



Land Rights and Natural Resources

Joint submission for the 4th Cycle of the Universal Periodic Review of Cambodia

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I. Introduction

i. National UPR Context

1. This report is a joint submission by the Cambodian Center for Human Rights (CCHR), the Cambodian Center for Humanity and Self Reliance (CCHSR), the Children and Women Development Center in Cambodia (CWDDC), the Cambodia Indigenous People Organization (CIPO), the Cambodia Indigenous Youth Association (CIYA), Cambodian Indigenous Women Association (CIWA), the Cambodian Human Rights Action Coalition (CHRAC), Community Legal Education Center (CLEC), the Community Translation Organization (CTO), the Partnership for Development in Kampuchea (PADEK), Ponlok Khmer, and Sahmakum Teang Tnaut (STT) for the fourth Universal Period Review (UPR) of Cambodia. It analyses major developments related to land rights and natural resources governance since January 2019.
2. Cambodia underwent its last UPR in January 2019. During the review, the Royal Government of Cambodia (RGC) received a total of 198 recommendations from 73 delegations; of which 173 were supported, and 25 were noted. Among the recommendations received, 12 were about land rights. The RGC supported ten, most of which were related to accelerating the issuing of collective land titles to indigenous communities (110.21 and 110.22), ensuring that resettled people and victims of land grabs and evictions receive fair compensation (110.148, 110.131, 110.130, 110.23), and protecting the rights of land and environmental activists (110.114 and 110.85).
3. This report will assess the implementation of some of the recommendations related to land rights that were supported by the RGC in 2019. The implementation of other recommendations pertaining to the exercise of fundamental freedoms will also be assessed whenever relevant to the context of land rights, natural resources, and environmental activism. The joint submission will also formulate recommendations to address the human rights issues and shortcomings identified over the course of the analysis.

ii. Methodology

4. The joint submission partners agreed to draft a dedicated report on the issue of land rights during a consultative workshop which was held on 12-13 July 2023 in Phnom Penh. This event was co-organised by CCHR, UPR Info, and the OHCHR Office in Cambodia to support the engagement of local civil society in the UPR. On 4 August 2023, the partners held a coordination meeting to outline a draft structure and assign responsibilities, after which they began a month-long collaborative drafting process. The draft was presented during a follow-up workshop on 13 September 2023, and eventually finalized in late September.
5. The information presented in the report includes data generated by the joint submission partners through field research, project activities, surveys, consultations with relevant stakeholders, and media monitoring.

II. Land Rights

A. General context

6. In recent years, Cambodia has witnessed great economic growth, giving rise to escalating land value, large scale developments and the granting of sizeable economic land concessions and special economic zones to domestic and international companies. This situation led to a dramatic increase in land disputes, with the number of people forcibly evicted or displaced rising every year despite existing legal protections and a titling drive that saw the RGC issue nearly 6.9 million land titles (as of June 2023, out of an overall objective of 7 million by 2023).¹

In parallel, land rights activists have been caught up in the widespread crackdown on fundamental freedoms launched by the RGC in 2017. As a result, many have been harassed or otherwise targeted by the authorities.

B. Violations of fundamental freedoms and judicial harassment related to land rights and environmental activism

i. Freedom of assembly

7. The communities affected by land disputes are often among the most vulnerable segments of society. They typically rely on peaceful assemblies to advocate for their rights due to their political disenfranchisement and lack of resources. CCHR documented a total 652 peaceful protests between April 2019 and July 2023, of which 256 were related to land rights or natural resources (just over 39% of the total).² Notably, most of the peaceful assemblies that took place nationwide between April 2019 and March 2020 (101 out of 185),³ and in 2021 (92 out of 165)⁴ were held by land and natural resources activists.
8. During Cambodia's last UPR, the RGC supported a recommendation by Lithuania to 'take the measures necessary to ensure that the right to freedom of assembly and association is not hindered by arbitrary restrictions and/or excessive use of force;' but failed to implement it. From April 2019 to July 2023, CCHR recorded 122 incidents involving at least one restriction to the right to freedom of assembly of land or natural resources activists by the RGC. Nearly half of these incidents (57) involved impermissible restrictions under article 21 of the International Covenant on Civil and Political Rights (ICCPR).
9. CCHR documented that authorities used force against peaceful assemblies related to land rights or natural resources on 25 instances from April 2019 to July 2023; eight from April to December 2019, four in 2020, six in 2021, five in 2022, and two in 2023 as of July. In 17 out of these 25 cases (68%), the security personnel involved used unnecessary, disproportionate or unjustifiable force. A representative example occurred on 22 August 2019, when approximately 100 villagers staged a peaceful protest related to a land dispute between their community and the Heng Huy Agricultural Group in front of the Ministry of Land Management. Authorities shoved and beat demonstrators, the majority of whom were women, resulting in one victim being knocked unconscious.⁵ Similarly, on 3 June 2021, soldiers opened fire on about 300 villagers demonstrating over a land dispute in Kandal Province's Ang Snoul District, severely injuring a 56-year-old farmer.⁶

Recommendations

- Ensure that any restrictions to the right to freedom of assembly in the context of land rights and natural resources activism fully comply with ICCPR article 21;
- Ensure that the use of force at assemblies is exceptional and strictly complies with principles of legality, precaution, necessity, proportionality and accountability, and provide comprehensive and periodic training to security forces charged with policing assemblies;
- By 2027, strengthen existing police and military oversight mechanisms to ensure that security personnel and officials responsible for instances of excessive use of force against peaceful assemblies are held accountable.

ii. Judicial harassment

10. During Cambodia's last UPR, the RGC supported a recommendation by Iceland to 'take all measures to protect and support journalists, human rights defenders, [and] land and environmental activists [...].' It also supported a recommendation by the Netherlands to 'ensure a free civic space, allowing human rights defenders and journalists to freely express themselves

both offline and online, without fear of harassment or reprisal, and refrain from prosecuting persons for exercising their fundamental rights under the Criminal Code [...].’

11. CCHR documented 32 Strategic Lawsuits Against Public Participation (SLAPP)⁷ that targeted land rights defenders from April 2019 to July 2023. Mostly notably, out of the 79 individuals targeted by SLAPPs in 2022, 41% were community members working on land rights or environmental issues.⁸ From April 2019 to July 2023, authorities also arrested 195 individuals in connection with their land rights activism and convicted 22 of them under various criminal charges. According to the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), there were 53 ‘prisoners of interest’ in Cambodia as of 24 August 2023, including 27 land activists - one detained in 2021, 17 in 2022, and nine in 2023.⁹
12. The RGC has consistently used a wide range of broadly-defined criminal provisions to crack down on land rights activists and environmental defenders, including Land Law articles 248 and 253 on illegal occupation and use of violence against a possessor of land; and Criminal Code articles on incitement (494 and 495), threats to cause damage (423), conspiracy to commit offenses (430), intentional acts of violence (217), obstruction of public official (503), and intentionally causing damage (410). High-profile examples include:
 - On 5 May 2021, five Mother Nature environmental activists - two of them in absentia - were sentenced to up to 20 months in prison for incitement over plans to hold a one-woman march to raise awareness about the impact of filling in Phnom Penh’s lakes for development projects.¹⁰ Although parts of their sentences were suspended in appeal, their convictions were upheld by the Supreme Court in July 2022.¹¹
 - On 2 July 2021, activists Phon Sophal and Sem Chamnan were sentenced to one-year prison terms for conspiracy and incitement in connection to their work advocating for the land rights of local communities.¹²
 - On 8 July 2022, the Ratanakiri Provincial Court sentenced five forest activists, including prominent environmental defender Chhorn Phalla, to prison terms ranging from five to six years for allegedly instigating damage to forestland to claim ownership of it. The charges related to a 2017 meeting they attended as part of an effort to protect their lands and raise awareness about illegal logging.¹³
 - In late 2022, the authorities detained nineteen villagers in connection with a land dispute between 370 local families and the Sok Samnang Development Company in Oddar Meanchey province. Security forces also burned several houses in the disputed area. The detained villagers were seemingly charged with aggravated assault on public property and aggravated intentional violence and sent to pre-trial detention.¹⁴
 - On 15 August 2023, the Koh Kong Provincial Court convicted 10 local land activists to one year in prison for incitement and malicious denunciation. They were also ordered to pay 40 million riels to a tycoon whose company encroached on local communities’ land.¹⁵ On 2 August 2023, local land activists Phav Nheung and Seng Lin were slapped with the same prison sentence under defamation and incitement charges; and ordered to pay 40 million riel to a former community representative they accused of seizing land.¹⁶
13. The RGC also targeted several journalists and media outlets that reported on issues related to land rights:
 - On 22 December 2020, the Kampong Chhnang Provincial Court sentenced Rithisen radio station owner Sok Oudom to 20 months in prison and a 20 million riels fine for incitement to commit a felony over comments he made on-air regarding a land dispute involving

military officials. Rithisen's radio and news website's licenses were also revoked, and access to its website was blocked.¹⁷

- In 2021, journalists reporting on land issues bore the brunt of the crackdown on press freedom. Of the 33 attacks against journalists documented by CCHR over the course of that year, 42% related to reporting on land matters.¹⁸
- In March 2023, the RGC revoked the licenses of online Khmer language media outlets Federation of Cambodia-ASEAN Journalists, Raksmei Kampong Cham, and Dumnong Knong Srok after they reported on the involvement of a senior government official in a land fraud case.¹⁹ It then threatened to take legal action against CamboJA News if it refused to correct an article it said misrepresented the reasons behind the revocations.²⁰

Recommendations

- By 2027, repeal or amend the Criminal Code articles on defamation, threats to cause damage, obstruction of public official and incitement to bring them into line with ICCPR article 19 and prevent them from being used to arbitrarily restrict fundamental freedoms;
- Immediately stop all forms of monitoring, harassment and punishment of land rights and natural resources activists, and cease to subject them to judicial harassment for exercising their fundamental freedoms;
- Release immediately and unconditionally all land rights and natural resources activists detained for the peaceful exercise of their fundamental freedoms, and drop all charges against them;
- Reinstate without delay the licenses of the media organizations that were shut down as a result of their reporting on issues related to land and natural resources.

C. Housing rights and forced evictions

14. During Cambodia's last UPR, the RGC supported a recommendation by Italy to 'step up efforts in land matters, including through the effective and transparent implementation of measures to tackle land evictions, and provide the victims of land grabbing, particularly indigenous people, with fair compensation.' It also supported a recommendation by Austria to 'ensure that all pending lands disputes, evictions and relocations are settled in a fair, transparent, negotiated and adequately compensated manner.' CCHR's monitoring shows that forced evictions have been continuing at a high pace since then. Most cases seem to have involved inadequate compensation, reflecting a failure to implement these two recommendations.
15. From March 2020 to August 2023, CCHR's Business and Human Rights Project registered a total of 22 media articles related to cases of forced evictions. These involved approximately 13,111 families who were evicted or facing eviction in eleven provinces (Phnom Penh, Kandal, Kampong Speu, Koh Kong, Phreah Sihanouk, Kampong Chhnang, Battambang, Banteay Meanchey, Siem Reap, Ratanakiri, and Monduliri). Based on the size of the average Cambodian household, this could amount to over 57,032 people in total.²¹ Recent forced evictions have been marked by the use of force, intimidation, and threats by authorities against evictees, the demolitions of houses and farmlands without prior notice by police or private companies, as well as judicial harassment of evicted citizens for protesting against their evictions and demanding adequate compensation. Victims are typically farmers, indigenous people, minority groups, and other vulnerable communities.²²
16. Residents of poor urban settlements are particularly vulnerable to forced evictions due to their lack of tenure security. STT registered 191 such settlements in Phnom Penh as of 2023, down from 277 in 2017. Although some communities transitioned to another status, others have disappeared entirely, often due to evictions.²³ In August 2020, the Special Rapporteur on the right to adequate housing called for a global moratorium on evictions until the end of the

COVID-19 crisis.²⁴ However, STT documented that at least 11 Phnom Penh communities were evicted or issued eviction notices during the pandemic; demonstrating that the RGC prioritized its own agenda over their health, safety, and right to housing.²⁵

17. The infilling of Boeng Tamok, Phnom Penh's biggest natural lake, for real estate development purposes had led to the eviction of hundreds of families as of late 2022; and a further 250 families - roughly 1,200 people - were still facing eviction.²⁶ In June 2020, authorities forcibly evicted 100 local families without prior notice and demolished their houses.²⁷ In February 2022, officials demolished 11 more houses after their owners refused compensation packages offered by the RGC.²⁸ In February 2023, nine residents faced charges of 'intentional acts of violence' and 'obstruction of public officials' over an altercation triggered by the local authorities' refusal to let residents make home repairs. Community activist Prak Sophea sustained burn injuries during the incident, which forced her to seek hospital treatment.²⁹ In August 2023, Sophea fled to Thailand to apply for refugee status, citing the three court orders against her and constant surveillance by unidentified individuals.³⁰
18. The construction of an international airport in Kandal Province, which began in 2019, is also expected to result in the displacement of over 400 families in Kandal and Takeo provinces.³¹ Overseas Cambodia Investment Corp, the company in charge of the project, offered a compensation of USD 8 per square meter to the affected communities, but residents rejected it as too low.³² In September 2021, security personnel began clearing the land dispute site.³³ They used water cannon and tear gas against residents protesting the move, and eventually arrested 30 demonstrators. Authorities dismantled homes and cut off electricity in the area, and took tractors/motorbikes away from the residents.³⁴ Nine of the arrested residents were slapped with criminal charges, before being acquitted in November 2022.³⁵
19. On 2 June 2021, the Phnom Penh authorities ordered residents of floating houses on the Tonle Sap river, most of whom belong to ethnic Vietnamese or Muslim Cham communities, to dismantle or relocate their homes within a week or face legal action over stated environmental concerns.³⁶ On 12 June 2021, authorities began demolishing the houses without offering any relocation or compensation solution. By 14 June 2021, they had proceeded to the mass eviction of over 1,000 local families from the Tonle Sap river.³⁷
20. In July 2022, 300 families living in Phnom Penh's Russey Keo district received eviction notices ordering them to vacate their homes located on state-owned land. They had no choice but to reluctantly relocate to Prek Pnov district's Samraong commune some 10 kilometers away. Residents have expressed concerns for the ways in which they will make a living at the new location, and the distance being too far for children to travel to school.³⁸ Although they received offers of compensation ranging from USD 250 to 750, negotiations for higher amounts were unsuccessful.³⁹ In September 2022, the RGC signed a sub-decree by which some 12.98 hectares of land these people used to reside on was awarded to a private company.⁴⁰
21. From November 2022 onwards, approximately 6,000 families had to relocate from their homes near Angkor Wat, a UNESCO World Heritage Site, to Run Ta Ek Commune in Banteay Srei district, some 30 kilometers away.⁴¹ The move is part of an effort to clear settlements that the RGC say damage the environments and could harm the temple's World Heritage status. Officials were quoted in April 2023 as saying that approximately 10,000 families had 'volunteered' to be relocated,⁴² but Amnesty International said many of those 'volunteers' had reported feeling coerced to leave.⁴³ This was also confirmed by local media reports.⁴⁴ In addition, Amnesty revealed a lack of "notice prior to evictions, and genuine consultation with the affected communities on the eviction and resettlement process."⁴⁵ Many of the families sent to Run Ta Ek have had to build and partially fund their home construction, and now struggle to maintain their livelihoods.⁴⁶

22. In some cases, the RGC allocated land that had traditionally been used by local communities to accommodate Angkor evictees, including 514 hectares in three villages of Angkor Thom district's Peak Sneng commune. Around 200 people from one of these villages were offered smaller plots at unspecified locations in compensation for losing some of their agricultural land. They were reportedly told that they would not get anything if they refused the offer.⁴⁷ On 17 November 2022, a village chief in Balaing commune was removed from his position after attempting to join a protest organized by over 200 Run Ta Ek families to contest the use of their former farms to resettle Angkor evictees.⁴⁸

Recommendations

- Immediately halt all pending forced evictions until compensation and resettlement measures that are agreeable to the communities affected can be negotiated;
- Immediately stop the use of force, threats, intimidation and judicial harassment of evicted, or soon to be evicted citizens who peacefully protest, or seek to protest against forced evictions or unfair compensation conditions;
- Urgently initiate a transparent review all the cases of forced evictions that occurred since 2019, and take the necessary measures to effectively remedy any instances of human rights violations or unfair compensation identified during this process;
- Ensure that future evictions comply with relevant international human rights law and standards, and that: (1) evicted families are provided with adequate compensation based on the market value of the land they used to occupy, and resettled in areas that offer easy access to basic services and livelihood opportunities; (2) evictions are only used as an absolute last resort; and (3) evictions are never carried out using excessive or disproportionate force.

D. Indigenous communities' access to Collective Land Titles

23. There are an estimated 458 indigenous communities spread throughout 15 of Cambodia's provinces.⁴⁹ They have traditionally managed nearly 4 million hectares of forest land,⁵⁰ and sustained their livelihoods through cultivating it using shifting cultivation techniques, hunting wild animals, and gathering forest by-products. Forests also carry major spiritual significance for them, and form a key part of their cultural identity.⁵¹ Despite the existence of legal mechanisms to formalize their customary land rights, indigenous communities are particularly vulnerable to losing the land that sustains them; and are often subject to forced evictions or blocked from accessing their traditional lands.
24. The 2001 Land Law recognizes the collective ownership of indigenous communities over the lands where they have established their residences and carry out traditional agriculture.⁵² In 2009, the RGC adopted Sub-decree 83 to regulate the issuing of Collective Land Titles (CLTs) to indigenous people. Although the first CLTs were granted in 2011,⁵³ the application process quickly stalled due to its complexity, cost, and lengthy duration, coupled with a lack of resources within indigenous communities. To get a CLT, indigenous communities must first obtain formal recognition as a 'traditional culture' by the Ministry of Rural Development (stage 1), and as a 'legal entity' by the Ministry of Interior (stage 2). They can then file a CLT request with the Ministry of Land Management (stage 3),⁵⁴ only to begin a long and expensive process aimed at delimiting their customary land.⁵⁵ The CLT application process reportedly costs about USD 40,000 and usually takes more than three years to complete; meaning that no communities can afford it without support from international donors.⁵⁶ Due to the above mentioned shortcomings, as of December 2018 only 24 indigenous communities had been granted an CLT; amounting to merely 5.2% of the nationwide total.⁵⁷
25. During Cambodia's last UPR, the RGC supported a recommendation by Togo to 'take measures to simplify the allocation of community land concessions to indigenous people.' It also supported a similar recommendation by the United Kingdom to 'implement a [...] simplified

process for granting communal land titles, consulting communities, civil society, and indigenous groups.’ Since then, the RGC collaborated with organisations that supported indigenous people and created a working group to revise the CLT issuing procedure. In October 2020, it unveiled new internal rules and document templates aimed at making the process more efficient.⁵⁸ These efforts seem to have resulted in a significant increase in the number of CLT requests. According to the RGC, 199 indigenous communities had filed applications as of January 2022;⁵⁹ up from only 68 as of 2019.⁶⁰ Although this should be regarded as a positive development, this figure only amounts to 43.4% of Cambodia’s indigenous communities.

26. However, the procedure remained slow, and the impacts of the COVID-19 pandemic further delayed the processing of CLT requests.⁶¹ Authorities only managed to issue 16 CLTs between December 2018 and June 2023; far below the objective of granting 10 CLTs per year set by the Ministry of Land Management in 2017. As of June 2023, only 40 communities comprising 3,893 families had obtained CLTs; amounting to merely 8.73% of the country’s indigenous communities. Existing CLTs only cover a total of 40,732.42 hectares in four provinces (Ratanakiri, Kratié, Monduliri, and Stung Treng).⁶² According to estimates, this leaves some 164,541 indigenous people at risk of forced evictions.⁶³ Although a 2011 inter-ministerial circular offers some degree of tenure security to the indigenous communities involved in the titling process, these interim protective measures are severely limited: they (1) can only be activated at stage 3 of the application procedure, and (2) do not apply to plots the RGC has agreed for investment or development prior to their entry into effect.⁶⁴
27. Sub-decree 83 only allows state-owned land to be registered as CLT, and establishes that the amount of “spiritual forest land” and “burial ground forest land” allocated to individual indigenous communities shall not exceed seven hectares each.⁶⁵ Although existing CLTs help indigenous groups secure some of the land they have been using for decades, they fail to cover all of it. Indeed, CLTs protect just over 1,000 hectares of land on average, despite the fact that individual indigenous communities have traditionally owned over 5,000 hectares based on customary rules and practices, according to CIPA. Spiritual and burial forest lands are also typically bigger than seven hectares.⁶⁶
28. The Environment and Natural Resources Code (ENRC), adopted in June 2023 and set to enter into force in June 2024, marked a major setback for indigenous land rights. Unlike existing legal instruments that use the term ‘indigenous’ communities, it uses - but does not define - the term ‘local’ communities instead. The lack of clarity of the new wording means that ENRC article 369 could potentially expand access to indigenous customary lands to ‘local’ communities, including non-indigenous actors who have grabbed or encroached on those lands.⁶⁷ This directly undermines Land Law article 28, which explicitly states that no authority outside the community may acquire any rights to immovable properties belonging to indigenous communities.⁶⁸ In addition, ENRC article 500 guarantees fewer types of traditional user rights over forest products and by-products compared to Forestry Law article 40; while ENRC article 352 seems to undermine the right of indigenous communities to engage in rotational or shifting cultivation as guaranteed by Land Law article 25. This is worrisome, given that ENRC article 864 states that legal provisions contrary to the ENRC’s shall be deemed invalid.
29. Concerningly, the RGC plans to amend the 2002 Forestry Law to replace the term ‘indigenous communities’ with ‘local communities.’ This would further weaken legal protections afforded to indigenous groups and threaten their land rights and livelihoods.⁶⁹

Recommendations

- By 2025, amend the *2009 Sub-Decree No. 83 on the registration procedure of communal land* to: (1) allow indigenous communities to claim customary ownership over land that is not state-owned; and (2) remove existing limitations on the amount of spiritual and burial forest lands that can be protected under CLTs;

- By 2025, amend the *Inter-ministerial Circular of 31 May 2011 on interim protective measures protecting lands of indigenous peoples* to: (1) guarantee tenure security for indigenous communities from the first stage of the CLT process; and (2) extend protective measures to land marked for investment or development prior to their entry into effect;
- Allocate a national budget and the necessary human resources to speed up the CLT registration process with the objective of issuing at least 10 CLTs per year from 2025 onwards, in line with previous RGC's commitments;
- By 2025, amend the 2023 Environment and Natural Resources Code to include the term 'indigenous communities' and reaffirm their exclusive ownership of indigenous customary lands and natural resources therein;
- Abandon plans to substitute the term 'indigenous communities' with 'local communities' in the 2002 Forestry Law;

III. Other issues related to land and natural resources

i. Economic land concessions and deforestation

30. From 1990 to 2014, the government issued over 300 Economic Land Concessions (ELCs) covering nearly 2.2 million hectares of land across the country.⁷⁰ ELCs are long-term leases that allow the beneficiaries to clear land and develop economic activities.⁷¹ They were criticized for causing mass evictions, deforestation and rights abuses, prompting the RGC to decree a moratorium on ELCs in May 2012. Authorities eventually revoked at least 70 ELCs in the years that followed.⁷² In March 2022, the RGC granted a new ELC covering almost 10,000 hectares of land in Stung Treng province to a Korean company, including over 5,000 hectares of forest land.⁷³ The move triggered an ongoing land conflict with local communities. After being granted the concession, the company cleared farmland and agricultural trees to build a road, damaging or destroying agricultural assets 64 local families relied on. A total of 400 families could be affected according to estimates by local authorities.⁷⁴
31. Deforestation has continued at a high pace despite the moratorium on ELCs. Data collected by Global Forest Watch show that Cambodia lost an estimated 234,600 hectares of primary forest between 2019 and 2022.⁷⁵ In October 2021, the University of London reported that Cambodia's garment factories were using at least 562 tons of forest wood every day to generate electricity, the equivalent of up to 1,418 hectares of forest being burned each year; likely a substantial underestimate.⁷⁶

ii. Privatization of state public property

32. As of July 2023, the RGC had granted 2,369.8913 hectares of Boeung Tamok - out of a total area of 3,239.7 hectares - to private individuals and state institutions after reclassifying it from state public property to state private property.⁷⁷ These actions contradicted Phnom Penh municipality's 2035 Land Use Planning, under which about 2,140 hectares of Boeung Tamok were set to be preserved. According to Land Law article 16, if state-owned property ceases to serve a public purpose, it can be reclassified as state private property and subsequently sold. Although a Royal Decree and a Sub-decree from 2006 outline the specific rules and procedure to be followed during this reclassification process, there is still a lack of clarity in the laws and policies surrounding the use of state public properties. Specifically, there is ambiguity regarding what constitutes 'public interest use' and how to determine when such use no longer serves its intended purpose. An additional concern arises from the lack of transparency regarding the value of these concessions or sales, and how the RGC plans to allocate the revenue they generated. This lack of transparency raises questions about accountability and equitable distribution of resources.⁷⁸

iii. Protected conservation areas

33. Over the years, the RGC has designated vast swathes of forests as protected areas to tackle environmental destruction.⁷⁹ As of August 2023, around 39% of the Cambodia's landmass qualified as protected land after more than 40 sub-decrees adopted in July-August 2023 expanded the coverage of protected areas by 1.06 million hectares. However, the lack of consultation with local and indigenous communities ahead of the expansion raised serious concerns that it could lead to a surge in conflicts over land and natural resources, especially because this newly-protected land includes areas where homes and farms are established.⁸⁰
34. A representative example of such disputes occurred in 2021, when authorities forcibly moved predominantly ethnic Kraol farmers in Kratié province's Sor Sor Sdom Sat Tao off their fields after the area was protected under a November 2017 sub-decree. Officials offered no compensation, prevented the villagers from gathering non-timber forest products or continuing their rotational farming activities, and even threatened them with arrest. Further conflict ensued in August 2023 following rumors that the boundaries of the Sor Sor Sdom Sat Tao area would be expanded, culminating in the burning of an Environment Ministry station by local farmers.⁸¹
35. On 30 November 2022, the RGC adopted a sub-decree making over 930,000 hectares of state-owned land inside protected conservation areas eligible for privatization. The move raised concerns that the measure might be abused to legalize or enable land grabs.⁸² In March 2021, a similar sub-decree privatized 126,928 hectares of protected areas in Koh Kong province.⁸³ Although officials described it as a move to grant titles to communities living in the area, an investigation published in October 2021 suggested that the sub-decree was abused to orchestrate a massive land grab. According to interviews conducted by Mongabay, local community members were issued with soft land titles that confer no formal ownership. Some were offered prices below market value for their land, which was then sold to investors at a higher price. People who refused to sell were reportedly pushed off their land because their soft titles had no legal value.⁸⁴

iv. Community fisheries

36. Community fisheries (CFi) provide employment to millions of Cambodians and contribute significantly to domestic food security. They were established by a 2005 Royal Decree giving citizens the right to join together to establish CFis in their own local areas.⁸⁵ In recent years, the RGC's attempts to increase tourism and boost the economy has led to the approval of ambitious development projects along the coast of Kampot and Kep provinces. While the benefits for the economy are undeniable, some of these development projects overlap with community fisheries on which local communities have been relying for their livelihoods.⁸⁶
37. CFis are state property under Cambodian law. Although CFis are registered with the Ministry of Agriculture, Forestry and Fisheries, this registration does not provide fishing communities with ownership of the land they occupy. In addition, article 61 of the Fisheries Law allows the Ministry to abolish CFis if deemed in the public interest. This lack of legal protection leaves fishing communities particularly vulnerable, as it exposes them to the risk of losing their lands or being dislodged without notice for the benefit of lucrative development projects.⁸⁷
38. Research published by CCHR in January 2023 showed that 2,162 families spread across eight CFis in Kampot and Kep provinces were threatened by development projects implemented by four companies - OMNI Kampot Development, Ching Kor Import Export, PAPA Petroleum, and Kampot Logistics and Port. All these CFis were formed in the early 2000s, and are currently recognized by the RGC. Local communities said they were being kept uninformed regarding the implementation and potential impact of these projects on their livelihoods, but some reported instances of encroachment on their lands and infilling of fishing grounds. Local authorities reportedly did not have any mechanisms in place to adequately monitor and limit the harmful human rights and environmental impacts of development projects.⁸⁸

Recommendations

- Halt approval of further economic concessions, development projects, and expansion of protected areas until the boundaries of indigenous customary lands have been clearly demarcated and approved by local indigenous communities;
- By 2027, establish clear and transparent guidelines for assessing the loss of public interest on state public properties through a consultative process involving civil society representatives;
- Systematically conduct impact assessment studies ahead of the reclassification of state public properties to state private properties and their granting/sell to ensure that the livelihoods and housing rights of local communities are not negatively impacted, and publicly disclose the findings of these studies;
- Establish mechanisms to ensure that local and indigenous communities are systematically consulted and able to give their prior, free, and informed consent to the creation, extension and/or privatization of protected conservation areas or issuing of land concessions; and step up efforts to issue them with formal land titles;
- By 2027, amend existing legal provisions governing community fisheries, including the 2006 Fisheries Law, to recognize, protect and facilitate the legitimate rights of CFIs to their fishing grounds and surrounding lands;
- Ensure that meaningful consultations with CFIs take place prior to any development project, and that communities are kept informed and give their free, prior, and informed consent ahead of the granting of state or private rights over fishing grounds.

¹ According to official government figures, see [here](#) for the source in Khmer.

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⁴ CCHR, '[Cambodia Fundamental Freedoms Monitor: Sixth Annual Report, January-December 2021](#),' 2022. Page 24.

⁵ CCHR, '[Cambodia Fundamental Freedoms Monitor: Fourth Annual Report, April 2019 to March 2020](#),' 2020. Page 33.

⁶ *Ibid.*

⁷ For the purpose of this analysis, the term SLAPP includes both civil cases brought by third parties and criminal cases initiated by the authorities.

⁸ CCHR, '[Cambodia Fundamental Freedoms Monitor: 2022 Annual Report](#),' September 2023. Page 25.

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