated on local community's rights. For instance, in the case of Koh Kong province, people lost their fishery based jobs while corporations occupied their fishing areas for sand extraction, and in Phnom Penh the city has become more susceptible to floods because of degraded water catchments and lakes around the city. Furthermore, water pollution made by private corporations for plantations, hydro power dams and mineral extraction has been severe in Cambodia. In early May, 2018, polluting of Prek Ter River in Kratie caused dozens of Indigenous people to die and made hundreds more ill.

The operation of aggressive development projects, such as those previously mentioned, have destroyed a huge portion of Cambodia's natural resources. In doing so, it has posed serious threats to the communities who depend on these resources for their livelihoods and survival. Due to no proper monitoring by the government and local authorities, more opportunity have been created to grab and control resources through illegal logging and mining.

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### CHALLENGES

- Poor enforcement of laws protecting land and natural resources. This has enabled land grabbing through ELCs, mining concessions, dam projects and urban development.
- Community voices, victims of land grabbing and natural resources and forest dependent communities are excluded from the decision making process.
- Rights to information, public participation and access to remedies are not considered as part of development projects.
- Crackdowns and criminalization of activists and environmental defenders.

### IMPACTS

- More than 2.1 million hectares of Cambodia's land is covered by ELCs. Many people have been impacted from development projects. Many victims and impacted communities which have lost their land, ancestral and spirit forests and victims have not received fair and just compensation.
- There have been many urban poor communities in Phnom Penh that have suffered forced eviction because of urban development projects. These include, the cases of Boeung Kak Lake, Dey Kram and Borei Keila and number of victims have still not received free and fair compensation.
- Well-known environmentalist, Chut Wutty was assassinated in 2012 with no proper investigation to find the real perpetrator. Furthermore, a number of youth activists and environmental defenders were unjustly arrested and jailed. For instance, from 2015-2017, 5 environmental defenders from Mother Nature Cambodia were jailed because of their advocacy efforts to protect natural resources.

### RECOMMENDATIONS

#### Recommendations on Land Issues:

1. Address all land conflict cases, particularly those caused by ELCs, by returning land back to communities, providing fair compensation, and issuing land tenure for communities and people.
2. Stop granting any new large-scale ELCs.
3. End all forms of violation and intimidation against affected communities, land rights activists and environmental activists.
4. Provide small and medium ELCs to small-holder farmers and local communities, ensuring they benefit both government and the people.
5. Ensure that land will be redistributed to landless people, communities and farmers.
6. Ensure a fair and just judicial system so that the public, especially people affected by land grabbing, can effectively seek justice from the court system and stop political discrimination against land dispute victims, community leaders and NGOs working on land issues.

#### Recommendations on Natural Resources:

1. Amend the current Forestry Law, Fishery Law, Sub-Decree on Economic Land Concessions and other related laws and policies in a transparent manner which is inclusive of affected people, by recognizing rights of local people and communities.
2. Return the original Cambodian Constitutional Law 1993 to life and fully respect it.
3. Strengthen the enforcement of good provisions within Forestry Law, Fishery Law, Free Prior Informed Consent (FPIC), Corporate Social Responsibilities (CSR) and human rights and other related policies.
4. Investigate those who are involved in illegal natural resources destruction and extraction crimes and prosecute accordingly.