

Human Security & Land Rights in Cambodia



By Alice BEBAN & POU Sovachana

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Interview Codes:

Interviews are denoted in the text by the letters:

- KC Kampong Chhnang
- R Ratanakiri
- PP Phnom Penh

This is followed by the interview number. Note that more specific location markers such as district and commune are not included on interview codes, nor are specific communes named in the report, as some people requested anonymity.

Preface

With continuing human rights concerns over land grabbing, and in the wake of the Cambodian government's recent land policy issuing thousands of land titles to people in land conflict areas, study is needed to understand how people construct and experience security and insecurity over land, and action is needed to bridge the gap between people's experience and policy and investment practice in land.

This project uses a novel way looking at land issues in Cambodia by focusing on human security as a holistic tool for understanding the problems the people face in terms of freedom from fear, freedom from want, and freedom from indignity as well as the risks involved. It builds on other research and action projects by focusing on understanding the types of insecurities people in land conflicts areas face, as well as what provides people with security and how insecurity is experienced differently across gender and different age and ethnic groups.

The overall objective of this project is to increase knowledge, dialogue, and guidance toward human security-centered land policy and practice by government, private sector, and community members, in order to strengthen land security for marginalized people in Cambodia and promote social cohesion – social relation, social responsibility, and social inclusion such as rights to fair compensation and transparency, equal access and fair opportunities to all and not only benefit the higher classes, the psychological feeling of belonging, to name a few.

Acknowledgements

This in-depth research on Human Security and Land Rights in Cambodia, focused on two key provinces (Kompong Chhnang and Ratanakiri) and Phnom Penh city would not have been possible without the kind and generous support of numerous people and institutions. The authors would like to extend our sincere thanks to the Foreign and Commonwealth Office for the financial support for this study and the Cambodian Institute for Cooperation and Peace for their valuable assistance to this project.

A debt of gratitude goes to all the numerous respondents – land victims, land evictees, activists, Buddhist monks, government officials, local authority, civil society, scholars/academics, and local communities - who kindly shared their time, personal stories, experiences, and insights in interviews, community trainings, multi-sector dialogues and group discussions. Special thanks are also extended to our research team – Professor Say Puthy and Professor Khourn Chantevy at Paññāsāstra University of Cambodia, and all student researchers – Pheap Sokha, Him Sophorn, Kong Somphyvatanak, Leang Linda, Kim Kosoma, Nguon Sreyteang, Aun Chhengpor, Ven. Ton Sopheak, Phon Sarakphun, Mor Socheath, Soueng Kimmeng, Tep Vathana, Song Chealinh, Pin Keany, Eab Kimhak, Lor Seakliv, Hak Venghorng, Seng Rahul and Chim Y Mey - for their assistance in conducting surveys, interviews, community training and focus group as well as transcribing the record.

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Executive Summary

With continuing human rights concerns over land grabbing, and in the wake of the Cambodian government's recent land policy issuing thousands of land titles to people in land conflict areas, study is needed to understand how people construct and experience security and insecurity over land. Further, action is needed to bridge the gap between people's experience, and policy and investment practice in land. This 'Human Security and Land Rights' project used a human security framework as a holistic tool to address two overarching questions. **1: What kind of insecurities do people in areas with land disputes have, and who is most insecure? 2: What provides people with security, and how does land policy relate to other sources of security over land?**

Our study involved more than 400 participants in Kampong Chhnang, Ratanakiri, and Phnom Penh, with surveys, interviews, community trainings and multi-sector dialogues. We focused on communes with Economic Land Concessions (ELCs) and urban resettlement zones, including those that had lost land and those with more positive experiences. Our public dialogues brought together government officials, NGOs and people affected by land disputes to discuss possible solutions, and to understand more clearly the limitations that people in other roles face. We also focused on training more than twenty Cambodian researchers.

Our study shows that insecurity over land is also about wider issues of poverty, environment and livelihood insecurity. Land insecurity affected people's livelihoods and increased physical and psychological insecurity. We also found that poor families, less educated people, and female widows were more likely to feel insecure about land. The largest cause of insecurity was poverty, followed by land grabbing, corruption, lack of food, lack of land for the next generation, and inadequate access to healthcare. Forced and distress-based land sales were also a central cause of land insecurity.

Women are often more at risk of land insecurity, although cultural norms of land ownership and management benefit both men and women. Land insecurity including land grabbing by spouse's family is an ongoing issue in divorced women's lives. 'Second wives' are often the most insecure. Cultural norms toward land ownership and land management decisions in Cambodia generally involve both spouses, and property inheritance norms favor all children equally.

Sources of security are numerous and depend on context. The main sources of security were: Having a land title, schooling opportunities, affordable healthcare, strong community networks and supportive local authorities, non-governmental organizations that provide long-term support; and different forms of land management (including communal management). Land, food, and livelihood security were linked; even those with no land disputes said they lacked security as they did not receive adequate agricultural extension support or fair prices for their products.

Land title was an important source of security for many people in the study, but it did not provide full security: Most people with a land title were still worried their land would be taken as they said they did not place trust in the judiciary nor in long-term government policy. Sometimes title increased insecurity if those with more power were able to grab more land during titling, or land values rose and predatory land purchases increased. People whose land was left untitled during the nationwide land titling campaign, or those who were waiting for titles (one third of those whose land was surveyed had waited more than a year for title) said they were pressured into selling their land for low prices. In some areas, people were very satisfied with the land titling process and reported very little corruption. Factors contributing to security during the land titling process included: land claimants and authorities having a high level of knowledge about land rights and titling processes; people kept well informed during the process by authorities and strong community networks; and community representatives accompanying survey teams and authorities during land surveying.

Communal Land Title is important for indigenous groups but the process is very slow, and one community in our study with CLT was still losing land. Factors contributing to security over communal land included: strong community solidarity and relationships between elders and youth; good, cooperative leadership from authorities and traditional elders; authorities accountable to villagers; strong long-term support from NGOs; a focus on both legal empowerment (to gain title) and community empowerment.

Knowledge and use of dispute resolution mechanisms is limited. Survey respondents most often sought help from local authorities when they had a land dispute or were fearful that someone would take their land; most people were not aware of other mechanisms for resolution. Despite this key role in dispute resolution, many commune officials were not clear about what their role should be in solving land disputes or marital property issues. Some local officials said they wanted to help but lacked resources, information, and lines of communication with central government. Furthermore, some officials were involved in land disputes themselves and were not in a position to assist villagers. Rural people consistently said they wanted more communication with their local officials, including regular meetings with local and provincial level authorities, and access to information.

Resettled communities face specific human security challenges. Only half of the Phnom Penh resettled participants had received some kind of compensation after being displaced and only 22% of those compensated were happy with the compensation given. People said the compensation was insufficient to purchase a house or land elsewhere in the city, so they moved to the outskirts where they could not access work opportunities or public services, or rented with uncertain lease arrangements.

Economic land concessions provide limited opportunities for local people. The survey also looked at relationships between Economic Land Concessions (ELC) and communities, as one of the aims of ELCs is to provide local employment options for rural people. Some people said ELC jobs meant they did not have to migrate to other areas for work; however, most survey participants said they did not work at ELCs, even if there were some nearby. They said that companies preferred migrant labor, many processes were mechanized, and they did not want to work at the ELC as the work conditions were difficult and perceived as unfair.



Everybody shall have the rights to life, freedom and personal security.

- Article 32 of the Constitution of the Kingdom of Cambodia

1. What is Human Security?

The concept of human security is based on the fundamental principles of “freedom from fear” and “freedom from want” through the 1994 Human Development Report of the United Nations Development Programme (UNDP),¹ along with freedom from indignities. It argues for a shift from a state centric view of security to one that focuses on the security of every individual. Human Security is about protection and empowerment of the individual. Human security is a way of enabling people to exercise choices safely and freely, and to be relatively confident that the opportunities they have today will not be lost tomorrow (UNDP HDR 1994). The three freedoms are interrelated as follows. Freedom from fear seeks to protect individuals from violent conflicts (from the threat of direct physical violence). Freedom from want seeks to protect people from the threats of indirect non-physical violence² and advocates a holistic approach to include hunger, disease, homelessness and those policies that deny people political rights and civil liberties. Freedom from indignities means equal access rights, as well as services and privileges, which should be provided by the government to its people. The human security concept tackles general threats to human existence and finds ways to overcome these threats, recognizing that the state itself can at times be a threat to its own people. Human security is a holistic way of understanding problems and conflict in society, and focusing on strengthening the institutions that provide security for people. Many authors discuss the seven most important aspects of human security as Food, Economic, Personal, Health, Political, Community, and Environment security. To add to this list, we find in our research that psychological security is of critical importance when thinking about land rights, and spiritual security and livelihood security are important in the Cambodian context.

This framework is important in Cambodia, as the country has suffered from so many violations of human security: massive bombardments, civil wars, interstate wars, the ‘killing fields’, human rights violations, disease, starvation, displacement of people, the repatriation of 360,000 Cambodian refugees from the Thai border camps,³ small arms conflicts, one of the world’s highest rates of deforestation,⁴ grinding poverty, and land grabs have ravaged this once proud and influential country of Southeast Asia. If we use

¹ <http://unocha.org/humansecurity/about-human-security/human-security-all>

² Peou, Sorpong. 2013. *Chapter 7: Human Security in Post-Cold War Cambodia*.

³ The United Nations High Commission for Refugees (UNHCR)

⁴ <http://news.mongabay.com/2005/1115-forests.html> retrieved on June 6, 2014.

traditional security measures (focused on stability and freedom from violence and conflict), Cambodia seems like a secure country today. Nonetheless, hundreds of thousands of people are forcibly removed from their land and lack the means of subsistence, still more die every year from preventable illnesses, lack of sanitation, and food insecurity. People suffer from living in a precarious existence and do not enjoy full security over their lives. A human security approach has the advantage of revealing the often hidden and inter-connected threats that prevent people in Cambodia from realizing their full human potential⁵.



Image 2 Monks wrap a tree in a community forest in one of the study communities.

⁵ United Nations Development Programme, Human Development Report 1994 (New York: Oxford University Press, 1994)



The government has to hear what the people want. People have things they lack and they want. If we don't have secure communities, the investment won't come, the factories will go elsewhere. People will be poorer. So having a more responsive government is the main thing, and the freedom of speech to tell the government what we think.

– University student research participant

2. Why Human Security and Land Rights?

With continuing human rights concerns over land grabbing, and in the wake of the Cambodian government's recent land policy issuing thousands of land titles to people in land conflict areas,⁶ study is needed to understand how people construct and experience security and insecurity over land, and action is needed to bridge the gap between people's experience and policy and investment practice in land. This project delivers change through our focus on multi-stakeholder dialogue, which brings together policy makers and other stakeholders to design culturally appropriate human security policy and land investment practice. Our in-depth research of human security issues in terms of freedom from fear, freedom from want, and freedom from indignities assesses both urgent threats and long-term risks, focusing particularly on the impacts of land policy promoting land titles for tenure security for marginalized people. We emphasize gender in our research and actions, as we recognize that women and men are differentially exposed to insecurity over land. The overall objective of this project is to increase knowledge, dialogue, and guidance toward human security-centered land policy and practice by government, private sector, and community members, in order to strengthen land security for marginalized people in Cambodia.

This report aims to understand land issues through a human security frame. This builds on the excellent body of research on land rights in Cambodia, by asking several important questions:

Question: 1: What kind of insecurities do people in areas with land disputes have, and who is most vulnerable to insecurity;

⁶ The Prime Minister's Land Titling Campaign, part of the Directive 001 actions announced in 2012 (RGC, 2012).

Question 2: What provides people with security, and how does land policy relate to security over land and livelihoods.

A human security approach seeks to understand people's situation with regard to both fear and want. That is, both in terms of the ability to be free from fear that land will be taken (to have land tenure security, personal and community security) and to be free from want (to have livelihood security including the ability to gain a just livelihood from the land, to have food security, access to basic services such as education and health), and to be free from indignities (including being informed about land policies, humane treatment of evictees and people exercising their rights).

Furthermore, a human security approach focuses on empowerment of people who are most affected by loss of access to land (i.e. landless and poor farmers, poor urban residents, marginalized groups such as widows, evictees, indigenous peoples and others who depend on communal land). A human security approach would prioritize these groups in both seeking to understand their experiences, and in gathering their input and inclusion into policy formulation. This approach therefore looks at the roles of Legal Duty Bearers, Moral Duty Bearers and Rights Holders. Legal Duty Bearers are part of the state, with its various branches including parliament, judiciary, police, teachers etc., has overall responsibility for meeting human rights obligations; the private sector companies can also have legal contractual obligations. Moral Duty Bearers are community groups, NGOs, and others in the community that have moral obligation to assist rights holders. Rights Holders are people affected by land issues that seek redress from legal duty bearers.

Land security is often narrowly understood as the possession of a land title (legal land tenure). But this is only part of providing land security. International research shows that land title alone often does not provide people with the security they need to invest in their farms and feel safe. Further, land rights are not just about private land, but also communal land access. This report therefore focuses on understanding how people perceive their land security, and what institutions provide security for people, as well as the inter-connected insecurities people have.

Furthermore, many broader insecurities, such as poverty, access to health care, lack of a voice in society, and lack of access to judicial assistance, all exacerbate land insecurity, as people take out loans or sell land in order to finance health and education costs, and land insecurity is also tied up with other forms of insecurity as people who lose land through conflict or indebtedness face myriad impacts for their long-term existence.

Organization of the report

In this spirit of a holistic approach to human security and land rights, this report is wide ranging, focusing on people's stories of insecurity and security, as told through survey and interview data.

Section 3 below introduces the research design and methodology, including the surveys, interviews and action components. Section 4 provides a background to land issues in Cambodia, including the research gaps that this report seeks to address. The main body of the report is separated into three main sections: Section 5 is a discussion of the

multiple insecurities that people in land conflict areas face. Section 6 is a discussion of sources of security that people find important, and Section 6 discusses research participants' and the authors' suggestions for moving forward with human security centered land policy.

These issues of insecurity and security are separated for clarity in the report, but please note that this is in some ways misleading. **Often the same issue is both a cause of insecurity and also a potential source of security** (for example, education is discussed both in terms of lack of quality schooling, and the benefits of sending a child to study; local authorities are seen as occupying complex roles, as both supportive of struggles for land rights, sometimes powerless to effect change, and sometimes complicit in land deals). We suggest that it is by accepting and analyzing the complexity of these issues and recognizing that there is no easy answer that a human security approach can be most useful.



Image 3 Presentation of results and roundtable discussion at CICP in Phnom Penh



All persons, individually or collectively, shall have the rights to own property. Only natural persons or legal entities of Khmer nationality shall have the rights to own land. Legal private ownership shall be protected by law. Expropriation of ownership from any person shall be exercised only in the public interest as provided by law and shall require fair and just compensation in advance.

- Article 44 of the Constitution of the Kingdom of Cambodia

3. Research Design and Methodology

This project focused on building dialogue and involvement from people across the country and most importantly across different sectors. In three provinces (Ratanakiri, Kampong Chhnang, Phnom Penh), the research team collected 370 surveys (124 men and 246 women), 32 semi-structured interviews with key informants and 18 focus groups. We also held roundtable discussions with representatives from the Ministry of Land, Civil Society Organizations working on land rights, scholars and people from affected areas.



Image 4 Study areas circled in red: Kampong Chhnang, Ratanakiri, Phnom Penh

3.1 Broader action research aims of the projects

This project involved research and subsequent community trainings and dialogues with community members, authorities and civil society representatives in three provinces. This 'action research' component was a crucial part of the project. The community trainings held in three provinces helped to inform people about land rights and how they can advocate for their legal rights, targeting those who had not attended training sessions previously, and working closely with representatives from the Ministry of Land, local authorities, civil society groups and community networks. Our research survey showed that women in particular were unsure of their rights and to whom they could turn when they were concerned about land issues; therefore, the trainings focused on bringing women from different communities together to learn, share stories and network with each other.⁷ The roundtable discussions brought together representatives from the Ministry of Land, civil society groups including land rights NGOs, community members affected by land disputes, and scholars. The discussions were facilitated by CICP,⁸ as a 'neutral space' where different groups that are often locked in contestation could come together to discuss these issues in a positive environment. This was a challenging exercise, as the different groups had their own divergent views, and in the first roundtable discussion,⁹ the yawning gap between the views of CSOs and government was palpable. However, in the subsequent series of roundtable discussions held in three provinces,¹⁰ we employed a small group 'scenarios' approach to facilitating dialogue, where participants were asked to imagine different fictive situations and discuss as a group how they would solve them. This sparked active, creative discussion.

3.2 Survey team selection: Training young researchers

One aim of the project was to train young Cambodian researchers in research skills and ethics. We held two training courses in Phnom Penh, where 22 promising Cambodian students spent two days honing their research skills. We then employed the students as survey enumerators for the project, and teams of between six to eight students traveled to each province. In the rural areas, they stayed in the communities we researched, to

⁷ Community trainings were held in: Kampong Chhnang (9-10 February 2015), Phnom Penh (9 March 2015), and Ratanakiri (5 March 2015).

⁸ See Appendix 2 for a background to the Cambodian Institute for Cooperation and Peace (CICP).

⁹ The first roundtable discussion was held on 21st July 2014 at CICP in Phnom Penh, and included representatives from the Ministry of Land, leaders from civil society groups focused on land rights, people from affected communities including urban leaders such as Yorm Bopha, and Cambodian and international researchers working on land issues.

¹⁰ The second series of roundtable discussions were held in: Kampong Chhnang (13 February 2015), Phnom Penh (17 February 2015), and Ratanakiri (6 March 2015).

gain greater insight into local issues. The students were mentored in the field by four senior researchers, who met with the students daily to supervise and record their observations.



Image 5 Students training in research skills at CICP.

3.3 Selection of study/engagement sites

The research aimed to understand a variety of sites within each study province. With the available budget, we decided to choose three provinces to focus on. One of the aims of this research was to understand not only the causes and implications of insecurity, but also to understand why and how some communities in land conflict areas are able to maintain apparently higher levels of human security. In each area, therefore, we included communities that showed in our pre-testing to have retained more land in local people's hands, to have fewer problems with corruption and forced land sales, and higher satisfaction with overall human security, as well as other neighboring communities with lower levels of security.

The study sites needed to satisfy the following conditions:

- ❖ Reported land disputes with a variety of companies/powerful people
- ❖ A diversity of formalized and informal tenure (including some people awarded land title under Directive 001 land titling scheme or title upon resettlement in urban areas)
- ❖ A diversity of population and ecology, including the three main characteristic areas in Cambodia: Highland rural, Lowland rural, and urban.
- ❖ A focus on resettlement sites in the urban zone

- ❖ Based on prior research and expert interviews with government officials and NGOs, a selection of villages within the selected districts including those with higher levels of human security and those with lower levels of human security.

Based on these criteria, the provinces of Kampong Chhnang, Ratanakiri, and Phnom Penh city were chosen for study. In Kampong Chhnang, from the population of four districts titled under Directive 001 land titling campaign, two districts were selected that had extensive land within an ELC and different kinds of land conflicts: Boribor and Tuek Phor. Within these two districts, four communes were chosen (two per district). The communes were selected to include those that had high reported land conflict, and those that had low reported land conflict. Within each commune, two villages were randomly selected for survey, with 30 households surveyed per village. Within each village, households were randomly selected.¹¹ In Ratanakiri, two districts were selected that included some areas titled under Directive 001, some villages with interim Communal Title, and some areas with no title, as well as a variety of land disputes. Within each district (Ou Chom and Lumphat), two communes were selected, with two villages selected within these communes. However, as described in the section on psychological insecurities, the survey team decided not to continue the survey in two villages due to concerns for the participants' safety, and the reliability of the data. Instead, the survey team conducted surveys in the Boeung Yak Laom commune, and amongst indigenous market sellers at the Banlung market.

Due both to the change in fieldwork schedule in Ratanakiri, and also due to people's preference in having group interviews, there are less surveys completed in Ratanakiri than in Kampong Chhnang.

In Phnom Penh city where land conflicts continue to be one of the most pressing issues, two on going disputed sites between the well-connected developers (Shukuku¹² and Phan Imex¹³) and the land evictees were chosen to conduct the surveys and the interviews, Boeung Kak Lake area and Borei keila. Three other displacement and resettlement sites were selected to deepen the understanding of the living condition of the evictees: Andong 4 and 6 where Dey Krahom victims were displaced, Tropaing Anchanh resettlement site, and Sras Por site where Borei Keila victims were compensated.

The names of most communes and villages in Ratanakiri and Kampong Chhnang are not identified in this report, because some participants wanted to remain anonymous. In Phnom Penh, and in Boeung Yak Laom commune in Ratanakiri, participants were happy for us to identify their village; therefore, only these areas are named in the report.

¹¹ Random selection was done by beginning the survey at a random house (random number from 1-10, corresponding to house position on road), then every third house was surveyed. If no one was home, the next house was surveyed, and so on. Within each village, the survey team fanned out across all populated village areas including both main roads and isolated hamlets.

¹² Shukuku is a local firm owned by Senator Lao Meng Khin, CPP's Senator. Shukuku was awarded in 2007 a 99-year lease of the 120 hectares of Boeung Kak Lake.

¹³ The president of development company Phan Imex is Suy Sophan, a well-connected woman to the government.

	Kampong Chhnang	Ratanakiri	Phnom Penh
Survey interviews	183	85	102
Key informant interviews	16	11	12
Focus groups	4	11	8
Community trainings	2	1	1
Roundtable discussions	1	1	2

Table 1: Number of surveys and activities in each province

3.4 Sample population

Within each of the six target villages, the survey team aimed to survey 30 households, using cluster sampling within each village to ensure a sample from all main zones in the village. Prior to the survey enumeration, the team constructed maps of each village with the help of village heads and community members. The team identified the main village ‘zones’ (usually a road along which a large number of houses were clustered) and sampled within each of these zones. Within each zone, sampling is randomized, by selecting a random household to begin sampling (by starting at the first house on the road, selecting a random number from 1-10 (computer generated), and then sampling at every 3rd house from the initial house selected. If no adults over 18 were present at one of the selected houses, the enumerator proceeded to the neighboring house to administer the interview, then counts three houses from the interviewed house to continue the survey. The random sampling strategy within villages means that the sample population is heavily weighted towards household members who are most likely to be present in the village. This includes people who work locally, women (particularly with young children), older people, and people who have retained their land (that is, if people have lost all their land and left the area, they will not be in the sample as they were not present when the survey team came to the village.

Most respondents in the sample were married (78%, n=288), and 14% (n=56) were divorced or widowed. More women were surveyed than men (246 women, 124 men). This was because more women were at home when the survey was undertaken. Livelihoods across the sample varied, but generally centered on rice and agricultural production in rural areas with some laboring and labor migration, and laboring in urban areas. In total 58% households produced rice, 22% cash crops, 47% home gardens, 35% livestock and 17% forest product collection. In Phnom Penh study sites, the most common occupations were construction workers (hired piece-meal rather than with full-time jobs), moto taxi drivers, rubbish collectors and street food sellers.



Image 6: A member of the research team conducts an interview in Phnom Penh

3.5 Limitations of the research

The study was limited primarily by time and funding, which meant an initial plan to conduct research in five provinces was reduced to three. We also planned to conduct 200 survey interviews in each province. However, we were committed to using research methods appropriate for the people we talked with, and in Ratanakiri, we found that many people preferred to talk in small groups, or informally, and were wary of our survey approach. Similarly, in Phnom Penh, some people were not comfortable with the survey form, or they had limited time and were not prepared to undertake a survey, but were still interested in talking with us. Therefore, we have more qualitative data and less survey data from these areas. The biggest challenge we faced in the land-dispute areas of Ratanakiri was people's fear of talking with us, exacerbated by intimidation by powerful local figures during our visits. We abandoned field site villages early on two occasions, as we felt that people participating in the survey were at risk of intimidation. Although this limited the quantitative data collected, it also allowed for powerful reflections about psychological insecurity in these areas (this is explained more fully in the section on *Psychological Insecurity*).

We had difficulty understanding wealth and income levels in the survey. During survey testing, a question on household income did not provide accurate information, as most people did not have stable work and found it difficult to calculate income earned through piecemeal work and agricultural production. We attempted instead to understand

people's wealth level in rural areas by taking a measure of their livelihoods, transport assets, and house materials. However, interviews revealed that this measure also may not be accurate. For example, one woman explained that in her village, *“When we get married we have the custom of parents giving a nice house, saving the money to build a nice house for children, but after that they don't have any more money, so sometimes the people with the nice houses are the most financially insecure”* (KC 25). Given the issues with assessing wealth through assets or income, we decided not to use this data in the report. We therefore cannot analyze how insecurity differs amongst household wealth levels in the quantitative data, although our qualitative data suggests that this relationship is important.

Finally, the research is limited by 'survey fatigue' in some areas. The high number of NGOs conducting project evaluation and research, particularly in conflict areas such as the Phnom Penh eviction sites, indicates interest in solving these critical problems. However, this also means we may be abusing vulnerable people by taking up their time and asking them to share emotional, private stories with us, often with little obvious reward for them personally. One resident in Borei Keila (Phnom Penh) told us: *“You are the sixth research team who came to ask me questions, please remember while you get compensation to do this study, the victims of land grabs are still suffering”* (PP 301).

Although this action research project focused on 'giving back' to participants by providing opportunities to join training sessions and community dialogues, this is a large and complex issue that reaches well beyond our project. We suggest that there are opportunities for NGOs and research institutions (both government and private sector) to collaborate and share more, to ensure research on land and resource issues builds on previous studies, and is useful for policy makers and most importantly for the participants in our research projects. We also want to acknowledge that there is no 'magic solution' for success in solving land conflicts. We suggest that by creating community dialogues at the appropriate levels (local, national and international) to deepen knowledge of the underlying causes of land conflicts, this can serve as a model to reduce the tensions between the state and the victims.



Many of the state institutions responsible for upholding people's rights are unfortunately still lacking in accountability and transparency, which is needed to command the trust and confidence of the people. Reform has not come fast enough, although I recognize noteworthy progress.

– *UN Special Rapporteur Surya Subedi*

4. Background to Land Security in Cambodia

4.1 Land conflicts and increased insecurity

In 2014, Human Rights NGO Licadho announced that land conflicts in Cambodia have passed half a million cases since they began collecting data;¹⁴ a recent complaint lodged at the International Criminal Court (ICC) suggests an even higher figure of 770,000 people affected.¹⁵ Land disputes in Cambodia are linked to different phenomena including the granting of Economic Land Concessions (ELCs), forced evictions, actions of local authorities and powerful elites, Social Land Concessions (SLCs), boundary disputes, and family disputes. Disputes appear to have increased in 2014, after a lull around the national election in 2013, and land evictions are occurring across the country.¹⁶ Insecurity over land is experienced in both rural and urban areas. In urban areas, this is often linked to evictions due to rampant urban development and in rural areas, to displacement due to ELCs and powerful elites acquiring land. However, insecurity is not just about evictions and displacement; many people who have not been directly displaced live every day with uncertainty and fear. Underlying much land sale activity is a feeling of land tenure insecurity, nurtured by threats and unequal power relations. Land distress sales and landlessness are also due to a myriad of broader livelihood insecurities, including physical and mental health risks, lack of food, indebtedness, immigration, and also not inheriting land upon marriage in land-poor

¹⁴ LICADHO (2014). *2014 Brings a New Wave of Cambodian Land Conflicts*. Retrieved 20.9.14 from <http://www.licadho-cambodia.org/press/files/342LICADHOPRLandConflictd2014-English.pdf>

¹⁵ Richard Rogers stated that land grabbing has displaced 770,000 people in Cambodia in his statement to the International Criminal Court, where he is part of a group bringing a case against the Cambodian government (Phnom Penh Post, 21/10/2014).

¹⁶ LICADHO (2014). *2014 Brings a New Wave of Cambodian Land Conflicts*. Retrieved 20.9.14 from <http://www.licadho-cambodia.org/press/files/342LICADHOPRLandConflictd2014-English.pdf>

families.¹⁷ Land clearing is related to insecurity and distress sales, as people sometimes sell good quality land, and move to clear new land in frontier forest areas.

4.2 Rural livelihoods and the need for land security

Farmers are a vibrant aspect of the economy and social life in Cambodia; approximately 73% of Cambodian people are primarily employed in the agricultural sector (and the total number of people working in the sector continues to increase over time, even as the proportion decreases, due to population growth).¹⁸ Most smallholders combine farming with non-farm rural and urban livelihoods, and wage labor and migration are increasingly central to rural people's livelihoods. Yet, control of the access to land for production, access to common spaces for grazing cattle and gathering forest products, and the ability to grow some of the household's food needs remains a central part of many people's rural survival strategies. Even as the country becomes more urbanized, the surplus of youth entering the workforce and regional instability makes migration for wages an undependable option. This means that smallholder food production needs to be supported as a viable livelihood for rural people.

But the notion of a rural safety net promoted by some donor agencies is becoming less viable as landlessness and land disputes increase. The Cambodian state's agricultural policies promoting agribusiness concessions, marginalizes the smallholder and peasant farming sectors that make up the bulk of Cambodia's population. While the Cambodian government and donors pledge their support for smallholder farming, and the vision of the 'leopard skin'¹⁹ land policy suggests an agricultural sector whereby agribusiness and smallholders co-exist, the support for smallholder farming is limited.²⁰ The lack of funds for agriculture means that support for subsistence farming and smallholder cash crop production is limited, and the marginalization of the subsistence farming sector is a factor in the chronic food insecurity in many rural areas. Key measures of malnutrition and food insecurity in children are still high, and the rural/urban gap in food insecurity is greater than any other Southeast Asian country for which data is available.²¹ The views of many rural people we encountered during fieldwork around the country reveal a

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- ¹⁷ Sokha, P., Le Meur, P., Lan, L., Seta, P., Leakhen, H. & Sothy, I. (2008) Land transactions in rural Cambodia : A synthesis of findings from research on appropriation and derived rights to land. *Coll. Études Et Travaux, Série En Ligne n°18*.
- ¹⁸ USAID (2013). US Government USAID. Cambodia fact sheet. Retrieved from: <http://www.feedthefuture.gov/country/cambodia>
- ¹⁹ The 'leopard skin' (also known as the 'tiger skin') is the language used by Hun Sen to describe the policy of large concessions cutting out areas for smallholder farms (Naren, K., & Woods, B. (2012). Hun sen says land program proving a success. *Cambodia Daily*, pp. Aug 9, 2012.)
- ²⁰ In the 2013 national budget, less than 1% was promised for agriculture (\$35 million from a budget of \$3 billion) (Hiejmans, P., & Menghun, K. (2012). "2013 national budget to rise above \$3 billion". *Cambodia Daily*, November 12, 2012). The current budget In the 2014 and 2015 budgets, the amount allocated for the Ministry of Agriculture, Forestry and Fisheries increased significantly to a projected \$126 million, but agricultural analysts argue that it is still far too low (Muyhong, C. (2014). *MoAFF Budget Disappoints*, Phnom Penh Post, November 14, 2014).
- ²¹ Center for Economic and Social Rights (CESR) (2013). Cambodia Fact Sheet. <http://www.cesr.org/downloads/cambodia%20WEB%20CESR%20FINAL.pdf>

continued demand for land as a source of livelihood, household reproduction and identity: *“We are farmers. That is what we do. Now many people are losing their land...I’m worried about what will happen to our children?”* (Female, 35 years old, R24). Our interviews showed that for many Cambodians, losing land or access to forest and waterways on which they rely is losing everything.

4.3 Evolving land policy

Current land rights problems in Cambodia are linked to the years of conflict from the 1970s-1990s, which collectivized land and left Cambodia with poorly functioning land governance institutions. Land scarcity has also increased, due both to the massive post-war population boom, and to widespread granting of Forest Concessions and ELCs. Since the early 2000s, and particularly since the Sub-Decree on Economic Land Concessions was adopted in 2005, the Cambodian government has granted large tracts of land to local and foreign companies at an unprecedented scale. More than 1.5 million hectares of land in Cambodia has been granted in the form of ELCs to both local and international investors, according to Cambodia’s official government’s record.²² ELC is a legal mechanism provided in the 2001 Land Law for the government to lease state private land to any private actors for the purpose of agricultural development, employment generation, and revenue generation. If developed properly, with good governmental oversight, these economic land concessions would not only generate revenues but also offer employment for Cambodians in rural areas and diversify people’s livelihoods.²³ However, many companies engaged in speculation rather than in production; others were embroiled in conflicts over access to land with local people as their claims overlapped, and several critical reports point to social and environmental problems with ELCs.

In attempts to control land disputes, a series of land reforms since 1992 has sought to provide clear ownership rights to land. In particular, the 2001 land law redefined people’s rights to land by providing ownership rights to both residential and agricultural land. The law stipulates that clearing of “state public land” and possession of such land following the adoption of the law became illegal. People can claim ownership rights only if they had lived on or cultivated the land at least five years prior to the promulgation of the 2001 land law. However, competing norms of land possession mean that the formal Land Law is in tension with customary practices of claiming land by moving to new areas and clearing land, thereby claiming ownership through possession. This practice has traditionally allowed a ‘safety valve’ for land-poor families by moving to forest areas, but it also sets the scene for land conflicts and deforestation, as people with the money, power and know-how to occupy land can claim large areas.

²² Cambodian Ministry for Agriculture, Forestry and Fisheries. <http://www.elc.maff.gov.kh/>. Note that civil society statistics are much higher. ADHOC estimates the total land area of ELCs at 2,657,470ha as of December 2012 (ADHOC (2013). Land, Housing and Natural Resources Rights in Cambodia in 2012, February 2013).

²³ Royal Government of Cambodia (2005). Sub-Decree No.146 on Economic Land Concessions 2005, Article 3

The 2001 Land Law allows for Communal Land Title (CLT) on Registered Indigenous Land, for agricultural production, residential land, reserve land for cultivation, burial areas and spirit forests. As of January 2014, 15 communities have received CLT, with many more communities currently processing requests.²⁴ Communal Titling was excluded during the Directive 001 land titling campaign, although individual titles were awarded in indigenous communities.

The 2001 Land Law also allows for Social Land Concession (SLC), a legal mechanism for granting land to landless and land poor farmers. This has been implemented by NGOs and government sponsored programs, although until recently the distribution of land to the landless/ land-poor people through the SLC mechanism has been marginal compared to the large land areas that have been granted to ELC. Since 2012, state allocated SLCs have expanded rapidly, due to Directive 001 and the provision for non-titled public land to be allocated for SLCs. In 2013, 485 new SLCs were reportedly awarded.²⁵ This is a potentially positive shift, and could represent a real commitment to redistributive land reform for poor people. However, the long term support for beneficiaries, particularly in government SLCs introduced under Directive 001, is also limited, and the land reserved for SLCs is often far from water resources or markets, with limited support for beneficiaries to pursue agrarian livelihoods.

Since the early 2000s, the establishment of a national land registry through Systematic Land Registration (SLR) and Sporadic Land Registration programs has gathered pace. Systematic land registration has been attempted several times since French colonial rule, but its reach was limited. This program was implemented initially through the donor funded Land Management and Administration Project (LMAP) in 2002, which received extensive support from the World Bank and bilateral donors including Germany, Finland and Canada. This later transitioned into the Land Administration Sub-Sector Program (LASSP), which is still in place.²⁶ LMAP was originally expected to be implemented over a 15 year period and has the objectives of strengthening land tenure security and land markets, preventing or resolving land disputes, managing land and natural resources in an equitable, sustainable and efficient manner, and promoting land distribution with equity.²⁷ Under the SLR, more than 2.1 million land titles have been delivered to 625,000 families by 2012, mainly in lowland areas. However, the sustainability of these programs remains a challenge as many people fail to register the transfer of their plots, and many areas remain untitled. Other problems identified include: a focus only on non-disputed areas, lack of titling for urban areas (and rural disputed areas), a gap between measurement and titling, a focus on quantitative goals (1 million titles) which leads to rush to title, even though there are supposed to be also qualitative goals - i.e. reduction in land disputes. As the authors of a report named *Untitled* note: “We have seen no evidence that the second half of this indicator has ever

²⁴ Personal Communication with GIZ CLT Land Officer in Ratanakiri.

²⁵ ADHOC (2013). Report: Land situation in Cambodia in 2013. <http://www.adhoc-cambodia.org/?p=4580>.

²⁶ Mark Grimsditch, Kol Leakhana & Depika Sherchan (2012), *Access to Land Title in Cambodia: A Study of Systematic Land Registration in Three Cambodian Provinces and the Capital*, The NGO Forum on Cambodia: Phnom Penh (p.18).

²⁷ *Ibid* (p.18-19).

been measured, and believe that if it were, the results would in fact show an increase in land-grabbing and conflicts. More research in this area is needed, otherwise the project rests on an untested assumption that the issuing of large volumes of titles leads to improved security of tenure in practice".²⁸

In 2013, the Prime Minister announced a parallel directive, which expanded land titling into areas granted to ELCs and state land. The 'Directive 001' campaign involved registering land for people affected by conflicts with investment companies during the first stage and large scale social land concession during the second stage. This Directive also stopped granting of new ELCs. This ambitious plan to provide tenure security through private title has issued 550,000 land titles delivered and surveyed more than 700,000 plots in 357 communes since mid-2012, according to the Ministry of Land Management, Urban Planning and Construction (MLMUPC). The government has cut off and reclassified a total area of more than 1 million ha (according to government reports), more than 360,000ha of which is cut out of 129 ELC companies; nearly 230,000 ha out of 16 forest concession companies; and 510,000ha out of state land and forest land. Thousands of youth volunteers have been mobilized to undertake land registration work with technical support from the cadastral officials; many of whom were trained under LMAP. Critics argue that the program lacked transparency and had no provisions for independent monitoring.²⁹

4.4 Gaps in research and action on land issues

A growing body of research on land rights and land conflict in Cambodia is conducted primarily by NGOs operating from a human rights approach. Key NGOs working in this sector include LICADHO, ADHOC, CCHR, Equitable Cambodia, and a number of others at both the national and local levels. These organizations do important research work by documenting the incidence of land conflict around the country (e.g. CCHR, 2013; ADHOC, 2013), and undertaking qualitative and quantitative work into the social and ecological implications of large scale agribusiness, urban growth and natural resources development. Cambodian and international academics are also active in land rights research. The CDRI has produced several important research publications which lay the ground for this project, including the rural and urban baseline titling surveys, and other publications on land access. Finally, government reports and information provided on the MLMUPC website gives some indication of relevant indicators such as concession land granted.

Overall, the research produced in the land sector is rich and includes many important on-the-ground observations. There are still, however, important gaps in this research body that we have identified. One issue is that much of the research is produced by civil society organizations. Our interviews and roundtable discussion with policy makers and civil society organizations have found that there is a lack of communication between

²⁸ Ibid (p.92).

²⁹ LICADHO (2014). 2014 Brings a New Wave of Cambodian Land Conflicts. April 1, 2014. <http://www.licadho-cambodia.org/>.

NGOs and government. Ministry of Land officials said that some research was not relevant, or they felt it to be an attack on their institutions, while civil society organizations and local people who have attended our initial discussions felt that policy is developed without their participation and consultation being taken into account. This suggests a need for more research that is designed in collaboration with diverse stakeholders including policy makers and civil society groups, and attempts to take into account both the achievements of policy and also critically analyzing how it can be improved.

Second, there is a gap in research from a human security viewpoint. Strengthening people's security is a primary aim of the government and of NGOs in Cambodia. Land title is the main thrust of regulation to increase tenure security. Theoretically, land title increases security and allows for greater investment in land, as people who feel that they have a firm grip on their land will be more likely to make long term investments, and land titles can be used as collateral to take loans in order to improve the land and start small businesses. Land titling also theoretically increases land markets so land becomes more valuable. However, as Grimsditch et al.³⁰ point out, in the Cambodian context, these theoretical assumptions have not been tested. Current efforts to strengthen tenure security focus on outputs (numbers of land titles issued) without also focusing on qualitative goals (including understanding landholders' perceptions about whether their security has actually increased). Research on the Systematic Land Registration (SLR) program in 2008 suggests that policies to strengthen land property rights can have important, positive effects on the rural economy, even in an environment of low state capacity.³¹ However, the implications of the recent Directive 001 are not yet understood. This is not to understate the efforts of the RGC and donor agencies in issuing an impressive number of land titles; rather, we need to understand how people actually perceive title in relation to their feelings of security over their land (including communal land) and livelihoods.

Furthermore, mounting evidence from other countries suggests that security over land is not just gained through title; sources of security are numerous and depend on context. Regulatory programs aimed at increasing tenure security must take into account what the sources of insecurity and security are for people in particular areas, and how regulations interact with other sources of security. In order to understand the broader aspects of insecurity and security, this study draws from a Human Security framework designed to understand not just the material, but also psychological and social sides of security. This includes people's relationships with their location (including safety, freedom from fear), with their community (networks of constructive support), and with time (a positive outlook for the future).³²

³⁰ Mark Grimsditch, Kol Leakhana & Depika Sherchan (2012), *Access to Land Title in Cambodia: A Study of Systematic Land Registration in Three Cambodian Provinces and the Capital*, The NGO Forum on Cambodia: Phnom Penh.

³¹ Markussen, T. (2008). Property rights, productivity and common property resources: Insights from rural Cambodia. *World Development*, 36, 2277-2296.

³² Learning, J., & Arie, S. (eds.). (2008). *Human Security: A framework for assessment in conflict and transition*. Tulane University, CERTI.

Third, there is a gap in research that incorporates gender concerns as a central part. Women often have lower ‘bundles of rights’ in legal and customary law relating to land, or face other barriers such as a lack of decision making power in the household, difficulty in accessing channels of dispute resolution, and abuse by other family members and in-laws, such as losing property in the case of spousal death.³³ While the Cambodian land titling program has an explicit gender focus including a focus on joint titles, the broader dimensions of gender-specific insecurity related to land are not well explored.

³³ Ibid p.4.



My loving husband and daughter told me they are willing to stay in jail and they do not need me to negotiate whatsoever. We will live on our land – not anywhere else.

– Displaced Boeung Kak lake resident, Phnom Penh

5: Multiple Insecurities in land dispute areas

5.1 Overall view of insecurity

This section presents results on insecurity from the survey and interviews in all three provinces.

Following the international UN human security surveys, participants were asked to describe how much of a problem various different human security issues were in their community. They were then asked what the most severe cause of human insecurity in their community was from a list of fifteen options. Although this kind of closed question approach is not ideal for eliciting information on a personal topic such as human security, we chose this approach because pre-testing revealed that some participants found it difficult to approach this conceptual question using an open-ended format, and became uncomfortable. Therefore, we decided to create a list of issues through thorough pre-testing in our survey areas. We conducted pre-test surveys with fifty people in both rural and urban areas and also checked our question categories through key informant interviews. During pre-testing, participants were given open ended questions about human security issues, and asked to identify key causes of insecurity. Based on their answers, we chose the 15 most often mentioned issues to ask about individually in the survey. Surveyors took notes when the survey participant spoke about the issue beyond just the survey answer. This approach, combined with a follow-up open-ended question asking about any other causes of insecurity, allowed people to be comfortable in the interview and also allowed us to gather rich information. Table 2 shows responses to the question “What is the most severe cause of human insecurity in your community?”

What is the most severe cause of human insecurity in your community?	Number of respondents (note: some respondents selected more than one answer)
Poverty	100
Land grabbing/land disputes	93

Corruption	67
Not enough food	63
Not enough land for next generation	59
Inadequate access to health care	51
Floods and droughts	49
Powerful people 'stepping on people'	36
Personal safety in the community	29
Inadequate voice in government affairs	22
Inadequate access to education	20
People moving away from the area/migrating to other areas	15
Violence in communities	9
Unemployment/low wages	9
Loss of cultural values	4

Table 2: What is the most severe cause of human insecurity in your community?

From fifteen options, participants across gender and location consistently selected poverty, land conflict, corruption, food insecurity and shortage of land for the next generation as the most severe problems in their communities. In Ratanakiri, lack of access to health care was mentioned as most severe after land grabbing.

As in other parts of the survey, this data is not meant to be representative of Cambodia as a whole, for this survey selected for areas which may have a greater level of land insecurity. Further studies of this type across Cambodia would give a more comprehensive understanding of land insecurities. Rather, this data shows the multiple insecurities that people experience. The data does not suggest that there is a causal relationship between land disputes and other forms of insecurity, although this data together with the qualitative data collected in interviews and focus groups does point to ways that vulnerable people including the poor and widows, are at risk for land grabbing and food insecurity, as well as ways that people experiencing land insecurity are at risk of other forms of insecurity such as corruption and poverty.

Survey respondents were also asked how much of a problem the fifteen identified issues were, on a scale from 1 (no problem), 2 (small problem), 3 (big problem), to 4 (a severe problem with no chance to be solved) (Figure 1). The overall results mask the diversity in

people's rankings, but they do show positively that while many issues were seen as 'small problems', even the large issues such as shortage of land, and poverty, were not seen as insurmountable by many people.

Figure 1: Sources of insecurity



Image 7: A man living next to the railway tracks discusses his land situation in Phnom Penh

5.2 Land loss and insecurity: land disputes, landlessness and forced land sales

Incidence and Impacts of Land disputes

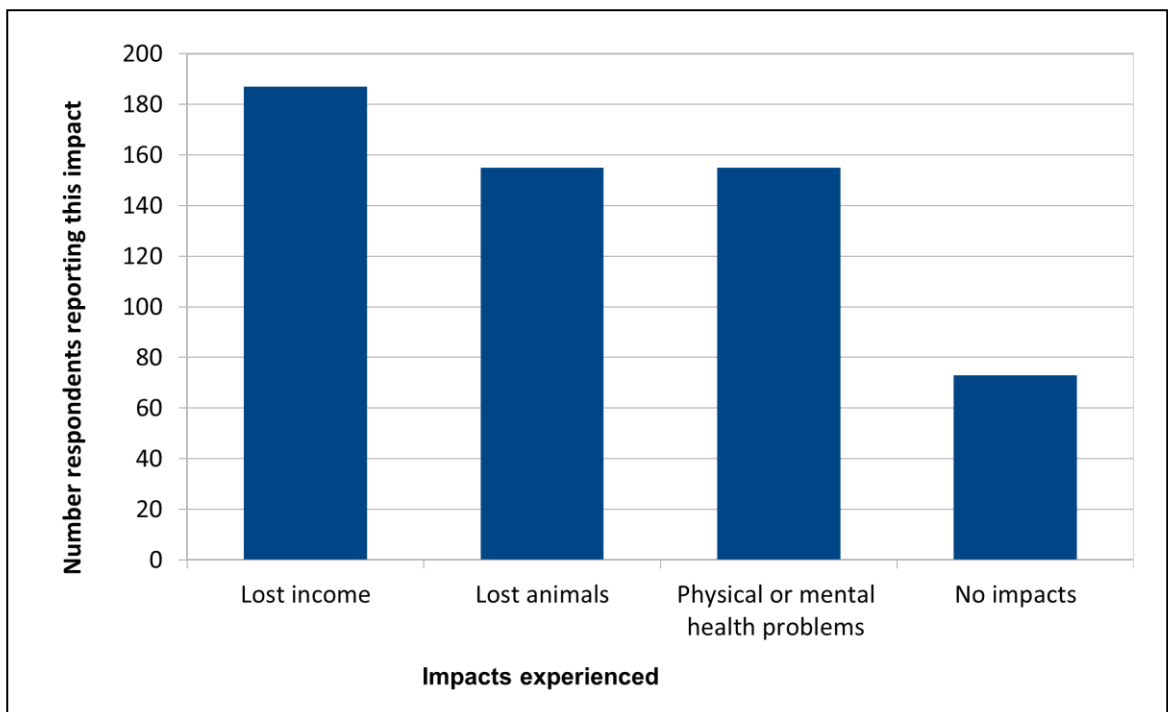
37% of the survey respondents have had a land conflict (80% in Phnom Penh due to the nature of the survey sample which focused on displacement and resettlement areas; 20% in the other provinces as the focus was on larger areas where some land conflict is taking place).

Land disputes seem to occur repeatedly for vulnerable people; in Kampong Chhnang the average number of disputes was 1.59 and in Ratanakiri 1.5 disputes.

Land disputes were not only experienced in areas lacking land title: 45% of the disputes reportedly occurred on land with title. In Phnom Penh, where the vast majority of participants did not own farm land, land disputes mostly affected house land, while in rural areas, 43% of the conflicts were over house land, with forest land (26%) also common.

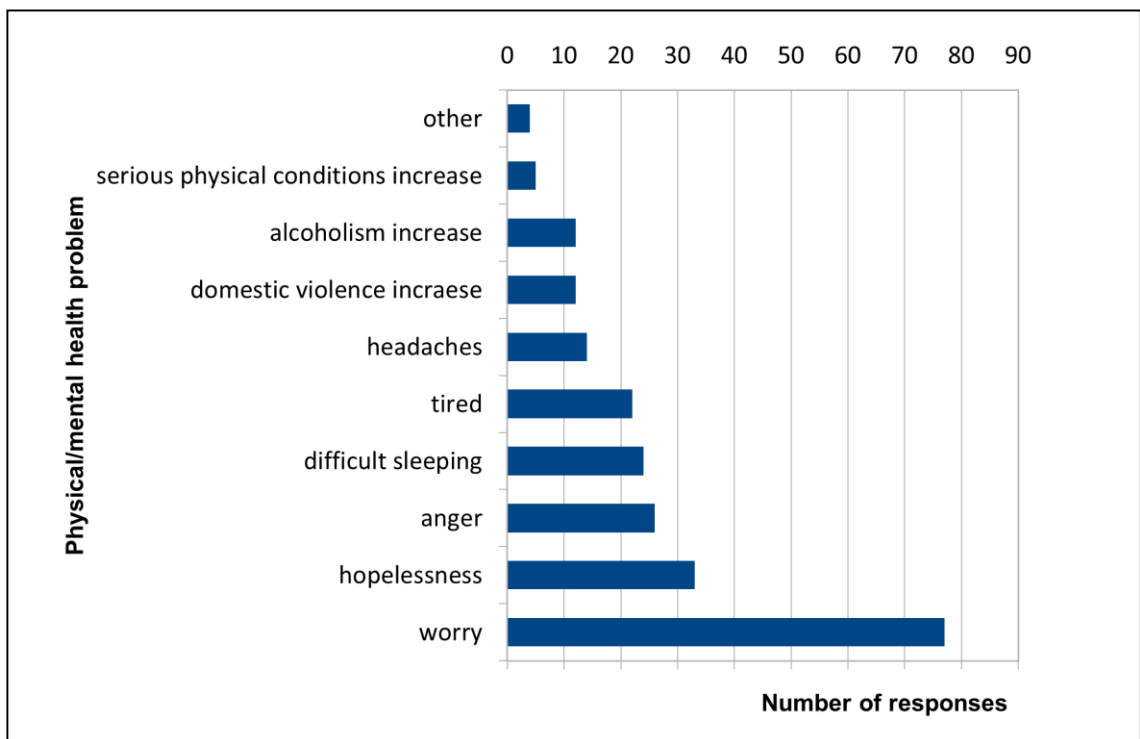
Most conflicts were with companies (49%) and authorities (43%), while women reported more conflicts with family members and neighbors. Almost three quarters (72%) of respondents lost land in disputes, with 58% losing all their land. Land loss was most acute in Phnom Penh amongst the survey participants. Again, this is not surprising considering the sample population was specifically chosen from resettlement communities.

Figure 1: Impacts of land loss



A human security perspective aims to take a broad view of land insecurity, including material, psychological and social dimensions. We asked those who had lost land in disputes, and also those who said they had feared losing their land, what kind of material and health impacts this had. Results show that land loss and fear of land loss impact different dimensions of people's lives (Figure 2), including lost income (40% responses) and physical and mental health problems (33%) (Figure 3).

Figure 2: Health impacts of land loss/fear of land loss



Landlessness and insecurity

One important way to investigate land security is to understand the incidence of land poverty and landlessness and why landless people do not have land. The majority of respondents (83%) in the survey owned their own house, while women (81%) reported lower rates of home ownership than men (89%). In rural areas, 61% of respondents owned agricultural land. There was a large difference by gender, with 70% men versus 57% women owning agricultural land (Figure 3, Figure 4).

Figure 3: Ownership of agricultural land

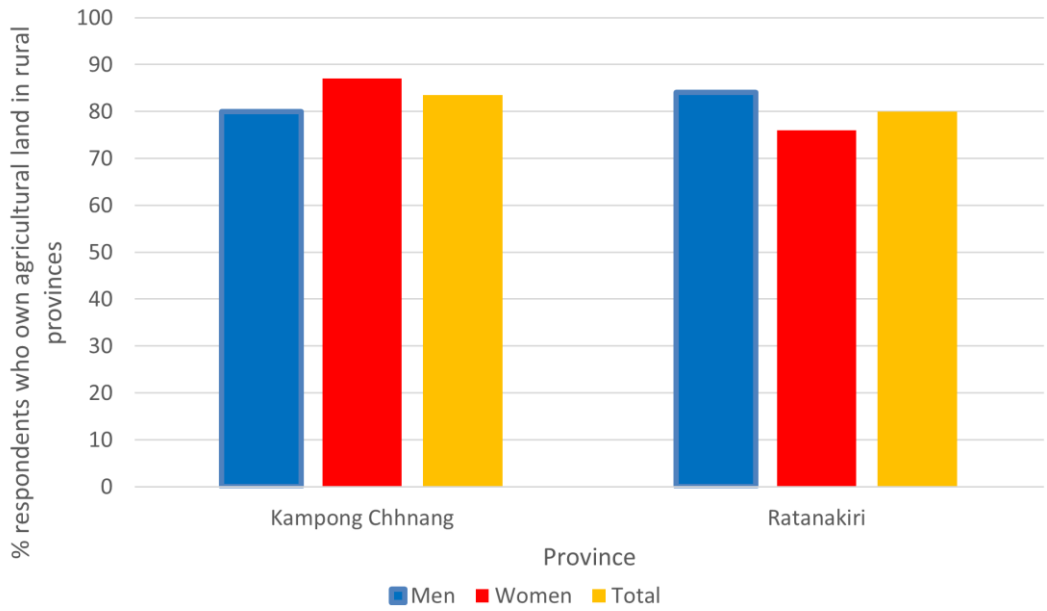
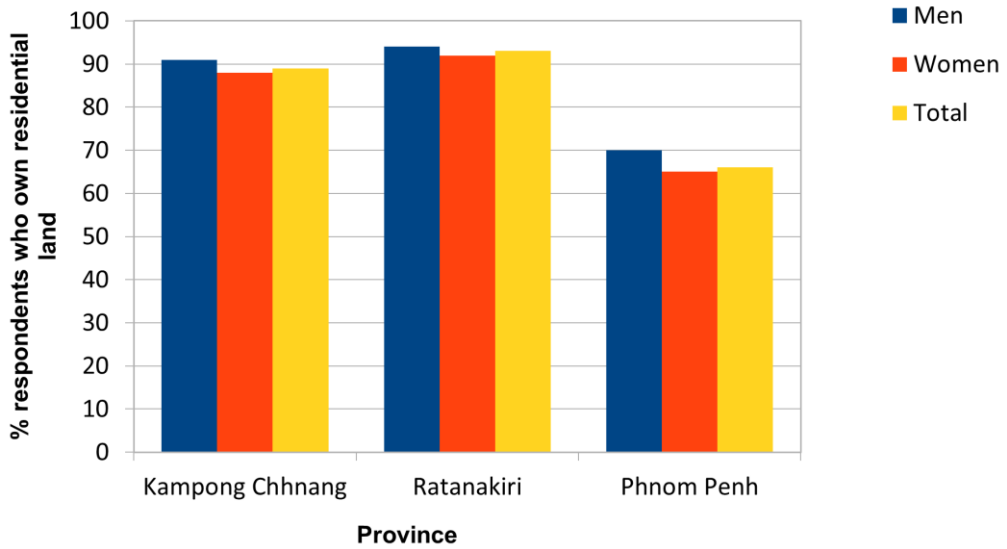


Figure 4: Ownership of residential land



Land owners had an average of 1.6ha land, with men holding 2.61ha average and women 1.10ha. Land was most commonly inherited from relatives (44%), distributed by authorities (22%), claimed forest or abandoned rice land oneself (21%) or bought (15%). Men were more likely to acquire land by claiming land oneself (34% men versus 14% women), which accounts in part for the difference in land possession by gender. Land size was also much lower for widows/divorcee women than for married women and men.

In our survey, the majority of landless people had never owned land. Among people that did not own their own house, 44% had never owned a house, while 30% lost their house in a dispute, 10% sold it, and 7% had given it to their children. Among people that didn't own agricultural land, 67% had never owned their own land, 18% lost it in a dispute, 6% sold it, and 3% had given it all to their children. Note that this question was not so relevant in Ratanakiri where some people reported not having agricultural land, but did use communal land.

Figure 5: Reasons for not owning house land

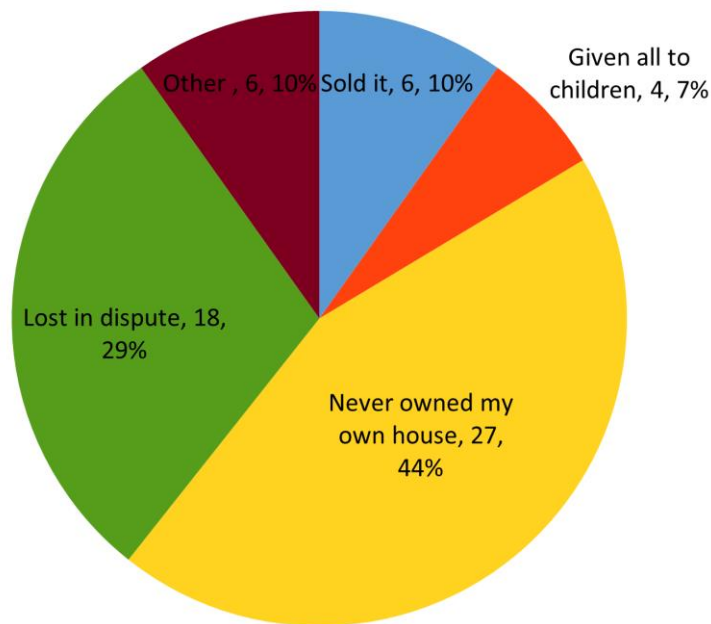
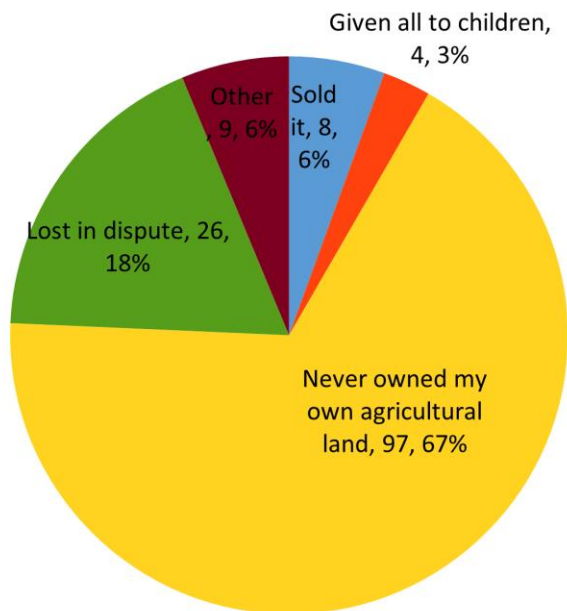


Figure 6: Reasons for not owning agricultural land

The landless were often young couples or single/divorced people whose families did not have enough land to divide with them when they married. Land becomes ‘atomized’, as parcels get smaller and smaller with each subsequent generation until there is nothing left. One respondent in Kampong Chhnang lamented that: *“Landlessness is a big problem in this village. People have a lot of kids here, 6-7 kids per family; but rice land is very small per family. There’s no land to divide in the future”* (KC 25).

Positive human security Case 1: Land access through renting

Many other tenure arrangements besides freehold ownership exist that can improve land security for people. One of these is communal tenure (explored in the section on Ratanakiri communal tenure, and the case study on communal management of Boeung Yak Laom in Ratanakiri). Cooperative tenure arrangements on common property resources, inheritable leasehold and usufruct rights can also focus on providing land security to marginalized people.

Land rental is another way for poor people to access land, and a way for people with insufficient labor to rent out land for money or in-kind payment. Several people in Kampong Chhnang (20 households, or 6% total survey) used in-kind rentals to access land, while 3 households rented using cash. These arrangements were generally informal, one-season arrangements with other

villagers, whereby payment was made via a proportion of the harvest collected, and were seen to be an important part of the renters' livelihoods.

Informal arrangements like this can be exploitative if marginalized people are taken advantage of in transactions (for example, a feudal-like arrangement where landless people must give the landlord the majority of the harvest). Also, access to land through renting should not be prioritized at the expense of protecting small holder land ownership, and redistribution to landless people. But rental is another mechanism for land access. The arrangements we observed were seen to be beneficial and fair by both the land lord and the renter. Interestingly, these were often transactions between two poorer families rather than wealthier land owners and were seen to help out both sides. One widow who rents out her land to neighbors to farm because she cannot farm the land herself said:

“I do in-kind rental where my neighbors plant rice on my field, and then we split the harvest. This helps me because I am old and my children are working in Thailand so I don't have anyone to help farm. And it helps my neighbor, because they came from Kampong Cham and don't have farm land” (KC 85).

Forced Land Sales

One common theme mentioned by those who complained about land grabbing was forced land sales. This is an aspect that is sometimes downplayed in analysis that focuses on displacement and eviction. However, this was frequently discussed by people in Ratanakiri, and in a 'frontier' forest commune in Kampong Chhnang, where the land market has increased rapidly since land values escalated in the mid-2000s, and land speculation by wealthy outsiders have taken advantage of this. Interestingly, the survey data does not reflect the amount of sales that people described in interviews, or the discussions participants had with the survey enumerators after we had completed the surveys and put away our equipment. We believe this discrepancy is due in part to people's embarrassment and regret at having sold the land, as many people described to us that it was against their wishes to sell.

The survey shows that twelve people said they were 'extremely unhappy' with the land sale they made after their land was surveyed for titling. This can be explained in part due to the predatory nature of land transactions around and after the time that the land was surveyed and titled. One woman in Kampong Chhnang who sold her land after the land was surveyed, but before she received the land title, described this pressure:

“I sold my land. I had land in the middle of a lot of people that sold to a powerful person from Phnom Penh. Now it's all cleared and he is planting a plantation there. I got \$100/ha. If we waited for land title maybe they would have got \$500/ha. But we were forced to sell because the neighbors all sold and the middlemen forced them to sell, put pressure on them. I didn't want to sell but I did. I have rice land still. But this land was forest land, received from parents. When I came back after Pol Pot, other

villages took some of the land, they knew it belonged to my family but they took it anyway. So we have lost a lot of land over time” (KC 92).

This woman's story suggests that people affected by land insecurity may also have been subject to former waves of dispossession, creating insecurity that can last for generations.

Other people in all three provinces described how land sales rose after their land was titled during the Directive 001 land titling campaign. Many respondents said that land was bought mainly by people that do not live in the area, often coming from Phnom Penh:

“Now the wealthy people have bought all the land here with titles. They did everything by the book. They came here once the students had left and asked everyone to sell. So now we have no land to share with our children” (KS 201).

“If we don’t sell, they will take it. The middlemen will take all to sell to outsiders. They tell us this. They say that if we don’t sell the land, they will take it” (KC 204).

In Kampong Chhnang, many people described the ways land categories (such as protected areas, state land, ELC land) were used to persuade villagers to sell their land so as to avoid having the land taken:

“If the villagers get land they say it is protected land so we can’t have it, but if the powerful people get it, it is okay. If we don’t sell cheap at fifty dollars per hectare, they will take it anyway” (KC 205).

Many villagers described that even if they did not sell the land, they were prevented from accessing their land due to land around their plots being claimed by companies or other people with no road access left for them. One man in Kampong Chhnang described his land:

“I have rice fields near the foot of mountain. Now people from Phnom Penh have made rice fields around my land, so I can’t get into my land” (KC 008).

In a roundtable discussion with government and civil society representatives in Phnom Penh, one participant described the 'leopard skin' policy as creating “a prison, where people sell their land because they can't access it and there is no oversight to ensure that companies actually leave roads for people to get in” (PP RT).

Forced or dissatisfied land sales were common amongst respondents in Ratanakiri also. In one focus group, villagers had a spirited conversation about why they had sold their land. The said that they sold when a company came, as the company representatives said that if they didn't sell, in the future they “*would lose the land anyway*” (R 6). The focus group also described how land sales in Ratanakiri had an impact on agricultural systems, as people switched from shifting cultivation to settled cultivation:

“In this village, people don't do shifting cultivation like they used to. One reason is that there are a lot people here from other provinces. They come and get the land and sell. Some of the first people who came asked for some land. Then they slowly got a bit more

and more land. They are smart. They cheat the indigenous people. But the people here don't dare to complain. Most of us aren't educated, we don't know so much. But the Khmer know about getting land" (R 6).

Selling land is not a negative activity from the viewpoint of human security, if the sale is a choice that enables people to pursue other livelihoods. Many people said they were satisfied with their land sales. However, people frequently connected the sale of land with the lack of other meaningful work opportunities, as well as food insecurity and poverty. In a context of poor education levels and limited available work, low-paid wage work or extractive industries do not present a long term secure option, as many participants such as this woman lamented:

"The military buy land around here from the villagers. Then they rent them out again to people to use, because the people no longer have any land. The people here used to do rice on the land... In the village, lots of people don't do that much work at the moment because they have money from selling their land. But now many people run out of money, and now if they have equipment they can go to get wood, but there is less and less wood now, it's all cut down. Now they have to go and sell their labor in the mango plantations or doing weeding for the big landowners, for very low wages" (KC 190).

5.3 Loss of Forest Land

Access to forest land was an important aspect of livelihood and food security for many of the interview participants in rural areas. Many participants in Kampong Chhnang and Ratanakiri said they regularly use the forest (56% in Kampong Chhnang and 69% in Ratanakiri). Figure 4 shows that among the people who regularly use forest land, the most common use is for firewood and other Non-Timber Forest Products (NTFPs; participants discussed collecting wild vegetables and fruit, as well as traditional medicines). In Ratanakiri, 45% of the participants use forest land for shifting rice cultivation; this is also practiced by 16% of the respondents in Kampong Chhnang, where people make rice nurseries in the forest and then transplant the rice onto their rice fields.

Women and men in the survey both used the forest land, but for different reasons: Both collect NTFPs and grow upland rice and vegetables, while men report participating more in logging, and women more in firewood collection and planting vegetables and other crops on forest land. In Ratanakiri, 31% of the respondents had measured out communal land areas in their village, while 47% of the respondents reported having a community forest.

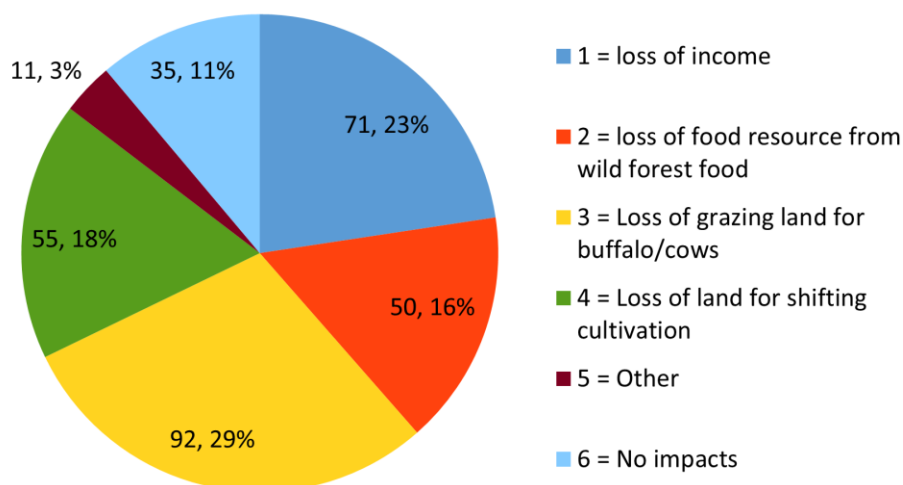


Image 8: Crop land in Ratanakiri with a communal forest in the background.

Forest loss was a consistent theme in qualitative interviews, and in the survey 89% of the respondents reported forest loss in their communities, while only 8% said they were not losing forest. The main reported reason for forest loss was authorities and powerful people cutting the forest, followed by agricultural companies. A man in Ratanakiri expressed a sentiment of hopelessness at the situation that was evident in many interviews:

"In our community, 10 years ago we had many different kinds of hardwood trees. Now they are all gone. Not a company, it is powerful people from outside that came and cut. They hire people to cut them. They buy some land from villagers and cut the trees. Also, for some of the villagers cut and sell to them. Before the land was \$200/ha; that is what they bought it for. Now it is worth \$2000, and now there are no trees on it. In the next village the company took the land. They had the signature from the prime minister saying that they had the land through an ELC, so we couldn't complain" (R 10).

The loss of forest land has reverberating impacts on rural people's wider human security, including livelihood options (Figure 4). In Kampong Chhnang, the main impact was the loss of grazing land for buffalo and cows (41% responses) and loss of income (21% responses); in Ratanakiri, loss of income (29% responses) and loss of food resource (27% responses) was most widely reported.

Figure 7: Livelihood impacts of forest loss

The forest loss affected all areas of people's lives, from important livelihood opportunities, to other areas such as cultural change. For example, in Ratanakiri, one Kreung villager said that *"with the forest, we used to go all the time and get twine to make belts and other things. But now most of the forest is gone. So now we don't make those things and we change clothing"* (R.H1). Others in Ratanakiri said the forest loss meant they could no longer do rotational agriculture, which had ensured long-term soil fertility. *"Now our yields aren't as good as before because we can't move our land, so most people have abandoned rice, now they do cassava or other crops because the soil is too bad"* (R 22).

Several people made clear the links between problems faced by farmers and forest degradation, suggesting that people turned to forestry when other livelihoods were limited, such as one man in Kampong Chhnang who said that *"people here cut the forest because we can't make a living with rice. The soil is no good, we don't have enough water and the prices are bad"* (KS, 43). Others linked forest loss with the changing climate: *"The biggest problem in the village is the loss of forest, it's all gone now. The problem is the environmental effects; bad storms, rains come late"* (KC 94).

In Kampong Chhnang and Ratanakiri, people described an increase in deforestation in anticipation of the recent land titling campaign, and in its wake (described more fully in the section on corruption below). The titling of areas that were in the process of receiving designation as community forest was a problem in five villages surveyed in Kampong Chhnang:

"We used to have a Community Forest. People supported it. But when the students came, people went and put boundary markers on land within the Community Forest"

area and said it was their land. And the students measured it all. Now we have lots of problems. We have to go far away to cut trees" (KC 015).

Positive Case Study of Human Security 2: Boeung Yeak Loam Communal governance of natural resources

The Yeak Loam lake in Ratanakiri is an example of a successful partnership between communities and the Cambodian government. The Yeak Loam community currently manages the iconic Yeak Loam lake under a 25 year lease agreement with the RGC. Communal management of the Lake and the surrounding 200+ha of forest by the five villages surrounding the lake has been successful in staving off deforestation at this culturally sacred site, and providing an important source of community solidarity and livelihoods through forest and fish products, as well as revenue from tourist fees. Community members said that even though they had lost much of their farm land through land sales, the communal area is a key part of their food source:

"The chamkar land is all private land here. I go to the Boeung Yeak Loam forest and look for tropaing, small wild fruit and vegetables. We can take these to eat, but we can't take big wood" (R.55).

The survey team conducted surveys and interviews in all five communities in the Yeak Loam community. Many people discussed the challenges the community has had to overcome, including waves of land selling in the early 2000s, and challenges by private companies and authorities that wish to take control of the lake. The communities have established a community based organization (CBO) that is autonomous and staffed by community members. This is a source of employment for young indigenous community members, and is run in a traditional participatory way, prioritizing ceremonies and inclusive meetings as a key part of the lake management. When asked what the keys to their security were, one Village Chief explained that *"we stick together, the people here respect the traditional leaders and also the traditional leaders respect the young people who are going to school and coming back here to help the community"* (R 62).

A deputy village chief said that the community was strong because they have careful management of their funds, and they use the money for livelihoods in the five villages.

"We build community dwellings, wells. Last year three poor families per village got twenty five kilograms rice, especially old people, and we built a school in the commune" (R 63).

It is unclear what the future will bring when the 25 year contract finishes in seven years, but the community members and local authorities were hopeful that the positive partnership with the government will continue.

5.4. Gendered Insecurity

Insecurity is often experienced differently by men and women, but gendered insecurity over land is not well understood in the Cambodian context. Therefore, a key aspect of this project was to understand how insecurity and security differs between women and men, and to understand the experiences of groups that may be particularly vulnerable to insecurity, including widowed/divorced people.

Although strides have been made in gender equality in Cambodia, our research suggests that serious issues remain in terms of land insecurity. One theme in interviews with women, particularly divorced/widowed women, was a sense of helplessness at not being able to claim their rights to land. Both people with and without land title told us that they did not try to contest land grabbing. When we asked why they did not do anything, several people said they couldn't do anything, they were 'lazy', or 'too tired' to seek help because they did not think it would have any effect. Many women (as well as poorer men) also said that they did not have a good relationship with the village authorities or the necessary money to pay for documentation to claim their land tenure.

This may be related to the low level of representation by women in positions at the local authority. Within the population surveyed, 46% of the men surveyed held some position within the community, including local authority, community networks, NGO group members, or religious leaders, while 27% of the women held similar positions. However, it is interesting to note that while women in the survey had very little role in formal governance at the local level, they held active roles as community group members and NGO contacts.

Gendered decision making over land sale and purchase

Decision making over key resources in the household is a central aspect of gender and land control. In contrast to some countries where patriarchal control over land and resource decision making is pronounced in law and practice, in Cambodia women and men generally share decision making over major resource decisions such as buying and selling land and land inheritance. The survey included questions asking about who (within the household) made decisions when buying and selling land. In response, 61% women and 56% men reported making decisions to sell land jointly. Numbers were similar for those with and without land title. Seventeen percent of women said their husbands made the decision. None of these women reported feeling unhappy about this. Beyond the spouse, parents and other family members may also be the primary decision makers, particularly for women (13% women said their parents or other family members were the primary decision maker when they purchased land, 0% for men).

Interestingly, of the 35 people who said they had sold land since receiving title, 16 (46%) said that the main decision makers were their parents, while 23% said they had made the decision with their spouse. If the respondent stated that they were not the major decision maker, they were asked how they felt about the decision. Several people said that they were very unhappy. However, this was not necessarily due to their spouse making the decision without their input. Rather, their unhappiness was often due to regret over the need to sell, where selling was linked with distress sale due to health issues or the need to buy food. For example, one woman in Kampong Chhnang explained that: *“When we sold land, it wasn’t something we wanted to do; we needed the money. We had to pay back the forest administration because they fined us for logging in the protected area” (KC 002).*

Insecurity among separated and widowed women

We encountered numerous stories during the survey and interviews from women who faced specific insecurities due to their gender. This is most obvious in the stories from divorced, separated and abandoned women. Women described the new insecurities accruing to them when they separated, including over land control.

The majority of separated/divorced women in the survey did not have a court order for divorce; they had received a signed document from the commune officials, or had no documentation. Divorcees/separated women and widows generally had no paperwork to show their separation (89%), with 4% holding official divorce papers and 7% had a letter from the commune office.

Amongst 15 separated/divorced men and women who explained how land was divided when they separated, three people stated that the man controlled both the farm and house land, in three instances the women controlled the land (in all three cases the women answering said that their husband abandoned them suddenly and took nothing), and in four cases the children controlled the house and land. One woman from Ratanakiri, who now lives with her sister, describes how she got nothing when she separated because it was deemed that she requested the separation: *“Before we divorced, my husband beat me every day. They couldn’t fix it so I requested to be separated. He got everything, the house, the belongings. All I have is the kids.”* When we asked if she complained to anyone, she said: *“How could I complain? I’m stupid, I don’t know anything. Who would I complain to?” (R.35).*

Amongst 64 widows surveyed, 48% kept control of their house and land when their spouse died (60% men, 46% women). Another 6% said their spouse's family controlled the land; these respondents were all women. They explained that following their spouses' death, sometimes immediately and sometimes several years later, the spouses' family had claimed part of the land as their own. None of these women complained about this, as they said they were 'kjil', literally lazy, or more appropriately not willing to expend energy in futile enterprises. Six women reported that people had pressured them over their land since their spouses' death, including family members (son of spouse's first wife, husband's brother, cousin) and local authorities. Another 15 people said they weren't sure whether people had pressured them or not since their spouses' death. In several cases, following our official interview, women proceeded to tell stories of their

spouses' family members or others in the village pressuring them when their spouse died.

Commune officials were said to be the most important gatekeepers in determining how land and other resources were distributed upon separation, and also in arbitration in the case of marital disputes. All the communes visited focused on reconciliation in cases of domestic abuse and marital problems, rather than on providing support toward separation and divorce. Interviews revealed that this may be appropriate in some circumstances but can also make it difficult for women to leave abusive relationships and to claim land. One woman in Kampong Chhnang told us about how she finally left her husband after years of abuse:

"I had already tried to talk with the authorities many times, and they said they didn't have the right to divorce us, only to try for reconciliation. But I was scared for me and my children because he was so violent. So I ran off; I came back here to my parents land. I got nothing from the land we had together because when I went to the commune office they said I was in the wrong even though he abused me and I had to leave because I was afraid. He got the house and never sent any money. I raised the children. When he died, my children got the land" (KC 2).

Widows faced exclusion from land both due to bureaucratic procedures and local authorities, and also due to family members. One woman in Kampong Chhnang described how she lost her land when she and her husband separated. *"I had land in Phnom Penh where I'm from, but it was in my mother's name. When my mother died, my younger sister took the land. I didn't know what to do. I'm a single woman with a child. I can't win against this. My sister has a family, has money, there's no way I can win against her. So I came to Kampong Chhnang and got some cheap land by the railway line. But it's government land so they told me that I have to move again. I don't know what I'll do. I lost land in the Pol Pot time, and when my mother died, and now I will lose the land again"* (KC 41).

Other women described how they lacked power in disputes with other villagers, due to their status as divorced women: *"I had a dispute with my neighbors. When the big road was built in front of the house, the neighbors built a fence and enclosed some of my land. I didn't dare to argue with them because they are men in the house and in my house it's just me and my daughters. So now I've lost the land"* (KC 126).

In general, most cases of divorce/separation and widowhood were resolved with the woman getting more property than the man, not for her per se, but as she was generally (in 100% of our cases) the caregiver for children. She then passed the property onto the children when they married. This was usually not a problem, as the mother would continue to live with one of the children, and may retain some land for herself which her children would help her manage. However, in two cases, we met women who faced insecurities as they worried about their children throwing them off their land. One elderly widow said that her only son, in his 40s, had recently separated from his wife because he was an alcoholic and regularly beat her and also picked fights with others in the village. He currently lives with his mother, but she is concerned as the house and land has already been transferred to his name, but he sometimes becomes angry and tells his mother that he will throw her out. *"I'm worried, if my son stops me to live with*

him, I don't know where I can live" (KC 32).

In separation cases where children were already over 18, some people reported that the land belonging to them and their spouse was divided amongst the children at the time of separation and put into their children's names. This solution protects the children, but as one woman in Kampong Chhnang remarked, this means that *"the wife ends up with nothing, while the husband goes off and marries again and gets more land somewhere else" (KC 012).*

These insecurities accruing to divorced/separated women do not merely happen at the time of separation or divorce, but are ongoing in people's lives. The same women that had to run from her abusive husband described a dispute with an aunt on her husband's side. *"She helped me to transplant my rice for a season because it was just me and I was looking after the children. Then she said she wanted the land; it was hers. I didn't know what to do, I didn't have any power. So she took the land" (KC 2).*

Polygamous marriages were common amongst our research participants. While one 'second wife' remarked that this was fine for her, because her husband was a local Deputy Village Chief and had enough money and powerful networks to help her and her children, other 'second wives' were the most vulnerable when it came to land. One widow from Kampong Chhnang, who was previously the second wife of a soldier, described how she lost everything when her husband died: *"When my husband died, all the land went to the children of the first wife. I didn't get anything. So I left with my three children and came here. They stepped all over me. I didn't try to protest because I knew I wouldn't win; they are stronger than me" (KC 121).*

Gender based violence and land insecurity

Domestic violence was a problem in all three provinces. This was often connected in people's narratives with drinking and gambling, and also with land insecurity. One man in Kampong Chhnang described the problem in his village, where he said drinking had increased after people lost rice land due to a land conflict with the military, and tighter restrictions on logging meant they had little other opportunities for work in the village: *"Now there is nothing to do, and people are hopeless about getting land back. So now they just drink. All the men drink and play cards. And the women play cards too at home. And then the men get drunk and they get angry and beat up their wives. When the authorities go or the police go to intervene, they just get angrier. What we need is for the other men that drink with them to help solve the problem" (KC 43).*

Domestic violence was often associated with poverty and marginalized families that had limited livelihood options and turned to alcohol and drugs, but it also affected wealthier people and authorities. In one village, the village chief's wife described her husband's abusive behavior: *"The big problem in this village is domestic violence. There are lots of cases. Usually it is the husband's fault. Sometimes he beats up the wife, sometimes the children. It's not just poor people, lots of houses have problems. My husband is a problem too, he beats me up. It's too difficult, I can't talk about it. He is aggressive, cruel in the family. No one helps me" (KC 137).*

In Phnom Penh's informal housing communities, marriage breakup and domestic

violence were common amongst the families interviewed. One woman from Andong 6 said, *"Things are so hard... every day I'm worried because my husband drinks and we don't have anything to eat. My children have stopped studying, and they are rubbish collectors. The biggest problem here is the violence in families. Many people have domestic violence problems"* (PP 9). The problem of domestic violence amongst women land rights protesters, who have been at the forefront of activism in Phnom Penh, was shown when a leading land rights activist was attacked by her husband after being released from jail.³⁴



Image 9: Woman walks from her village to her fields to begin work in Ratanakiri.

Land titling and gendered insecurity

Joint titling and individual titling in women's names is an important mechanism for women's property rights. Gender-sensitivity in the land program has been a focus of the MLMUPC and donors, and the Public Awareness and Community Participation (PACP)

³⁴ See LICADHO (2014), 'Good Wives': Women Land Campaigners and the Impact of Human Rights Activism, for more information on the links between gender activism and domestic violence.

group conducts gender trainings for new land title recipients. A senior official from the MLMUPC explained that the Ministry encourages joint titling, and nationally around 63% of titles are jointly held, 18% are held by women, and 8% by men. In our survey, we asked both people with 'soft' title (letters issued from commune level authorities) and 'hard' title (national registry) whose name the title was in. We asked about the names on soft titles, as a considerable number of Cambodians do not have any hard title and gendered decision making may be influenced by the soft title also. Respondents reported that 57% soft titles were jointly registered, and 56% hard titles were jointly registered.³⁵ Our survey suggests that one reason joint titling has been successfully implemented without contest by men (as is found in some country contexts), is due to customary notions of property as jointly owned.

Several reports link land titling with gendered insecurity, due to divorced/separated women receiving joint titles with their former husband. We found this to be the case for one woman. However, the majority of widowed or divorced women received titles with their name, and then their former spouse name in brackets underneath. A further source of gendered insecurity that has not been well researched in other studies is that people who receive a joint title and then divorce, but do not formally change the title to reflect their separation, will then face the same issue of having a land title in the name of their former spouse. This is part of a broader issue we observed during the survey that people who buy or sell land, or give the land to family members, do not generally transfer the title. This may not have any implications in the short term, but in the long term, this could leave people without legal protection if the land title they possess is in someone else's name. People who informally separate (with no documentation) and still hold a joint land title could also lack legal protection. One woman in Kampong Chhnang explained that she was recently separated when her husband suddenly left her for another woman, but she hadn't changed the name on the land title:

"When I separated, the land title was in the bank, because we had borrowed money with it. So I haven't taken his name off it. I'm not going to go to the court because it costs too much. So I will just hope that it's okay" (KC 004).

Land title is shown in some contexts to protect women from spouses who secretly sell the couple's assets, particularly if the title is in the woman's name. Most cases in the survey where men abandoned women did not involve secretive land sales. In most cases, the husband abandoned the family suddenly and took nothing, or perhaps portable assets such as a motorbike. However, women were frequently marginalized after their husband left, due to the burden of raising children by themselves, having to find money and food for the family, and the perception that they were powerless if they did become involved in a land conflict. In only one case, a woman we interviewed in Kampong Chhnang told us that her husband had suddenly left her several years before (prior to

³⁵ 57% soft titles were in joint name, 19% in only the participant's name (20% women, 17% men), 10% in spouse name (4% men, 11% women), 11% in someone else's name (usually children). For hard titles, 56% were in joint name, 24% in just the participant's name (22% men, 26% women), 7% in just the spouse's name (11% men, 5% women) and 7% in someone else's name.

receiving land title).

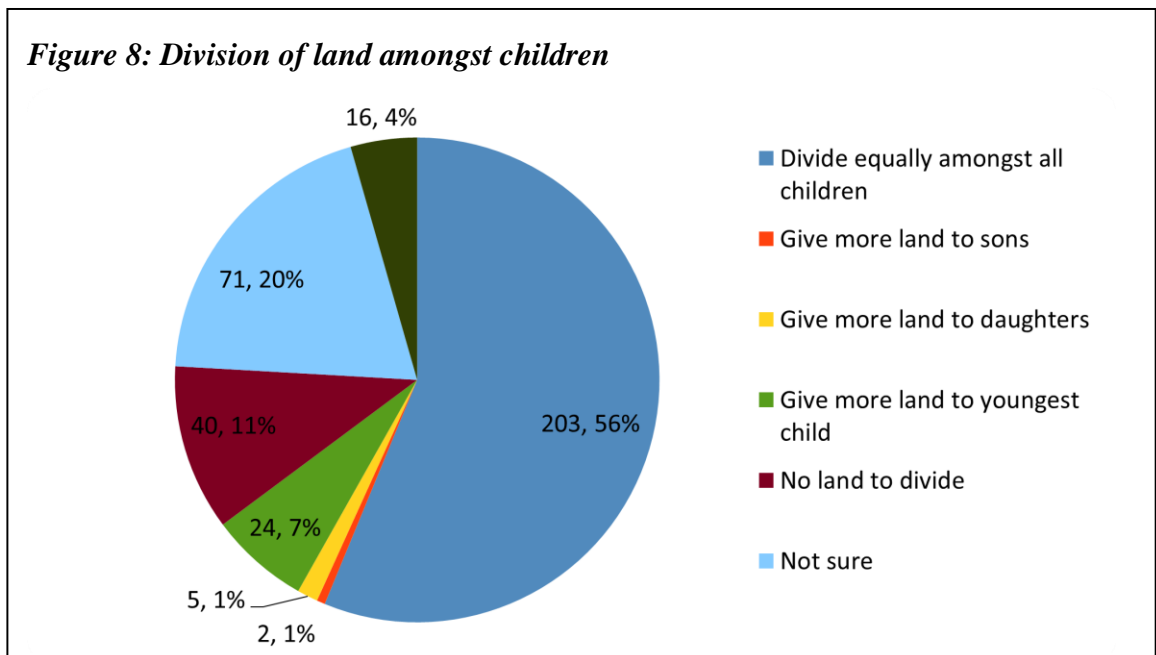
"Before he left, he went and sold our land. All the farm land and house land. Now my life is very hard, I don't have any land. I used to have 0.5ha. But my husband went secretly to the commune office and said that it was just his land, and sold the land. Now he sold it all and I live with my mother" (KC 191).

Only in one case was a parcel held by a husband and wife titled in only the husband's name. *"My rice land is from my wife's side. But when the students came they said to put my name on it. So I just put my name" (KS 194).*

Prior to the land titling campaigns, more than half (55%) of participants had no documentation for their land or had lost their documentation, while 22% had a 'soft title' from the commune office and 21% had an application receipt for a hard title.

Property inheritance and gender

Compared to inheritance norms in some countries that disadvantage women and girls, our survey suggests that inheritance norms in Cambodia favor giving equal property (56% respondents said they had divided or would divide their land equally amongst their children). Another 31% respondents had no land to divide or were not yet sure how they would divide their land, and 4% respondents said they gave more to the youngest child, as the youngest looked after them.



5.5. Generational Insecurity

Older people we surveyed in land conflict areas faced specific insecurities, and often added burdens of caring for grandchildren, as the 'middle generation' moved to Phnom Penh or Thailand for work opportunities. They also faced loneliness and insecurity. One elderly man in Kampong Chhnang whose wife died in 2010 said that,

"Now I am in the house alone, all my children are overseas. They are in Thailand. Now I don't grow rice. I have the rice land and forest land. But if anyone wants to take it, I won't argue. I'm too old. I'm all alone" (KC 46).

In a resettlement area at Oudong where many families evicted from Borei Keila were resettled, many young people have left the area to work in Ratanakiri on cassava and rubber plantations. The survey team met many elderly people looking after grandchildren; one elderly woman began crying and said: *"I am living in a remote area, and I don't have children to look after me. I almost cry every day because of no food"* (PP 16). Most men in the village had left for work, so there were mainly women and the elderly.

Many of the older people who were caring for grandchildren were happy to do so, and saw this as a way they could contribute to the family while their children earned money elsewhere. However, they also discussed the hardships they faced, particularly people who had been displaced and lived in resettlement sites with limited access to education and social services. One woman's story in Andong 6 resettlement area is illustrative of the stories we heard many times from older people. She was evicted from Bodinh in 2006:

"The soldiers came at 6am. I could not take anything from my house before I moved to live here because my house was burned, but I do not know who burned my house. The soldiers forced me and others to get into the cars and took us here. They dropped us off here like animals" (PP 81).

Her husband has been working in his hometown for a long time and she does not know if he will return. She lives with her grandchildren and cares for them while her children go to work in Thailand and other provinces. *"The children rarely send money, and most days I do not have enough food for dinner. When I get sick or the children get sick I can't take them to the hospital"* (PP 81).

Young people also faced specific human security challenges. In the urban resettlement and informal settlement areas of Phnom Penh, the most common fear was of the drug use amongst young people. As one man in Andong 6 said,

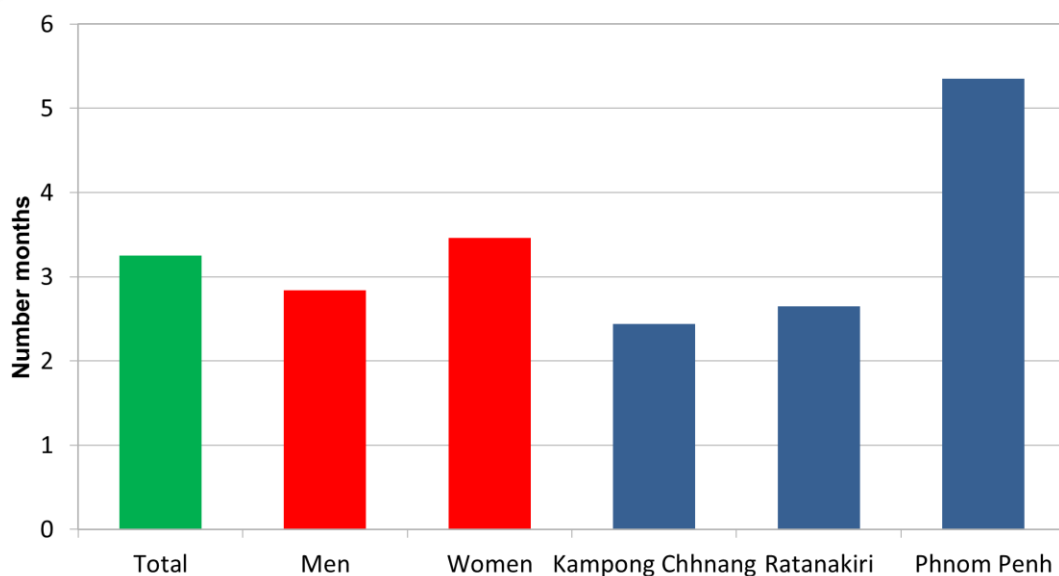
"The biggest thing I'm worried about is young people in the area, and drugs. There are so many drugs around. The young people get addicted and then their life is over" (PP 32).

"I want the government to help with security here. There are so many drug problems, with people trading drugs and no one does anything, so the young people my age start to use the drugs" (PP36).

Old and young people can also be most at risk of health complications due to poor living environments in resettlement areas: *"Most of the old people and children here always cough and have diarrhea because of the bad environment and drugs also" (PP39).*

5.6. Health and Food Insecurity

Figure 9: Food insecurity: How many months do you lack rice to eat?



As a measure of food insecurity, the survey asked people how many months per year participants lacked rice to eat. The average across the survey was 3.25 months lacking rice per year, with women (at 3.46 months average) reporting greater food insecurity than men (2.84 months average).

Food insecurity was highest amongst Phnom Penh respondents (average 5.35 months per year lacking enough rice to eat), and this was also where the gender gap was highest (women averaged 5.61, while men averaged 4.34 months per year lacking food). Some women said that they made sure their children and spouse had enough to eat first, even if they had to go without. *"My biggest problem is with making a living, with health, and in this place the living environment is so bad. I can never find enough money to last for*

the day's food, but I try to get something for my children. I'm always short of money to buy food in the evening. And then in the morning I have nothing" (PP 42).

Food insecurity was linked to poor health and lack of access to health facilities. In resettlement area Andong 6 in Phnom Penh, one woman on her way back from a hygiene class run by a local NGO said: *"The worst thing is the disease here, because hygiene is so difficult. The NGOs run classes about using clean water, about staying healthy. But what can we do, when there is stagnant water under our houses, no clean water nearby, and we have to buy water? But if we are short of money and we can't buy we have to try to boil everything" (PP 65).*



Image 10: Resettlement community at Andong 6 in Phnom Penh.

In Ratanakiri, lack of access to healthcare was one of the most important forms of insecurity people faced, linked not only to a lack of facilities but also a perception that the services were discriminatory based on ethnicity: *"We need better healthcare for indigenous people. Some of the health centers don't want to see Tampuan; they only want to see Khmer. Maybe they think we won't be able to pay. Now it is a bit better, but it used to be very bad" (R 55).*

Poor health was linked with a myriad other human security concerns, as one woman from Boeung Kak described: *"The worst problem now is that the environment here is not good. There is bad flooding that comes into the house, and we are always sick. So it's a bad cycle, we just keep getting poorer and poorer. We are poor, we live in a place with bad hygiene, we get sick, then we can't do anything to make money so we get poorer" (PP 12).*

This cycle of poverty and food insecurity, poor health, and inability to work, leading to

greater poverty and food insecurity, was acute. We frequently observed domestic and intimate violence within families, and many people told us that violence, drinking and gambling had increased since the community experienced land problems. For example, one woman in Phnom Penh's Andong 4 area told us of her concerns about her family's future: *"I'm hopeless, no home, the children take my land"* (PP 18). Her husband is sick and bedridden, and while she was in a hospital earlier in the year, her children stole her house and now she rents a small shed. She was crying while talking, and very concerned about her family's mental and physical health problems.

Linking Land, Food and livelihood Security: Case Study of Banlung Market

As this report makes clear, insecurity over land is not just about land tenure, but also about wider issues of livelihood insecurity. Land, food and livelihood insecurity are intimately linked: as many farmers told the survey team, "without land, we have no food". This is a consideration both on the household level, and also on a larger scale, particularly in a context where food production land is being rapidly transferred to non-food crop production (such as rubber and sugarcane). Land security is also linked with livelihood security for farmers. Concerns about access to agricultural markets and production issues are related to land insecurity, and our study reveals that people who have insecure livelihoods and neither access to markets nor the means of production may be more at risk of forced land sales.

In Ratanakiri, a key theme that emerged in survey interviews was the difficulties faced by indigenous people (particularly women) in accessing markets for their produce. As one woman from Yak Laom province said,

"I want to sell produce but a big problem is that there is no space for us in the market – when we tried to go in the market to sell we were not allowed in. So I walk to the market and sell some, 2000 riel, 5000 riel, and then I go home" (R 101).

The survey team interviewed more than fifty sellers of vegetables, meat and fruit in and outside the market in Banlung city [Ratanakiri province]. All the sellers with stalls were Khmer or Vietnamese. Many Khmer have come to Banlung within the past five years from other provinces. They buy from mainly Vietnamese sellers, but also some from indigenous producers. Many sellers said that customers did prefer to buy local vegetables, and there was more awareness of the benefits of organic vegetables and the dangers of chemical-laden vegetables imported from Vietnam. However, Vietnamese vegetables were often cheaper, and as one seller said: *"In other countries people care about organic, but in Cambodia they don't think about it so much. I prefer the vegetables from Vietnam because the chemicals make them keep longer"* (R 94). Others said that the Vietnamese vegetables sold better as they had many

varieties and could grow all year round. Still others said that they bought from indigenous sellers because, *"Khmer like to eat Khmer vegetables. They will still buy them even if they are a little more expensive"* (R 98).

Several sellers asked us to take requests to the Cambodian government:

"I want the government to make it harder for Vietnamese to sell and that they bought from indigenous sellers because, Khmer like to eat Khmer vegetables" (R 99).

"We want to have a chance to increase the vegetable production in Ratanakiri, in Cambodia. Now, people try to grow, but then the Vietnamese come and they always try to cut the price. If we sell the Cambodian vegetables at 700 riel, they start selling at 600 riel. So it is hard for the Cambodian vegetables to get established" (R.102).

An indigenous seller asked the survey team to *"please help people to grow the vegetables that people will eat, like carrots and onions, and grow them without chemicals. And then try to limit the vegetables coming in from Vietnam. They are full of chemicals, and they are harmful to us"* (R 107).

The indigenous women who sell at the market walk in from nearby areas, arriving as early as 4am. Some walk three hours each way to come and sell their produce, while others pay for a moto taxi or occasionally have their own motorbikes. Amongst the twenty five indigenous sellers we spoke with, people usually stayed until they sold all their vegetables, from two to five hours, and then used the money they made, usually around 5000-20,000 riel to buy supplies for home. One Tampoun woman selling bananas and a variety of cultivated and wild vegetables from a blanket set up in front of the market, said that she grows everything herself or collects it from the forest, and uses manure and organic fertilizer. She tried to sell inside the market and asked the company that runs the inside stalls if she could hire a table for selling, but:

"...they wouldn't let me. I think they don't want indigenous inside because they think we won't pay. Now I sell outside, but I don't know if I will find a space to sell or not" (R 101).

A Khmer vegetable seller inside the market confirmed that *"the company doesn't want the indigenous sellers inside; they always rent the tables to Khmer. And sometimes when the indigenous women walk around with their baskets selling, they are chased out"* (R 102).

The indigenous sellers described how they would like to grow more varieties so that the traders would buy from them rather than from Vietnamese sellers, but said they weren't sure how to do it and lacked support.

"We want to grow this, but when we try, they spoil... we lose the crop, they get eaten, or have disease. So we have stopped growing them. We want to grow the same vegetables as Vietnamese but we can't grow them. We want the

government to help us. If we could grow those kinds of vegetables, maybe we could have money for our children to study" (R 108).

The sellers frequently linked their struggles with agricultural production with the land issues in the area. *"The village chief has sold communal land to a company for fifteen hundred dollars per hectare, although I heard he got three or four thousand dollars per hectare. People only got some beer and some small things from that sale. Now we don't have enough land to grow on, and the best land for growing vegetables is gone"* (R 106).



Image 11: An indigenous woman from Ratanakiri selling her vegetables outside Banlung market

5.7. Corruption and land insecurity

When the survey team interviewed the people who live in the Borei Keila resettlement buildings and those that have not yet received places to live, their stories were very different. Most of the people who lived in the building said they had high ranking people help them and used their links or money from these people to get an apartment in the building. People who had no relatives in the company or government, said they are still waiting for an apartment, even if they had a soft title to prove their residence. One

woman who said she was still waiting said:

"In this community and Sangkat have the most corruption that happened everywhere. I am very upset. I can't sleep when I think about it. But what can I do? I have no power. They are killing us" (PP 20).

"Some families, they have four children and they get four houses. But for me, I get nothing. Some people have no documents. I have everything, but I don't get housing. People that have networks with the owner of the housing can get the housing and others can't" (PP 19).

Some families talked about corruption when compensation payments were given: *"When my family comes here ADB has given the repayment over 700\$ per family. Then 1020\$, but the people never receive the money. They said maybe it was the village chief that takes this money" (PP 11).*

"The people who don't know... the people who don't have money, and don't have an education, they don't get anything. They are still waiting for their titles. And when they ask, the authorities just say, 'just wait, just wait, they haven't finished signing them yet'. But if the people are to complain to the authorities, or to call to the radio or something else, then they are in the wrong, and the village chief has power over them. I see a lot of mistakes... I think this will be a big problem. Most people are too scared to say anything, because they think they will have to pay too much money. So they don't do anything. I don't know whether it is a purposeful mistake by the authorities to get money, or is an actual mistake because the students are not professional, but either way, I think it is a big problem because now it is not accurate. There are many problems here. And then many people don't get titles anyway" (PP 9).

In areas with substantial forest land, villagers described how the Directive 001 land titling campaign was manipulated by people with resources to clear and claim forest land as their own, including 'community forest' areas. *"Before the Students came to measure the land, we had a community forest. But the authorities divided the land before the students came and cleared it for themselves, and when the students came they measured it for them. Now they have the titles. Some people got a small amount of the land, but most villagers got nothing" (KC 122).*

Several people connected the problems they had with corruption over land to their lack of education: For example, a young woman from Kampong Chhnang said that *"When the students came, some of them wouldn't measure unless we gave them money, \$100 or \$200. If we didn't have money to give them, then they might only measure a small amount. But if people had money, they measured huge areas of the forest. And we haven't studied much, so we can't do anything" (KC 84).*

Many people in Kampong Chhnang described how happy they were with the student volunteers who came to measure land.

"They did a serious job, I'm happy with it. But I cut my trees for nothing. I heard that the students wouldn't measure land with trees so I cut all the trees on my property before they came. Then they came and said for house land they don't think like that,

just for agriculture. So I don't have shade now" (KC 014).

Land disputes that could not be solved were not titled according to the Directive 001. One unintended consequence of this provision in the titling program, according to several respondents, was that land under dispute could be titled to the more powerful claimant, in situations where people did not want to complain in case their other land parcels were not titled and therefore did not claim the disputed land. One woman in Kampong Chhnang described this problem:

"I don't know what to do. I can't write. I'm not in their group [i.e. in the 'ksae' [network] of powerful land owners]. So what can I do? Now they have already got the land. Now there is no hope of getting it back. I've lost hope. I didn't say anything about this problem when the students came because I heard that if we said that we had a dispute, they wouldn't measure the land, and I wanted to make sure my other land got measured. So I just got house land measured and the small rice land" (KC 206).

Corruption at the local level was frequently mentioned in areas with forest land or unclear tenure:

"The village chief controls all the land sales here. If we want to sell the land ourselves we can't, he won't sign the papers. Even if the land is worth \$1000-\$2000/ha he won't sign, because he is a middleman. He says we have to sell the land to him for \$250/ha, Then he sells to the other person for \$1000/ha. The village chief doesn't share land with the people. He is just a middleman. But the people don't dare complain. Sometimes he only gives \$50 and says he will give the rest later. But we don't see the rest" (KC 104).

Respondents in Kampong Chhnang and Phnom Penh both described the difficulties with land claims, as people who were not originally living on the land may see the opportunity to level a claim and receive land. This makes it difficult for legitimate claimants to receive land or compensation, as authorities believe that people claiming land are illegal. In one area of Kampong Chhnang affected by a dispute with the military, several people described the complex situation, as *"people here come from all over the place ...When they heard the students were coming they rushed to get more land. The army originally cut a small road for them to get to their land. But when the people started protesting too much about the army taking the land, the army cut off the road. People who received some land from the village chief sold that land and went and cleared land in the army area" (KC 125).*

One of the most striking themes from interviews was people's anger at the perceived inequity in the logging sector. This was particularly evident in the forest frontier of Kampong Chhnang, where the majority of people made their living through small-scale forestry. It was also evident in Ratanakiri, such as one person who angrily told us:

"Corruption in this village is very bad, especially with logging very close to the border with Vietnam, and the Sesan River. All the authorities are involved. They pressure people to sell. They say that if they don't sell they will take the land anyway, so people have to sell the land very cheap. And if they complain, they get put in the jail. The Ministry has no money to build a fence to stop animals getting into the school area and eating the garden, but they have the money to take all the logs away" (R 66).

5.8. Poverty and land insecurity

When asked what the biggest cause of insecurity was in their community, the majority of people consistently across gender and province said that poverty was the greatest problem. This problem is described and addressed throughout this report, because it is a cross cutting issue that both affects, and is affected by, other kinds of insecurity. For example, participants described how poverty was in part due to ongoing land disputes and poor agricultural conditions:

“We have lots of problems with poverty in this village now. Some people's land is not good soil nutrition, so the vegetables are failing and they can't sell as many as before” (R 3).

Indicative of the multiple layers of insecurity, the problems with soil nutrition in the Ratanakiri village referred to here were said by some participants to be due to the lack of land, as more land was taken for large-scale concessions, and traditional fallowing practices for soil nutrition were no longer possible. Not just the lack, but also the loss of land and subsequent displacement brings about harsh poverty.

“Before we were displaced we did okay. But now we got nothing, and we have to live out of the city here in Oudong, outside of Phnom Penh. So now it's hard to find work and we do much worse than before” (PP 21).

Others described the impacts of poverty on other aspects of life, including domestic violence, health, lack of education, and deforestation.

“Now both women and men go away to do laboring. It's so quiet here, and the families break up because they have to go far away... if we weren't so poor we wouldn't go away, but we have to feed our families” (KC 133).

“I observed that there are more women than men because men go far away to do labor construction. I provoke the organizations to come to help this area as much as possible. The serious problem in this area is the poverty only” (PP 112).

“In this neighborhood there is a lot of violence; people are screaming at night. Women's screams. Because the men here have nothing to do, they get drunk, and hit their wives. The cause of violence here is poverty” (PP 33).

“I also worry about poverty. I have always been poor, my whole life. I have never known wealth. The people here are poor. They came here because they are poor and came here to do farming. But it is hard to find land, and so people cut the forest to make money” (KC 81).

Many people considered poverty as a social relationship. They talked of inequality and saw this as an issue of social justice. The class issue seen by some to be at the core of the land problems was articulated superbly by one person in Borei Keila in Phnom Penh:

“My biggest problem is that I don't have a house. The Oknya and powerful people can only live because there are the poor and stupid people that they depend on. They

suppress us and that gives them power and we are too afraid to do anything. What will they do in the future, when they have stolen all of our land, and there is nothing more to take from us? How will they live then?” (PP 111).

The anger people felt at the perceived inequality between the poor and the wealthy was clearly articulated in the forest commune of Kampong Chhnang, where people said that only the wealthy and connected have access to forest livelihoods (through logging) while others are prevented from entering the forest, and in Phnom Penh, where people described the evidence of inequality they see every day:

“The important thing is equality. If they are going to catch us, catch all of us. We wait for NGOs to help us solve the land problems and the issues with forestry. They need to either stop all forestry or let us small people get the wood. Now they catch us but we see the big people coming out with their big logs, they don’t get stopped. I listen to the radio. I see that even if we protest we can’t win. Even if we get the opposition involved we can’t win. No one dares to speak out because they just throw us in jail. Who dares... it’s all about ksae, from small to big. The important thing is we need real justice in Cambodia – the court, equality. Look at all the fences around here.... now there’s nowhere for our cattle to go, to graze” (KC 204).

“There is no justice. They help some people and not others. And there is so much corruption. The people who have nothing have less and less. The wealthy people get more and more. Look, you can see it around you. See they get rid of us, to put up expensive apartments. I don’t care who helps us, whether it’s one political party or another, or different leaders. I just want help, a decent place to live” (PP 78).

A human security approach focuses on three pillars; not only on securing freedom from want and freedom from fear, but also freedom from indignities. The connection between living in poverty, and a lack of dignity was made by many people in interviews. In Phnom Penh’s informal housing areas, several people made comments that the worst thing was the indignity, the inhumanness of their living conditions. Feelings of being treated as animals or rubbish were common. In Andong 6, one man said, *“I want the government to help us solve the land problem, to give us proper housing. We are so poor we are hardly people. This is not a life to live like this, this is not how humans live” (PP 61).*

“I just want them to help us. When they made me move, I came here with nothing. Just myself. And I haven’t had any help. They treated us like they were throwing out rubbish” (PP 67).

“This place is full of rubbish; it’s not a fit place to live. Just yesterday they came and got rid of a whole lot of rubbish out here that had been there for months. I see that, when the NGOs come and look, the government does something about the rubbish. Because the government talks about having a beautiful city, but it’s all false words. They only do something when the NGOs come” (PP 20).

In the Sras Por resettlement area in Oudong, one woman said: *“The government and the company did this to the villagers, treated us worse than animals. But animals also get a house or food to survive, but the villagers get worse and worse from day to day” (PP 18).*

The perceived growing inequality that people described was sometimes explained as moral failings, as a systemic problem in society that had to do with the loss of cultural values of community and honesty:

“I am worried now. I am worried because now it is worse than before; it is different. In the past, all my life, before Pol Pot, during Pol Pot, afterwards, there were bad times but people thought of others, thought of community. Now everyone just thinks of himself and just wants to get rich. Now people are broken. Now you don't know who is good or bad, you don't know what is happening, it is not equal” (KC 2).

Participants in both rural and urban areas also connected impoverishment to notions of development, suggesting that the neoliberal development policies in Cambodia promoting rapid land markets and urban growth have not led to better lives for the majority of people, and do not constitute development:

“They say this city growth is development. This development is not development for the people at all. The standard of living goes down and down” (PP RT).

“They say that we have to think about the development of our country, if we protest we are obstructing the development that will be better for us in the future. But what about us here now? And what about our children and our grandchildren if all the lands go to the companies? That is not development” (KC 92).

5.9. Unemployment and Livelihood Insecurity

Closely connected to the discussion of poverty, many participants also discussed problems of livelihood insecurity across rural and urban areas.

Livelihoods were diverse in the sample, but mostly centered on rice production. Across the sample, 58% of the households produced rice, 22% cash crops, 47% home gardens, 35% livestock and 17% forest product collection. In Phnom Penh, the most common occupations were piece-meal construction workers, moto taxi drivers, rubbish collectors and street food sellers. Women and men participated fairly evenly in most paid occupations, the exception being forest product collection, where 24% of men participated, and 13% of women. This was influenced primarily by the communes near the forest in Kampong Chhnang, where men earned a livelihood doing small-scale logging. Non-paid work in the house was discussed during focus groups. This was said to be overwhelmingly done by women, including childcare, housework and cooking.

A common refrain in the logging community in Kampong Chhnang was the difficulty with trying to make a living every day. The consequences of this cannot be over-emphasized, for, as people described to us, the myriad insecurities they faced fed into each other and multiplied over time. Faced with focusing so much on trying to make money to purchase the day's rice, people had little time or energy to think of other ways out of their situation. One woman in Kampong Chhnang explained her livelihood problems:

“My family used to do logging but we have stopped now. It's hard work now, too far to go and too many people came here so we can't make a living out of it. The authorities

fine us if we get the logs. The people from outside have taken the land, there are fences everywhere now. There is no space for the cattle. They suppress us. Everything we try to do, they stop us. I'm 51yrs old, too old... no one wants me. But I will go to Thailand anyway. I need the money for my family. I paid \$200 to a Phnom Penh company for a passport. I have waited for two months now for it and haven't heard anything. I think they cheated me. Who knows? People here just want to die. We only have three to four months of rice" (KC 201).

The factories in Phnom Penh, and agricultural plantations offer wage work opportunities for hundreds of thousands of people. However, the low salaries, high cost of living in Phnom Penh, and difficult working conditions mean that the promised cash is not as high as expected. One woman in Kampong Chhnang explained that her daughter had worked in Phnom Penh, but *"she couldn't make any money in the factory, the salary wasn't enough to cover expenses so she came back and does transplanting rice for other people" (KC 191).*

Given the difficulty in making a livelihood from small-scale agriculture or other rural endeavors, many people in Kampong Chhnang migrated to Thailand or to Phnom Penh for work. One 23 year old woman in Kampong Chhnang, who was back on a short visit from Thailand to visit her daughter, said that *"the big problem in this village is migration, because there's nothing to do here, no land left and no jobs. Now it's just old people and young kids left here; everyone goes to Thailand or Phnom Penh" (KC 43).* Migration was linked with generational insecurity, as elderly people often become caregivers of grandchildren and also have to deal with their own health issues and livelihoods.

In-migration into frontier forest areas is common in Cambodia; nationally Ratanakiri is one of the fastest growing rural provinces in the country for this reason. People migrate in search of land and leave the crowded lowland provinces. In the forest commune in Kampong Chhnang, people described the challenges this caused:

"In the past there weren't so many people here, not so many people trying to get land. People started coming in 2005 because they heard that there was land here. Then before the students came, when people heard that they were coming, they told their family and friends in other places that they were coming and come and get the land first, so many people came from all over the place" (KC 91).

Migration as a source of security (i.e. shifting to new areas of free or cheap land) was seen by some respondents as the only way to solve the land problems. In Ratanakiri, one woman said that: *"I worry because my children will need land. When they are older we have to find land. If the communal land is gone, maybe we will have to go to a different place" (R 52).* However, this option is being progressively shut off as the frontier land is closed off.

In the resettlement area of Phnom Bat in Oudong, most men in the area had left to migrate to Ratanakiri to work on agricultural plantations. One man who had recently returned to visit with his wife told us: *"Most of the villagers especially men, migrate to work at another province such as Ratanakiri, and Banteay Meanchey to find money to support their own family. And some of them sold the land here to live at another place.*

I'm not sure whether I can keep my land here. Living here seems like waiting to die. The villagers can't do anything besides waiting for their husbands to provide money at other provinces to raise the family" (PP 16).



Image 12: Farmers in Ratanakiri harvest rice at their Chamkar plots, where they grow a diversity of food crops.

Livelihoods and relations with Agricultural Companies and ELCs

A central question in a discussion of livelihood security in relation to land, is how people perceive and experience laboring at agricultural companies.

Contrary to our expectations, most survey participants said they did not work at ELCs, even if there were some nearby. In both Kampong Chhnang and Ratanakiri, many people said that the ELCs preferred to hire migrant labor from other provinces, perhaps because the laborers would live at the plantation rather than return home in the evening. Some indigenous respondents also said that the ELCs did not want to hire indigenous workers, as the managers were Khmer and preferred to hire other Khmer. This suggests that the hope that ELCs will become employers of local people may not be materializing.

Some laborers (or family members of laborers) said that the work was important to them because it gave them something to do in the area so they did not have to migrate:

“Before I went to Thailand, but now I work at the Chinese company [ELC plantation]. I don't earn as much but now I can look after my mother and not be away from my family” (KC 30).

One interesting aspect of our fieldwork in Kampong Chhnang, was the realization that many people we talked with had previously worked for an ELC company but had left. They described to us how this leaving was in part a matter of not receiving adequate or timely pay, and also because the company now hired more migrants and had mechanized the harvest.

But it was also about the failure of the company to respect people's dignity: *“We left because they don't pay on time. Sometimes we are short of food. And the main thing was when they cut the shade trees down in the fields. Now we can't even rest. That was when we quit” (KC 209).*

“The work at the Chinese company keeps getting harder; the work is harder than before but the salary is the same. Now this has even more effects on people -- lots of chemicals and this poisons the streams that have effects on people and animals. We get sore stomachs, and we have had buffaloes die. They don't pay regular wage to workers. If you complain they chuck you out. So we don't dare complain. Young people have killed each other in the company. If anything happens they don't call the police; they try to solve it themselves. They are like their own government. They do whatever they want. We have no power” (KC 212).

Interviews with local authorities and NGO representatives also revealed a frustration with ELC concessionaires failing to be transparent about their activities or their compliance with regulations requiring Social Impact Assessment and Environmental Impact Assessment prior to commencing operations. One NGO Director in Ratanakiri explained:

“The ELC sub-decree says that if the government gives 10,000ha, the company has to do the EIA and cut land out of the 10,000ha if people are living on it. But they never do this. In all my years working here, I don't know one company who has done the EIA. They just clear the land, and they try to push villagers out” (R CLEC).

5.10. Displacement and lack of documentation

Connected to issues of poverty and livelihood insecurity, many people in Phnom Penh (as well as rural areas) discussed issues with documentation. People that lack documentation such as ID cards, family books and birth certificates said they found it very difficult to get by, as they could not find factory work, which requires people to show their ID cards, and some said they could not borrow money. In Phnom Penh's informal housing communities, this was often described as the worst problem caused by land disputes, as displaced people who had given their identification into authorities to

await resettlement or had lost their documents when their houses were destroyed, now did not have any ID.

"I want the government to do a family book for me. We have no family book, so my children can't study, and I can't get a job, because we don't have the proper documentation. I tried to go and get a job at the factories but I couldn't because I don't have the proper ID" (PP 32).

"In Borei Keila I've been here a long time, but the authorities don't recognize that I'm here. Some people that have come here rent houses, and others stay with their relatives. I stay with my relatives. So I don't have an ID card, a family book. They won't do one for me because I'm with my relatives. I heard from one of the community leaders that if we are here 3 years they will do a family book for us. But I haven't seen anything" (P 17).

One woman in a resettlement community in Oudong said, *"My daughter can't work at a garment industry because I don't have an identity card. I have to spend 10\$ to get it but I don't have money" (PP 71).*

A woman from Andong 6 in Phnom Penh shared her similar story in detail:

"My husband and I want to go to work at the factory, but the factory does not accept me because I do not have a family document and identity card. My entire documents are in the house that was burned at Budinh. I could not go back to get any property while the fire was burning. Now my granddaughter is nine years old, but she has not gone to school yet because she does not have a birth certificate. The school does not allow the student who does not have the family document to study. I asked the chief of the village to make the documents for my family but the chief said we need to pay over one hundred dollars. I do not have even ten dollars, how can I have one hundred dollars to give them? We were evicted and they treat me like an animal. They do not consider us humans. We do not have a house to live like others. We do not have the right to do anything, even to find a job to support the family. They think that we are vagabonds" (PP 44).

This problem of lack of documentation affects not only displaced people, but poor people more generally, as local authorities often charge fees for processing documentation. When we were interviewing in Phnom Penh, two young girls said their families had no money to pay for birth certificates. Certificates are free up until 1 month of age, but the families did not know this, and when they tried to get birth certificates so the girls could attend school, the authorities said it would cost \$10 each. They have no money to pay, and when they asked the local authorities what they should do, they said 'we don't know' (PP 22).

5.11. Psychological Insecurity

Fear and intimidation

In Ratanakiri, the research team had to abandon the survey in two communities, as community members were too afraid to speak with the team. The difficulties that we experienced can tell us a lot about human security, as one surveyor noted: *“I noticed that they don't have human security. Because even if they have their land, they are scared to say anything, scared to talk with us”* (R.S. field notes). This fear and unwillingness to talk is on the one hand a sign of the suppression of people's voices and intimidation, as seen in the notes from one of the authors' field diary, describing an encounter in one village in Ratanakiri:

I began the survey with one villager. He talked about the difficulty he has speaking out in the village, and said: “When the NGOs come they contact with the Village Chief first, and he organizes a community meeting in the hall. But it's hard, we can't talk about the land problems.” Then two people came up on a motorbike and started speaking in the local language for about 5 minutes. Then the young man said that the people didn't want us to talk to them. When they left he continued to say: “The problem is that the NGOs are only allowed to come in if they go through the Village Chief, and then he organizes a meeting, and they can't speak about the land issues. If people here dare to speak up about the problems, then they might get thrown out of the village.”

Another woman drove up on her motorbike and looked. Then a man came and spoke to the interviewee. After talking for a minute, he turned back to me and said: “I don't know anything... I have only been here a few years. You need to talk with the head of the community group, he knows about the issues” (R.V. Field notes).

One participant in Kampong Chhnang said that she has spoken to several NGOs in the past about difficulties in the village, but *“I never tell them anything. I just say everything is fine. Because I heard that some of them are from the powerful people, and they might record what we say and take it to the authorities. How do we know? If we do that, they will kill us. If we speak out they will kill us. So we can't speak. No one here says anything”* (KC 207).

The reluctance to speak with us is also indicative of people's own ways of maintaining personal security, by being wary of outsiders. As a predominantly Khmer research team of university students and professors coming into indigenous villages in Ratanakiri, we were mistaken at times for the student measurement team for land titling, for people that might be looking to buy land or survey land for agricultural companies, or as people selling fake medicines. All of these had been experienced previously in the village, and residents were therefore wary of people who may cheat them. People described how they maintain personal security by keeping quiet and not making a fuss:

“What gives us security is following what they do. In Pol Pot's time, they used violence,

they killed us. Now they use 'cool' method, politics. They keep talking about the law. They are the law. We do best if we act stupid, not say anything. They don't like me because I talk too much. So now I don't say anything. I can do that, act stupid" (KC 201).

A small business owner in Kampong Chhnang recounted his daughter-in-law's death in a motorbike accident, where the perpetrator (the son of a powerful person in the area) was not charged, and said: *"The most important thing is to have quiet, peaceful surroundings. If I stay quiet, and just sell things here, I have no problems. But there is no justice here, no justice for anyone" (KC 202).*

Uncertainty and perceptions of the future

The survey also assessed psychological insecurity by asking people about their perceptions of the future. Having a positive future outlook is one of the three key elements of human security, according to Learning and Arie.³⁶ We asked survey participants about their perceptions of the future, with the question 'Do you think your children's lives will be better or worse than yours?' Approximately half of respondents (52%, n=178) thought the future would be better than now, while 20% thought it would be worse than now. The Phnom Penh respondents were the most pessimistic, with only 37% answering that the future would be better than now. Participants who were pessimistic about the future talked about the lack of land for their children due to population growth and powerful people taking land, as well as alcoholism and other issues:

"In the future it will be worse; we won't be able to build houses because we won't be able to go and look for wood. We lack land for our children. The authorities and the companies have taken all the land. And now we can't get any new land. It is all taken by people from outside" (KC 012).

Even in villages with higher levels of human security, people talked of their daily worries about their land: *"I'm worried about the future, when my grandchildren grow up. Now the company is digging a mine. I have seen it on the border with [this village]. And I think they will clear more land in the future. I'm worried about losing our forest land. They are powerful, the company, and they work together with the authorities" (R 33).*

"I'm worried that if we lose our land we will lose everything. It is all we have. In the future I don't know what will happen because now there are many children in the village, and many of them have not studied, they just study 1-2 years and stop" (R 14).

Our questions on psychological insecurity showed that land insecurity is not all about active land conflict. While that is what many reports focus on, and it is extremely important, the much more widespread issue affecting almost everyone in our survey was psychological insecurity due to their fear of losing land. People in areas that did not have current large scale conflicts talked about conflicts in neighboring villages, and were

³⁶ Learning, J. & Arie, S. eds. (2000) Human security: A framework for assessment in conflict and transition. Anonymous Tulane University, CERTI.

worried that these problems may come to the village at any moment. *"I'm very worried about the companies coming in the future. Now they are in the next village, so I think in the future they will come here"* (R 22).

Mental health concerns

In both rural and urban areas, many people spoke of the stress and psychological and physical impacts of living with constant uncertainty. Many people complained about illnesses including diarrhea, headaches, skin diseases, and excessive stress. In Boeung Kak, one woman said the company offered them three options for settlement, and she chose the third, of waiting for the 12.44ha land area that the government would give to evicted families. She is still waiting for the land. She does not have land title for the house that she lives in now. She said, *"Every night I cannot sleep well; whenever I hear the loud or strange noise, I always get up and look around the house because I am afraid of someone destroys my house like before. If the government takes my land and house, it would be like they kill me and force me to die"* (PP 27).

One 22 year old woman in Boeung Kak, who declined the compensation offered as it was not enough to cover the cost of another house, and is now still waiting, said: *"I just want to die. It's better to die soon because in Cambodia now there's nothing worth living for. Our lives don't mean anything to them"* (PP 13).

"My husband drinks every day, and often hits me nearly every day. I also drink, beer. Because I don't know how to find money to support the family and I am hopeless. My husband works in Phnom Penh but never gives me money. When he comes home he drinks and hits me. No one helps me. Corruption, gambling, drugs, and alcohol are so bad here and no one helps; the authorities only help if we have money" (PP 09).

"I have no home; I rent this house to live in, built on the waste pile. We have one bed for four people, and the black water pools in the house and combines with sewerage, and everything mixes together. My husband and I collect garbage far away from here, and earn up to 15000r/day. It is so bad here for gambling, money, and I worry every day that the government will kick me out of this house too. If they eliminated the gambling in the village it would be like I was born again. Men and women gamble, drink, and use drugs. Sometimes I can't sleep because they are drinking, fighting outside" (PP 110).

A psychologist' thought on our data regarding land disputes and psychological insecurity (Written by Dr. Keneth Robinson)

The profile that emerges from our interviews with those individuals who have been displaced or feel that they have been cheated out of land is particularly troubling from a mental health standpoint. Of those who had lost land several symptoms were consistently reported including feelings of anxiety and fear,

ruminating daily about having lost their land, feelings of powerlessness (the belief that they do not have control over events in their lives), anger, and depression. Another consistent emotion was guilt, which respondents took on because they felt that they had let down their children. The most consistent emotion voiced by almost everyone was a feeling of betrayal as evidenced when they mentioned feeling abandoned, hopeless, and resigned to just staying quiet despite believing that they had been treated unfairly.

During many interviews there were multiple behavioral signs which showed the mental and emotional stress these people are living under including crying or having tears well up, voices cracking while talking about the past evictions and losses, looking down and avoiding eye contact when speaking, and fidgeting or wringing their hands. When answering our questions about how their lives had changed, many reported domestic violence, irritability, nightmares, insomnia, loss of appetite and weight loss, and a loss of interest in activities that formerly brought meaning and pleasure prior. Additionally there was a high incidence of addictive behaviors including alcoholism, gambling, and drug use.

It is difficult to categorically state that the land disputes or displacements directly led to the psychological issues we witnessed. What we can attest to is the fact that almost every person we interviewed with land issues has some serious mental health issues. It is not possible through this project to state that the victims suffer from clinical depression or post-traumatic stress disorder, but it is easy to see that they do have marked depression and many signs of anxiety. Depression is a mental health illness and not simply a period of sadness or grieving following a troubling event or loss. When the symptoms of depression continue for many months following the precipitating event, then it is considered a mental health problem. People with depression display appetite and sleeping disruptions, periods of uncontrolled crying, feelings of hopelessness, feelings of diminished joy, loss of interest in activities which formerly brought meaning, social withdrawal and increasing isolation.

Post-traumatic stress disorder is a mental health diagnosis for those people who experience an intense trauma such as war, rape, or vehicular accidents. However there is some discussion that it need not be solely confined to trauma where the victim feels that his or her life is in danger, but also include intense emotional trauma such as severe taunting, theft, or emotional violence. Commensurate with this mental health diagnosis the interviewees showed visible signs of anxiety such as nightmares, feelings of impending doom (another trauma is just around the corner), trying to avoid thinking about the trauma (i.e. drinking alcohol as a means to escape these troubling memories), unrealistic guilt, a sense of powerlessness over most things in life, impairment in social and occupational functioning, continually re-experiencing the original trauma via recurrent and intrusive recollections (despite trying to avoid or escape these memories), and heightened autonomic arousal (easily startled for no reason, always on edge).

Two facts are particularly troubling. First some of these respondents survived the trauma of the Khmer Rouge over 35 years ago, so losing their livelihoods and land would constitute a another traumatization. Second, despite the mental anguish they continue to experience, there is little or no mental health education, treatment, or advice being provided. In Cambodian culture there is a sense that one is expected place faith in those above him or herself, such as village chiefs, fathers, or leaders. To believe that they have been cheated by those empowered to protect and look after them is a very destabilizing occurrence in this culture which is only further exacerbated by the sense of abandonment they continue to feel when there is no possible recourse or assistance forthcoming.

While it is impossible through this project to diagnose these respondents, this would be a useful and fruitful project for future research when further examining the effect of land disputes in Cambodia. What is clear to us is that the people who we interviewed lack psychological security. Most notably they feel emotionally upset, expect more tragedies to befall them, have engaged in addictive behaviors to avoid thinking about the original trauma, show sleep disruptions, have disintegrating interpersonal relationships, feel on edge, shows signs of ongoing depression, and have a pervasive sense of both powerlessness and hopelessness. One need not be a psychiatrist to plainly see that these individuals do not exhibit psychological heartiness or good mental hygiene. We leave it to future researchers to ascertain the extent of this trauma and depression and its frequency in Cambodia.

5.12. Loans – A source of credit access and insecurity

Access to credit is seen to be a major benefit of formalized land tenure security, as landholders can use their land titles as collateral for loans to invest, or sell land and move to better quality land or more lucrative non-land based livelihoods. Access to loans is therefore potentially an important aspect of security. However, loans can also be a cause of insecurity, when people become indebted and unable to pay back loans, must sell their land or take out more loans to cover repayments. The survey asked respondents about their loan activity to understand who took out loans, who they borrowed from, and why they took the loans out.

Loans were common amongst survey respondents, with 47% having a current loan. This was most common for Phnom Penh (58%), while also high in Ratanakiri (48%) and slightly lower in Kampong Chhnang (39%). Loans averaged \$681 (median \$250, reflecting some very large loans among a small number of borrowers).

Figure 10: Sources of current loans

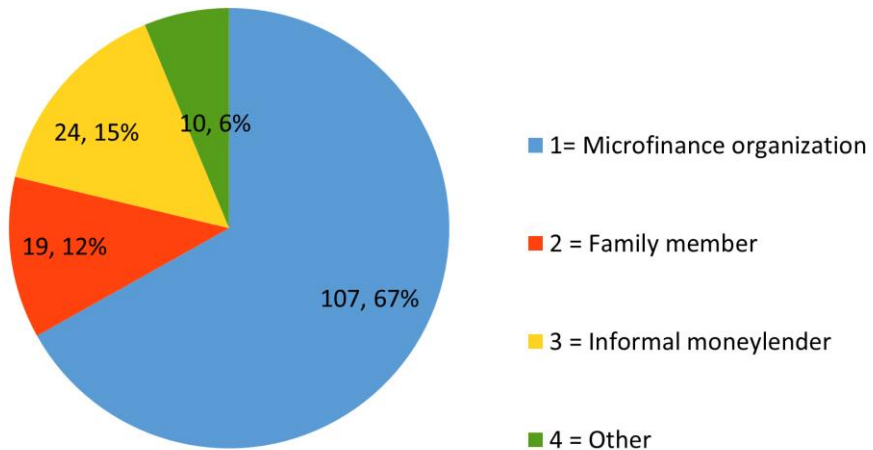
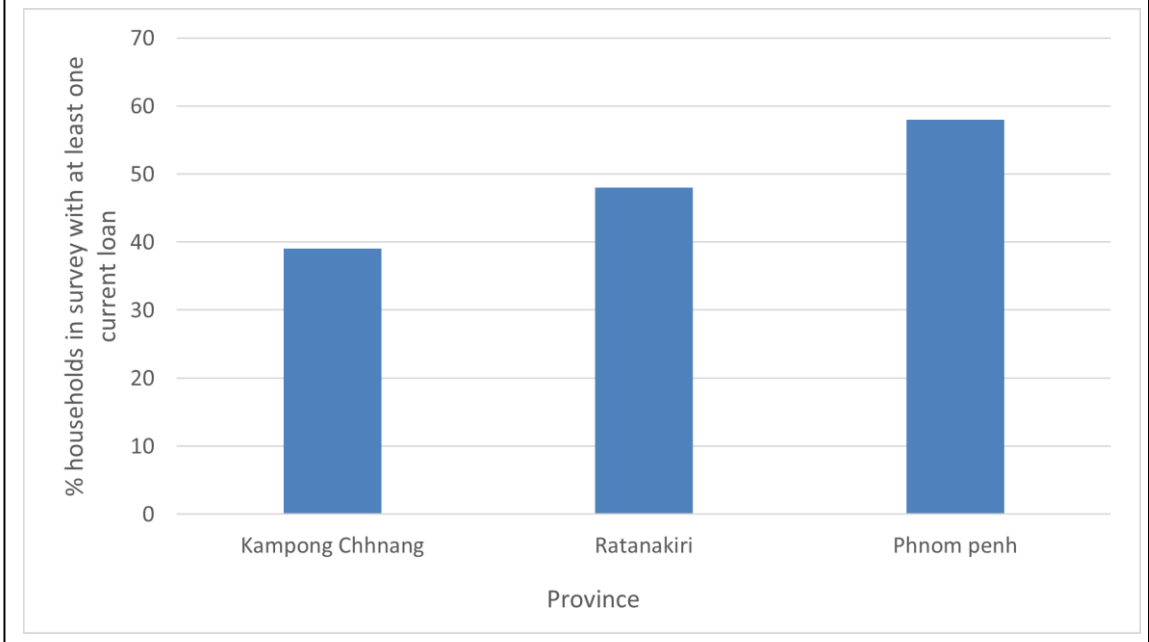
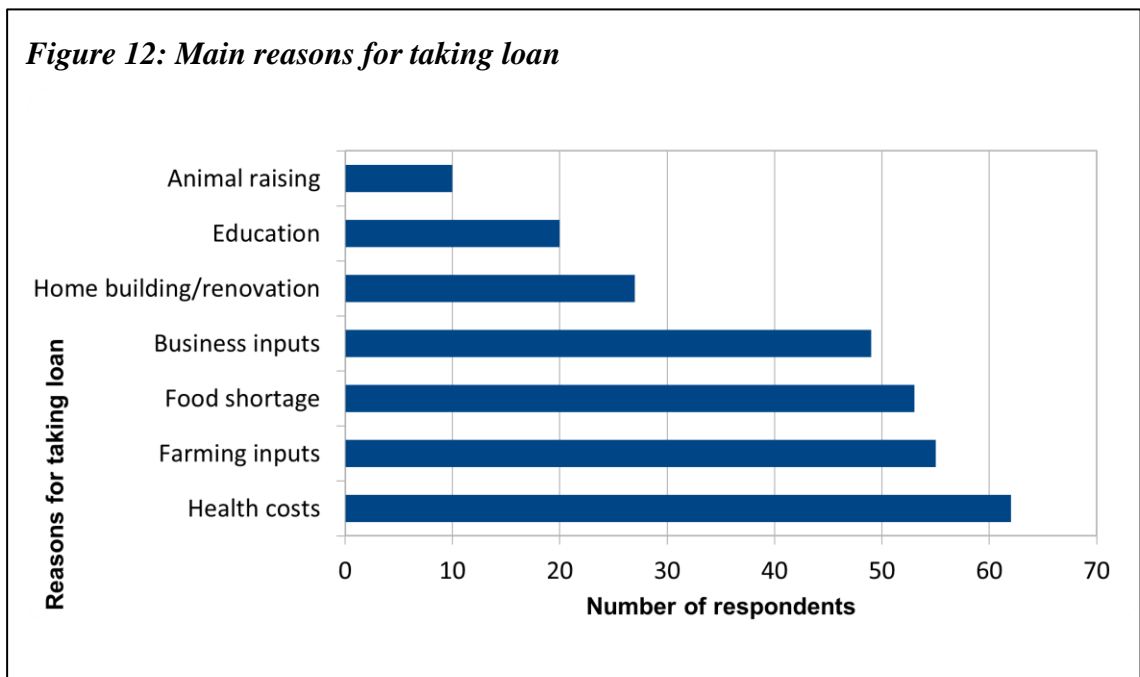


Figure 11: Proportion of households with current loans

Some people spoke of the benefits gained from well-functioning village banks and savings schemes. However, for others, loans taken out for consumption (rather than investment) could lead to further household indebtedness. A young married woman in Kampong Chhnang relayed her story of selling land: *"I borrowed money and mortgaged the land to buy the buffalo. The buffalo died, and we had to give up the land to pay back money"* (KC 45).

Insecurity due to a lack of access to loans was not an issue for anyone in the survey. Rather, several people described the influx of micro-finance institutions into their villages in recent years, and the *"motorbikes drive around all day, coming with their suits on to check up on our loans"* (KC KST). The survey asked about what people used as collateral, and revealed that people without land title were not disadvantaged when borrowing money, as they used their 'soft title' from local authorities or their hard title application receipt as collateral, and were able to secure loans with the same interest rates. Most of these were for small amounts, up to \$5000.

The most common reason people took out a loan was to pay for health costs (21%), followed by purchasing farm inputs (18%), business inputs (17%) and buying food (16%) (Figure 12). Most borrowed from formal micro-finance institutions and banks (67%), while 15% borrowed from informal moneylenders and 11% from family members.

Figure 12: Main reasons for taking loan

People with hard title were no more likely to have loans than those without title (44% of people with title had loans, 48% of those without title had loans). However, those with title were more likely to borrow from a formal Micro Finance Institution (75% of loans for those with title were from a MFI, versus 64% of loans for those without title). This was due to a higher rate of borrowing from informal money lenders amongst those without title. People with title had considerably higher loans on average than those without title (USD902 mean average, versus USD591 mean average for those without title). Those with hard title were slightly more likely to take a loan out for investing in farming inputs (21% vs 17%), and slightly less likely to take a loan for covering food shortages (13% vs 19%) or health emergencies (12% vs 24%).

The incidence of lending was therefore similar between those with title and without, but those with title took out larger loans, and were more likely to borrow from a formal Micro Finance Institution or bank, and to borrow for investments in business and farming equipment, and less likely to borrow for health reasons. This suggests that land title may allow people to take out larger loans, and formal institutions are often stricter in what they will give loans for. Alternatively, those with title may be in a better financial position to allow for larger borrowing.

5.13. Personal insecurity

One important aspect of human security 'freedom from fear' is having the personal security to be able to feel safe in your house and in your community.

Personal insecurity in Phnom Penh's informal housing areas was a constant concern for people in our study. Some said they never went out of their houses at night, *"we lock the door at 7pm and we never go out because there are drug dealers, and many drunk people. They have no hope, nothing to do, they just drink. They fight outside our house sometimes"* (PP 12) *"The worst problem here is poverty, thieves, and the places where people gamble and drink, and drugs"* (PP 13).

Respondents in Phnom Penh linked the drug and drinking problems in their communities with a loss of livelihoods, as they could not access work opportunities due to their fear for personal safety:

"I have three daughters. They worked at the factory before, far away in Phnom Penh, and they had to walk down this road in the dark to get there. But my daughter got attacked. So now they don't do that, they don't work there" (PP 135).

Residents of one resettlement community in Phnom Penh spoke highly of the solar lamps that had recently been installed in their village, and said they now had the courage to walk alone through the village at night. In a village with higher human security in Ratanakiri, some people lamented the changing community values that affected their human security.

"We used to have security here. The people just live here; they don't steal anything from each other. We used to be able to leave our animals in the forest and people would know, would look after them, wouldn't steal them. But now, when the outsiders started coming, then we started to have problems. The people here don't want to be rich; they just want to be happy and live together. But now it is changing" (R 2).



I do not have land to plant a rice field. After losing land, I have become poorer.

– Displaced resident of Boeung Kak Lake, Phnom Penh.

6. Sources of security in land dispute areas

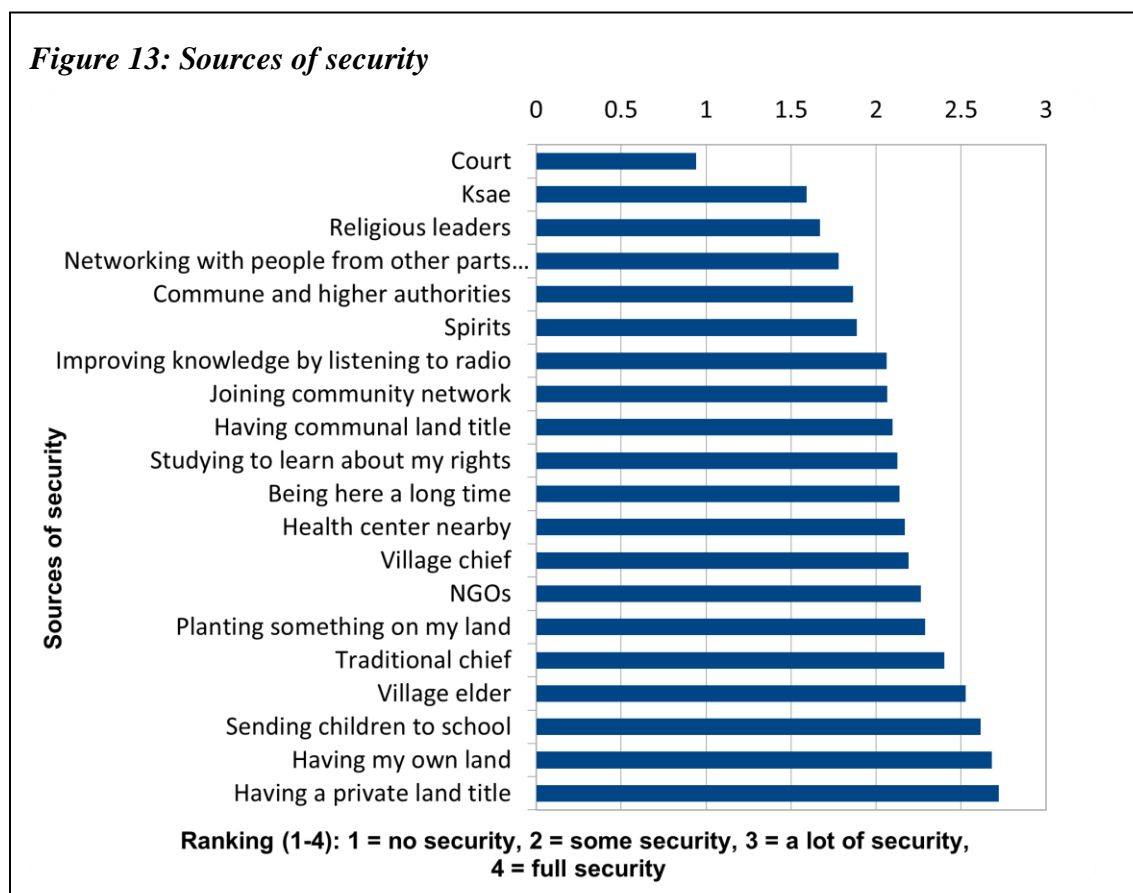
6.1 Overall view of security

The survey aimed to understand not only the problems people face, but also what provides security to people. In the same way that we examined insecurity, we first tested the survey in multiple areas using open-ended questions about what provides security and assembled a list of 16 key sources of security (19 in Ratanakiri, as specific questions on traditional leaders, elders and land committees were added). Participants reported on the source of security that provides most security to them.

What is the greatest of source of security for you?	Number of respondents (note: some respondents selected more than one option)
Having a private land title	84
Sending children to school	77
Village chief	52
Having my own land	49
NGOs	48
Having communal land title	42 [note: only on Ratanakiri survey]
Joining a community network	39
Networking with people from other parts of country	38
Village elders	36 [note: only on Ratanakiri survey]
Studying to learn about my rights	29

Health center nearby	26
Improving knowledge by listening to radio	21
Ksae (relationships with powerful people)	20
Planting something on my land	19
Religious leaders	17
Being here a long time	16
Court	14
Commune and higher authorities	13
Spirits	13
Traditional chief	9 [note: only on Ratanakiri survey]

Table 3: Sources of security in land dispute areas



The results were fairly consistent across gender, with both men and women reporting that having private land title and sending children to school were the most important sources of security, while women were more likely to look to NGOs for security and men more likely to look to the village authorities. Across provinces, answers varied considerably. Kampong Chhnang participants found more security in holding private land title, the village authorities, and networking with people from other parts of the country, as well as joining local community networks and studying themselves or listening to the radio to improve their security. In Ratanakiri, people answered in equal numbers that the village chief and village elders provided most security, while sending children to school was also important. In Phnom Penh, NGOs were considered most important by 20% of the respondents, followed by sending children to school and holding private land title. These divergent answers reflect both the access to NGOs in the urban areas as opposed to some people's feelings of isolation and helplessness in rural areas, as well as distrust of authorities, that we encountered particularly in urban areas.

6.2. Security through communal land management

In Ratanakiri, traditional agricultural systems are socially organized through community governance, whereby land ownership is not privatized, but rather a diversity of social arrangements govern who can use land and for what purposes. This helps maintain the long term productivity of the community's land, by ensuring sustainable soil management through fallow periods, and keeping reserve land for new households to use. In many areas of Ratanakiri, communal management systems have broken down or changed, as permanent crops (including cashew and rubber) predominate, and the increase in ELCs and private plantations has placed reserve land under pressure. However, many communities continue to maintain some form of communal land management system. The Cambodian Land Law 2001 recognizes indigenous communities' rights to collective ownership to their traditional land, and the Forestry Law 2002 recognizes rights of indigenous communities in shifting cultivation inside their collective land. In 2009, *Sub-decree #83 on Procedures for Registration of Land of Indigenous Communities* was issued. This set out a detailed process for registering collective land, including residential, agricultural, burial grounds and spirit forests. While a collective land title acknowledges the plots and land use of individual community members, the title requires that community land is collectively owned and managed according to the customs of the recipient community. The process of applying for and receiving land title is time-intensive and expensive. As of October 2014 only eight communities had so far received a collective land title, although the process has commenced in more than 100 communities. Seven additional communities are in the final stages of the communal land registration process, and the RGC has committed to register 10 additional communities per year.³⁷ The Directive 001 land titling project reportedly affected 21 Indigenous communities who were in the process of applying for communal land title, as individual title was awarded in these communities.

³⁷ Information provided during meeting of Technical Working Group on Land at MLMUPC, 16 October 2014.

During our research, opinion was divided amongst survey participants as to whether they felt individual or communal title would grant them more security over their land. In one village in Ratanakiri, most interview participants and focus group said they did not want individual land titles, rather they were waiting for a communal title.

"I don't want individual land title, because I want land for my children and their children, and to keep our culture. So we can still have the wood to do houses for them and have the land for agriculture for them" (R 82).

"I don't want private land title, because if we go up against the company one on one, we would lose. If we have Communal Land Title, we can be more strong together, and can win against the company" (R 68).

However, even in this village, opinion was divided and some felt the individual title would allow them more access to loans, and to sell the land if they chose: *"I want a land title. If I have an individual land title then if the company tries to take the land they can't take it, and I can leave it for my children. And if they don't have time to work the land or they need money they can sell it" (R 53).*

"I want the NGO or someone to help them get individual titles, because then I can sell the land if I need to or I can take to the bank to mortgage the land for a loan. I don't want the communal land because then we don't have control, we can't sell it" (R 33).

Others felt that access to loans was not an issue, as they could get a letter from the village chief stating the area of communal land that they farmed, and used this as proof when taking out a loan.

"The communal land is good for us. When I want to cut some land in the forest, I need to ask the Village Chief first. And then I can cut the land, and do farming. Then when it runs out of nutrients, I go to a different land but keep the first land to get nutrients back. If someone comes to take the land when I'm not using it, if I have stopped using it, then they can have it, but they can't take the land when I am growing something on it. If I want to get a loan, I can see the authorities and get a letter to show to the organization" (R 52).



Image 13: Villagers in Ratanakiri walk to their crop lands in the morning. This village retains communal management of shifting cultivation land.

In the community around Yak Loam Lake in Ratanakiri, agricultural land has become privatized, and some villagers expressed their concern for the future, and said that communal land provides more security because it is less likely to be lost:

"In this village there is no communal land. So the people that can have money can buy the land. The people that don't have money have no land now, because it is all private. I would rather have a communal land, because now I don't have land to work" (R 46).

Traditional elders and leaders were seen to be central to dispute resolution and conflict prevention. Several land conflicts were described in communities that practice shifting agriculture in Ratanakiri. Many of these were solved within the village, by face to face meetings with traditional leaders and elders, the village chief and the villagers. *"I left my first land and went to my second. I wanted to come back to my first land, but then someone went and started growing on it. So I complained. They said sorry, we got the village chief involved. They found somewhere else for them to grow" (R 72).*

In three of the study villages in Ratanakiri, villagers said that the traditional leaders were the first people they went to when they had a problem; *"When there is a problem in the village with land, people come to him first. If he can't solve through talking with the people, they then refer to the village and commune chief" (R 55).*

Positive case study of human security 3: Land management in a Ratanakiri village

In one Ratanakiri village, survey and focus group participants reported much higher levels of security, positive feelings about the future, and less land loss than other study communes in Ratanakiri. When asked about why their village was able to hold onto their land, many respondents talked about the importance of traditional institutions of Village Elders and Traditional Chief. These elders evidently had a lot of power, and respect from villagers. The Traditional Chief boasted that *“the village chief doesn't dare to do anything against me. He knows that the villages support me, I have power here. If there is a question about the village, like about the culture, the religion, the forest trees, where the land Chamkar of the different villagers is, then I know all of it”* (R 33).

Some participants felt that their security was so vested in the traditional chief's power that they were worried about what would happen in the future:

“The village is good; it doesn't have big problems with land or stealing like other villages. This is because of the traditional chief. He protects the village, he has power and people like him. But I don't know in the future, I am worried. If he dies, if he can't work anymore, then the company can come and get my land. First I am worried because they will take my land, and then I am also worried for my children, because there is not enough land to share with them” (R 23).

Others said that the village elders [*jaa tum*] and young people in the village worked well together, including regular meetings where village youth were able to speak, and also respected the elders.

The education level was no higher in this village than in other nearby villages, but survey respondents were more aware of their legal rights, and many pointed to the long-running NGO programs supporting communal land management, land rights education and livelihoods in the village.

The village chief felt that communal land management provided more security for the village, and said he was concerned about the future if land became privatized: *“Communal land is better because if we look at the people here they are very happy to have the communal land. They can do rotational agriculture, they still have land left, whereas for individual land, they have the right to sell and people sell, we see it in other places. Now we don't have this yet, but in the future we might have people who want individual title and then it will be hard to protect the land. We see that when we have individual people sell, and they only think about their own land, so it becomes harder to protect*

the common land. They don't talk together with people. For us, we meet, we talk together about decisions on our communal land” (R 11).

The head of a local NGO that has been working with the village since 1998 said that a key to the village’s security is a strong foundation of community empowerment:

“We believe that two things are most important; one is legal empowerment, and one is community empowerment. We need both. If we only have legal without community empowerment, it won't work, because even if we know our rights we can't fight for our rights. And if we only have community empowerment without legal empowerment it won't work, because when the company comes the villagers can't back up their resistance”(R NTFP).

The NGO and the village chief explained that some places with Communal Land Title are still losing land, because they worry only about the technical rules without the community empowerment. In this village, the NGO explained, *“We don't do the map [for recognition of the communal land area] first. First we meet with villagers. We mark out our borders and we meet with neighboring communities and get their thumbprints to say they know where our land is. We still work on the CLT application, because without land certificate, we still face trouble when we go to court, but if we have the relationships with everyone I think it is easier; that is most important” (R NTFP).*

Overall, key lessons from this village include the importance of community solidarity and good leadership, forging relationships between elders and youth, and strong long-term support from NGOs that develop personal relationships with villagers. A diversity of cropping strategies and livelihoods meant that food security was higher than in other nearby villages, which reduces the need for distress land sales. The geography of the village was also important; this village was fairly isolated from main roads, and much of the standing forest had already been turned into rotational cropping land prior to the arrival of ELCs in the area, so the village was less attractive for commercial companies. The approach of the villagers and NGO in this area is also noteworthy: Rather than only focusing on the formal legal aspects of applying for communal tenure, they first worked on ensuring that all villagers and neighboring villages knew the borders of the land and borders were clearly marked, to reduce land sales and encroachment while waiting for the communal title.

6.3. Land titling and perceptions of tenure security

The survey included areas impacted by different land titling campaigns (including 'Directive 001', LMAP, and sporadic titling), and areas where systematic land titling has not occurred. In total, 49% of respondents said their land had been surveyed. Of these, 66% have received land title. This means that more than 1/3 of the survey respondents are still waiting for a title, and the majority of these have been waiting for more than one

year. Women were less likely to have their land surveyed than men (47% women said their land had been surveyed as opposed to 54% men), and less likely to participate in the measurement.

Of those people who received title, many received title to only some of their land. The most common reason land was not measured is that land owners were told the land is forest land and cannot be measured.

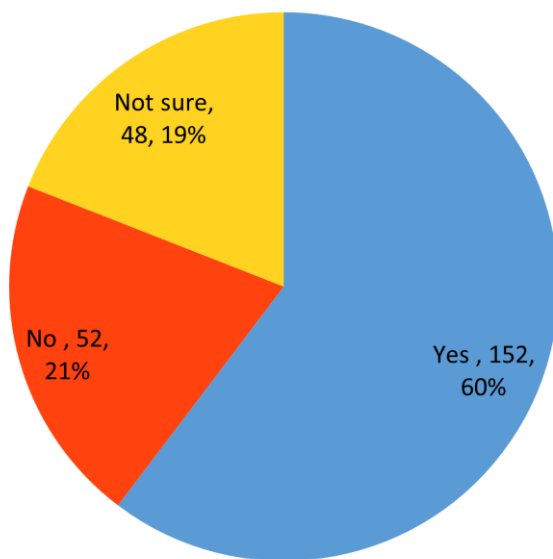
Incidence of land titling in survey population	Yes	No	Not sure
Has your land been surveyed by the student volunteers or the cadastral department?	160 (49%)	164 (51%)	0
(For those whose land was surveyed): Have you received title for your surveyed land?	105 (66%)	45 (28%) ³⁸	10 (6%)
(For those whose land was surveyed): Was all your land surveyed?	136 (86%)	22 (14%)	2 (1%)

Table 4: Incidence of land titling in survey population

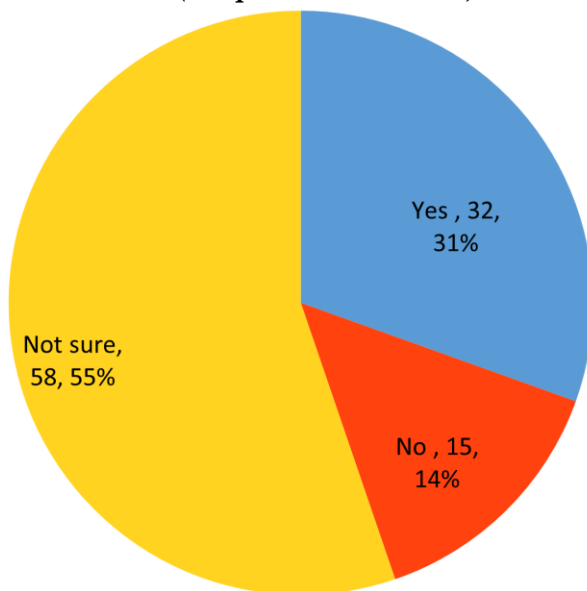
The survey asked whether people had ever been afraid of losing their land (Figure 15 and Figure 16); 57% of the participants reported they had previously felt afraid of losing their land, and 55% of the participants reported feeling currently worried. When separated into those with hard title and those without, 30% of those with title said they currently feel worried about losing their land, compared to 60% of people without title. There was no gender difference in the responses. This shows that having land title provides some perceived security for people. Interestingly, a higher proportion of people without land title reported having full perceived security over their land (i.e. 21% of people without land title said they were not currently afraid of losing their land, compared to 14% of those with land title). The difference is due to a larger number of people with land title responding that they are unsure whether they are worried or not. In Ratanakiri, a slightly higher number of people said they now felt afraid where before they had felt unsure.

³⁸ The third option for this question was not 'not sure', but: 'some of my land received title', and was selected by 8 people (6%).

**Figure 14: Do you currently worry about losing your land?
(People with no land title)**



**Figure 15: Do you currently worry about losing your land?
(People with land title)**



This suggests that land title contributes to perceptions of security, but does not provide full security over land. Qualitative interviews in all three provinces reveal a sense among many people that they do not trust the title in the long-term:

"I'm not sure if the title gives us protection, because maybe at the moment it gives us protection but in the future maybe the government will change the law and it won't mean anything anymore" (KC 41).

"Title is not so important. If they want to take the land back in the future they will. That's what they do. They can just make another law and overthrow this one. So in some ways the title is important. But it's all up to the government. Who knows what they will do in the future" (R 88).

"The thing I'm most worried about is the land title. They have given us a land title, but I'm worried that they will change the law and take the land title back. It all depends on the thinking of the higher people in government. . If they don't think the land titles have a value to them, then they will get rid of them. We can't trust the laws in our country" (PP 19).

When asked what security the title provided, several people answered as this woman did: *"The people in the village don't know how the property titles are important for them, because the company have bigger property titles than all the people in the village. Even if we have land titles, it doesn't matter it's not important for people, because now the company still takes the land. Now they build the irrigation channel, and even if they offer compensation it isn't enough to cover the cost of the land I think... so people are still worried" (KC 178).*

"I'm not sure why they are important, but when I went to the meeting, they came and told us that the titles are important for the future" (KC 24).

Some people couldn't articulate the reasons for their continued feelings of insecurity, but said that they just felt worried as land was so important to them: *"Even when I have a land certificate, I'm still worried that people will take my land because I only have one piece of land. My life is in this piece of land" (KC 01).*

In an interview with a senior official from the Ministry of Land Management, Urban Planning and Construction (MLMUPC), he suggested that this fear was due to a lack of knowledge of the benefits of land titles: *"Some people don't understand. They don't understand their legal rights when they have the titles. And they are scared. So when they are scared they don't improve the land. But the title is what gives us security. Nothing else gives us security" (PP MLMUPC).*

Another reason that land titles did not diminish people's fear is that people were experiencing ongoing land conflict and new types of conflict since receiving title. In one Kampong Chhnang commune, continued insecurity is shown by people's attitudes toward a new irrigation project for rice land currently under construction. The project, funded by Chinese aid and loans, will affect nine communes, and goes through the land

of some villagers. During interviews, many people said that they were not consulted about the project, and do not trust that their land title will protect them from losing their land. One villager who previously lost land to an ELC is indicative of people's statements during interviews:

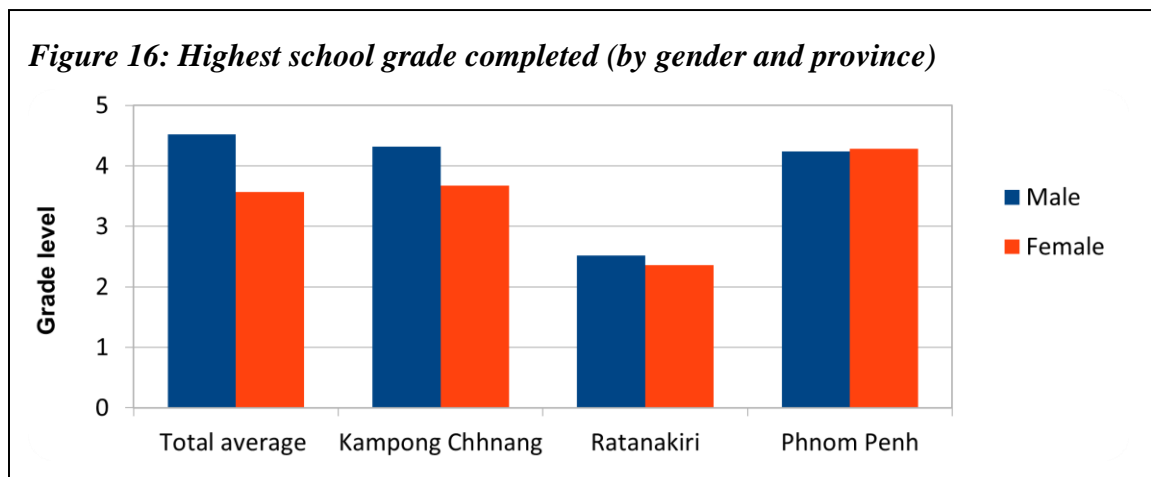
"When I lost my land, I tried to protest a little bit, with the other villagers. But we didn't get anywhere. So now no one protests, we are afraid that we won't get anywhere. Now the irrigation channel will affect 3 communes but no one dares to protest about this either. At the moment we are not hearing anything. We are all worried. Because in the past, they came so fast and we couldn't do anything. So even though I have land title, I am afraid. The authorities won't help us. They got land taken by the company as well. We can't do anything... don't dare to protest" (KC 136).

For many people, land titles were not seen as giving full security, but as a baseline for establishing a claim. This meant that for many people without titles, they were too afraid to lodge their claim with authorities, even if they occupied land in accordance with the Land Law 2001 requirements. One woman from Kampong Chhnang who did not have a land title said: *"We need to get land title so we can protest; without a title we have no rights to protest when they take our land. Even if we can't win with the title, at least we can have a better right to protest. Now we are too scared" (KC 185).*

The lack of trust in titles may partly explain why all but two participants said they had not changed their farming systems or invested more in their farms since receiving title. However, loan activity was slightly different for titled versus untitled borrowers (as described in the section on credit above).

6.4. Education: Linked to security and insecurity

Education was described as both one of the greatest causes of insecurity people faced, and also one of the main sources of security. This is because the average education of respondents was very low and they linked this low education with being cheated in land disputes; and respondents also saw education as the main way out of their situation.



The survey shows the low education completion across all areas and genders. The average grade schooling completed was 3.89, with men averaging 4.52 years of schooling and women 3.57 years schooling. Education completion amongst survey respondents in Ratanakiri was 2.52 years average, while Phnom Penh (4.24 years) and Kampong Chhnang (4.32 years) were similar.

“The main problem here is education for children. Especially for my daughters, the school is far away from my house and I don't want them walking by themselves, and I don't have any way to get them to school. So my daughters don't go to school currently” (R 8).

“I want a better education system in the village. Look at the school in the largest town in the commune, we see that it is mainly kids from the town area. The rice farmer kids don't study. I want the authorities to help the people here; now we have many problems” (KC 013).

[Is our village] better or worse than before? I'm not sure. But if the people can study more than now, then that's the most important for developing our village” (KC 190).

A lack of education is intimately tied to the powerlessness people feel in the face of land disputes. As one Ratanakiri villager described; *“I don't know what else I'd do, who would help. I can't write, I don't know how to read, I don't know anyone to help” (R 3).*

“My biggest worry is that a company will grab our land. And I'm worried about the children, not having enough land to give them. And I'm worried about health as the hospital is far away. Education is lacking in this village; many people don't study and I'm worried that they are stupid, that they will be cheated by people who want to get their land” (R 13).

“I want my children to be able to study so they are not stupid like me when they grow up. I don't want them to grow up like me, and be cheated” (PP 43).

Families with virtually no money sometimes gave everything to give their children an education, and we did not meet any families who were happy to take their children out of school. One family in Phnom Penh's Andong 6, who work as garbage collectors, paid 6000r to send each child to school per month, even though they struggled to find food for the day, because *“my family is poor because of the lack of education. So now I don't want that for my kids” (PP 54).*

People in Phnom Penh's informal housing communities often could not send their children to school as they could not afford the school fees, materials, and needed their children to help earn money. One woman said, *“the teacher always takes the money from my daughter every day (500r/day), but the teacher doesn't teach the students; he just calls the names and then goes outside to talk with other teachers. I want my children to learn but the teachers don't care about the students” (PP 65).*

In Ratanakiri and Kampong Chhnang, many people described the problems they faced with schooling, including most commonly the lack of qualified, committed teachers. *“We*

need different leaders. We need people who have studied a lot, who have different ideas. This place is far away from anywhere, so the ministry doesn't come to check if the teachers are actually teaching. The teacher is more stupid than my kid" (PP 91).

The survey also asked respondents whether they had completed human rights or land rights training in the past. Approximately 1/3 of the respondents (similar for men and women) had done some kind of training, mostly related to the training workshop held when their land was surveyed for title.

In areas with higher reported levels of human security, people were very well versed in understanding their land rights. They reported listening to the radio, knowing what was going on in the village and elsewhere, and they often talked about the dangers of selling land or borrowing money, and (in Ratanakiri) the benefits of communal land or community forest land.

"I think that if NGOs could teach people about their rights, could do training so people weren't so scared, this would help. Because when people are scared, they are easily controlled" (R 96).

6.5. Dispute settlement and sources of support

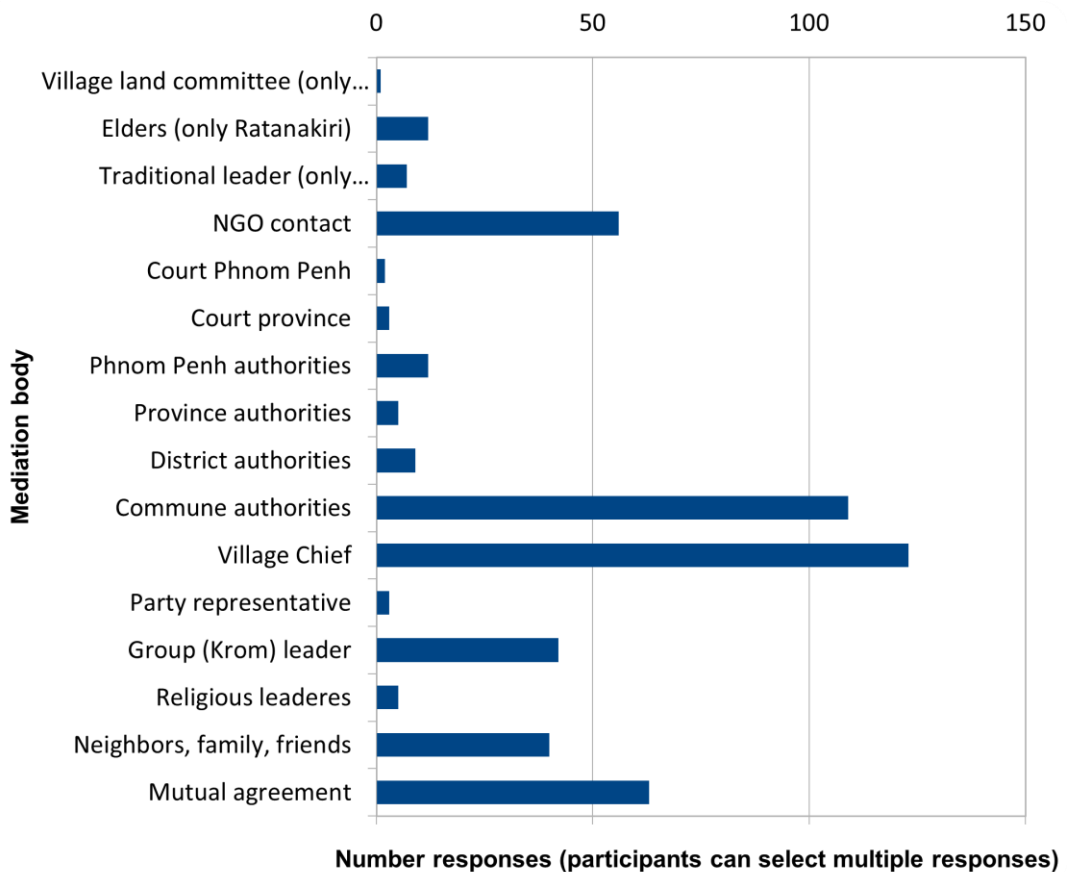
Survey respondents sought a variety of channels for resolution when they had a land dispute or were fearful that someone would take their land. Survey respondents rarely sought assistance through the official channels such as the Cadastral offices or the National Authority for Land Dispute Resolution. Rural people who had land problems were most likely to ask their Village Chief (26% of responses) or Commune Chief (24% of responses) for help. In the city, people approached NGOs more often than local authorities. Men and women differed slightly in who they went to for help; women approached the local authorities slightly less than men and instead went to neighbors, family and friends for help (10% of responses as opposed to 5% of responses for men). In cases where disputes were solved, the village chief and NGOs were listed most often as solving conflicts. In Ratanakiri, people went to the village elders as often as the village chief.

The type of dispute affected the mechanism of resolution. In cases of neighborly disputes, people were most likely to seek mutual agreement or to go to neighbors, family or friends. Disputes with companies and outsiders were most often referred to the local authorities. However, personal interaction with company representatives was seen by some people as potentially more effective than working through the legal channels to resolve disputes. One man in Kampong Chhnang who had received some land back from the company after they planted cassava on his land, said:

"The company is not all bad. It just depends on how we approach it. When they came, they enclosed the land that I have been working for years. I got the land myself years ago. But if I approached them and said 'this is my land, I have rights to this land', that wouldn't work. Because they have the rights, the government gave them the concession. But I approached them and said 'I am very poor, please give me some land. I have nothing else to make a living'. And they gave me the land, and now I have a

title. Some people tried to protest, they lost 5ha and they didn't get any. Others got just 1ha or 2ha out of 5ha. And some people had rice land in the middle of the area of cassava. The people who went and asked the company, they made a road for them to get into their field and measured the field for them" (KC 59).

Figure 17: Who did you go to for help with your land dispute?



A common refrain was the notion that we are powerlessness, we are stupid (*la_ngung*), we are lazy (*kjil*), and therefore we cannot act to solve the problems. "The school is difficult, the teachers don't come. We don't say anything, we are scared of them. We don't dare, we don't dare..." (KC 209).

The judicial system was one of the only potential sources of security that was said to offer no help at all for the majority of respondents.³⁹ One participant from our first roundtable discussion suggested, *“The justice system is not just. The government, state, the senate, they have pushed through three new laws for the judiciary that give them more control. The people get no security because of the courts, so what does a piece of paper matter if it isn’t backed up by justice?”* (PP, RT, HRTF).

Urban land activist Yorm Bopha suggested that there are potential solutions, but the court does not offer security for people attempting to fight for their rights: *“We have no justice in the courts. The police follow us and investigate what we are doing all the time, even if we just go to the market. And we have fear, the group of women that protest, we don’t have freedom or security, the police follow us everywhere. We have not yet got justice from the court. The government doesn’t help us. Now some people lose heart; they cannot protest anymore”* (PP, RR, Yorm Bopha).

Many people described their frustration as they went from one person to another asking for help with their land issue, and they felt that no one supported them. One woman in Kampong Chhnang, who lost land in a dispute with another villager, said that:

“I went to many different people. I walked from the district town back to the village, about 30kms when I went to get information. But they didn’t tell me anything. And a woman I know here who knows about land issues took me to the Commune Chief, and to the court. My husband went once to the court, but we didn’t get anything. The village chief won’t solve problems. No one solves problems. Then [the villager involved in the dispute] offered 1 million riel for us to be quiet, but I don’t want that. I want \$4000 as that is what my land was worth. I went to LICADHO. They have called me but they don’t come, they don’t solve it. No one helps me. I’m all alone” (KC 205).

This desperation frequently extended to people calling on the survey team to help, as when this woman grabbed the interviewer’s arm and said, *‘what will you do.... not in your research, but what will you do yourself?’* (KC 205).

6.6. Security and Roles of Local Authorities:

As described in the section on dispute resolution, most people in all three provinces (particularly in the rural areas) described the Village and Commune chief as the main people that could potentially solve their problems.

“My neighbors and friends and family that live around me are important; we get on well and they can help me a lot, as witnesses to say that this is my land. And to help me in other ways. But to make change, the village and commune chief are most important” (KC 41).

³⁹ See Figure on Sources of Security; respondents rated the court to be approximately 1 on a scale where 1 = no security provided (up until 4 = full security).

Local authorities occupied a complex role, whereby they were often seen to be sidelined in the central government's land development plans, but they were also seen to be the main people that could solve problems. Some people were positive about the local authorities in their area, and in one commune people said that *"before the relationship was not good, but now the authorities help us to organize meetings and the Village and Commune chief meet with us every month and let us talk"* (R 82).

Sometimes local authorities were able to find ingenious solutions at a local level, such as a village chief in Ratanakiri who described his personal contact with an ELC company:

"We had a problem with a rubber company encroaching on our land, but when we applied for our Communal Land Title, I invited the son of the company to come to our ceremony, because I had a contact with him...he came and drunk with us, and so did the people from surrounding villages, and we showed them the maps with our land boundaries. Now they all know clearly, and the company has not encroached more on our land" (KC 210).

Many indigenous villagers in Ratanakiri described how their actions over any land grabbing depend on the guidance of the village chief:

"I will try to ask the village chief and commune chief. But if he says to protest we will protest altogether. If he says no, we won't. We will do as he says. Because the government says this is government land. We are small, we have no power. So we will only protest if the authorities agree. I don't know anyone else to ask. I can't write, I don't have any connections. The government has the power. And the government and the company work together. If the company wants the land it will be hard because the government supports the company" (R 83).

For many respondents, their dependence on local authorities was often expressed as hopelessness that they had no one else to turn to, as one woman in Kampong Chhnang described: *"We have been to the village chief many times and he does nothing. He is with them (the company that has taken the land). The radio is important for us to learn about land disputes in other areas, but what can that do to solve the problem now. Even if we get information we can't do anything, because they will stop us. They don't let us do anything. The court only thinks of money, they don't help us. Nothing can help us"* (KC 204).

"Every day is hard. Even if I have rights myself, it is hard. Because even if I know my rights, the authorities don't support the people to exercise their rights so we can't win. The people depend on the village chief. If he doesn't support them, what are they supposed to do? Who do they depend on?" (R 134).

Many people described the need for different relationships with local authorities that could be based more on mutual dialogue and responsiveness to community concerns. Some people described their frustration, as they felt that *"in other places, the village chief does things for people... here the authorities are with the government. When the students came, they secretly went to measure, didn't say anything to the people. Didn't meet with us, didn't help us. And the village chief never meets with us"* (KC 207).

In several of our cases, local authorities were sidelined from central government or provincial level decisions over land allocation (such as the allocation of ELCs), and in some cases also had land within ELC areas that they told us they had given up trying to get back. In one interview in Kampong Chhnang with the wife of a village chief, she began crying talking of their experience with the ELC:

"We used to have a lot of land but it was in the area of the ELC. Now we have just zha left, after we have divided some with the children. When we had the dispute with the ELC, even my husband didn't dare argue with them. But they didn't take all our land. They cleared some, and they left some for us. They made a good road for us to get to our land. But they are broken, they took our land. No one could help us when they took our land" (KC 137).

Others in Ratanakiri recognized that the local authorities had limited power in dealing with companies: *"I have a lot of worries...Even the Village Chief can't do much because we don't have the rights; it is the company that has the rights. And the company man came on a motorbike and distributed leaflets saying that in a few years the company will take their land, as it is their land in the contract. So now I am worried. Where will I live? What about our land?" (R 36).*

The feeling that came out in many interviews in Phnom Penh's resettlement communities was feelings of abandonment by the government.

"The authorities pretend not to see us" (PP 53).

"I want a real place to live, a proper house that does not make us sick. The authorities know about the problems here but they don't do anything; they pretend not to see it. They don't help to police this neighborhood. If I have a problem and go to ask the authorities, they say 'okay okay', but then they don't do anything to help us. So now we have stopped going to them for help, we have given up. But where else can we go? They don't do anything, and then when things blow up, they ask why, what's wrong, and they can come and look. But I want them to help before, to understand how things are here and to help police this area and support us before things get bad" (PP 24).

The feelings of abandonment from authorities were often linked in interviews with the help that NGOs gave, and comments that this is work the government should be doing. *"The authorities don't help me at all. The only one who helped me is the Christians. They gave me the materials for the house. I don't join the church much, I just go sometimes. And also other NGOs have come and given food and soap and medicine. The government never helps us" (PP 7).*

Many people in both urban and rural areas talked about the way that land insecurity was tied to politics, and the difficulties with attempting to foster a multi-party democracy when opposition party supporters faced discrimination. *"The local authorities don't care for me. I support CNRP so he ignores others and me. Now I am afraid to speak out because I'm not wrong; I just want to get some justice to protect my family. The CPP supporters live safely here while the CNRP supporters never get anything and we live in fear" (PP 62).*

For other respondents, relationships with authorities were largely negative, and discussion focused on corruption and suppression:

"The biggest problem here is that the authorities suppress us, they use violence against us. I want them to stop using violence against the people. The people have nothing; we have no power, we have no weapons. And yet they are violent toward us. And I want the government to help us solve the problems. They don't help us now. When we try to get help, they stop us and suppress us" (PP 14).

The suppression of information by authorities is linked with psychological insecurity. This suppression is often indirect, via the control of information that leaves people 'in the dark' about what is happening. In this atmosphere, uncertainty, worry and fear are pervasive emotions. *"Every day is difficult because we never know what's happening; they never tell us anything, it's all secret. I've been trying to do something about the land problems for nearly 10 years. They sent me to prison" (PP 5).*

Positive Human Security Case Study 4: Community Networks and Communication with Authorities in Kampong Chhnang

One commune in Kampong Chhnang had much lower reported land conflicts and less reports of corruption during the Directive 001 land titling program. One theme that emerged in interviews in this area was the role of strong community networks in maintaining and building human security. Many people knew about and had contact with community networks and environmental NGOs, and many people had attended land rights trainings. During interviews, villagers described the roles of community support:

"The Chinese company cut down the forest where we were supposed to have a community forest, so now we have a second area. But it's hard to protect. It's not people from here that cut it down; they come from outside. They come at night and cut it. The people here all support it. And now it is in parcels. But people here do work together; they do protect it, because people here don't build fences. They want to help each other. They let the cows and buffalo graze the whole area. And the second important factor is that people know whose land is whose. They have been here a long time so they don't need fences and they trust each other" (KC 215).

During interviews most people in this commune were knowledgeable about the legal requirements for gaining and transferring title and were satisfied with the titles they received. This contrasted with a nearby commune where many people spoke of land insecurity and corruption issues during titling [see section on corruption]. In this commune, people discussed the presence of supportive individuals in positions of authority, and strong community networks that were able to inform community members about the correct process in the land

reform, and also to hold authorities more accountable. The community network in this commune has been active in organizing against an ELC for more than ten years, and is closely supported by a local land rights NGO. When the student volunteers came to measure land, the community network was active in making sure villagers understood the process, and knew how to hold their leaders accountable. Furthermore, the local authorities regularly meet with the community network, and one village chief said that *“the people here know more than most”*. The commune chief said that he has started to hold regular monthly meetings in each village for people to ask questions and air their grievances.

“The community network here is strong – they protest all together, they share a lot of information with each other, both within the village and also with other villagers and communes. And sometimes the authorities are afraid. They don’t want to stop the villagers, but they don’t want to help either, so they leave them alone” (KC 66).

6.7 Community support

In the Kampong Chhnang commune described above, as we saw also in Ratanakiri, linkages with NGOs and the formation of strong community networks can be important tools in promoting human security and can help improve policy formation and implementation by being actively engaged in the process. However, one of the problems people face when establishing these networks is that they can be seen as threatening structures of local authority. Many respondents discussed the difficulties with maintaining a community network, as it was seen to be oppositional to local authority structures, even if that was not the intent: *“We aren’t about politics...anyone from any party can join. We just care about the community. We want to work together with the authorities, to build trust” (KC 217).*

“When we protest, they say that we are from the opposition. Yes, we are in opposition. But not in opposition to politics, we are in opposition to people taking our houses and our land. We don’t protest to get power; we are people. We just want justice and a solution” (PP, RT, Yorm Bopha).

Community members who lead these networks often have to work in difficult circumstances and to find methods of communication that can fly 'under the radar'. For example, one community network in Ratanakiri turned to social media to communicate their land protests when they were too scared of reprisals to do this openly: *“When they protested against the company, they immediately put it up on Facebook, put the photos and messages. They tried hard to spread the word” (R 34).*

Community networks can also run into problems if leaders take on too many NGO roles outside the village and become separated from everyday concerns. One man described

his distrust for the community networks: *"I don't trust the community networks; I think that some of the community leaders, when they get too much money from NGOs and others they use the money for themselves, they don't think about the villagers"* (KC 194).

The Kampong Chhnang example shows the potential for strong communities and authorities that support democratic space by forging new relationships based on mutual respect and accountability.

6.8. Security after displacement: Compensation and resettlement issues

The Phnom Penh survey areas focused on communities that have been displaced and resettled in new areas, or received compensation. In the survey, just over half of the Phnom Penh participants had received some kind of compensation after being displaced, although only 22% were happy with the compensation given. The most frequent complaint was that the money was not enough to purchase a house or land elsewhere in the city, and people ended up moving to the outskirts where they could not access work opportunities, or renting with uncertain lease arrangements.



Image 14: Rapid, unregulated urban development has displaced thousands of people in Phnom Penh.

Survey participants remembered vividly the day when they were evicted from their previous houses and taken to resettlement areas. Many people were evicted on 6/6/2006:

"They took me to live here without a house. I just had only a piece of wood. I slept without food to eat. I just had only a little bread to give my children and I didn't have blanket to cover my body. But now I can borrow money from someone to build a house. Most days I don't have enough to eat. Sometimes, I don't have money to buy food, just to eat a bowl of crawfish, which I find in the lake. My house takes up my allotted land space so there is no land to plant any vegetable" (PP 5).

"We slept on the dirt. It flooded. We waited and half of the families got land, the other half didn't get anything. They promised us housing. But when we got dropped off there was no water to drink, only the lake. We had to go to the toilet in the forest. They said the government can't help because they have no money. Now there are hundreds of us still waiting" (PP 2).

This woman is a resident of Andong 6, the area with the greatest human security problems we visited. People live in extremely unsanitary conditions, with rubbish floating in stagnant water around makeshift houses, and high levels of malnutrition, disease, and problems with drug addiction and mental health conditions. Most residents of Andong 6 should receive new housing soon. This is a positive development, and new houses are being built near the current site. Interviewees were generally relieved and hopeful that they would soon receive housing, although some worried that the houses are very small. *"I heard that on May 2015, they let us to live in the new house which has 3.5m by 5.5 m. but it is smaller than my present house so I don't want to change to live there because I have seven people in my family" (PP 15).*

"The authority told me that we just come to live in temporary habitat and they will build the suitable house for us, but we have lived here for 8 years without any caring from the government. They just throw us away like rubbish" (PP 13).

While Andong 6 residents should receive housing soon, other resettlement communities face ongoing problems of uncertainty over their compensation. Thirty six families who moved from Borei Keila to Sras Por have not received compensation because they were said to be illegal. One woman said, *"How can they call us illegal, vagabonds? I have lived there for years" (PP 17).*

"They promised that if the people move to live at Sras Por, they will give the land to live, land farm and its title, and said that this place has electricity, clean water, near the town, but when people arrive here there is nothing. This place is just a silent jungle" (PP 18).

The failure of the private sector to offer proper compensation was also pointed out in the Roundtable Discussion held in Phnom Penh. Housing Rights Task Force Director said that, *"In Phnom Penh, there are several areas where they are filling in people's communities with sand for development, and they negotiate for compensation with people even as they are still filling the area with sand, in Boeung Kak, Pret Liep, Pret Daseik. So we can see that as a threat to people's security" (PP, RT, HRTF).*

In response to claims from government officials that the land claimants are illegal encroachers who have moved into the area to unlawfully claim land, middle school teacher Lor Pieng said with tears in her eye *"just look at me I am not fake and I am real. You think I like to get beaten. But I have to fight for my rights to get my land back.*

I don't have anything else besides my land. I was a teacher and then they took my land. We really lost our land. We are not land actors" (PP 101).

In rural areas, compensation and the failure of ELC companies to pay the reparations they initially promised was also a common theme in interviews. In Kampong Chhnang, a participant said that her family has land within the concession area. *"When the Chinese company came they said they would pay the people \$200/ha to get their land. So they had 3ha, total \$600. They have only given \$50 per family. Some people have protested but not gotten anywhere. Our family hasn't protested, he says we won't get anywhere because we are Cham [Khmer Islam], and this is a Chinese company. They are powerful. But I won't work for them because they cheated us" (KC 92).*

In one district in Kampong Chhnang, people that lived in a relatively stable area, and had received land titles, were very concerned during the survey about a new large irrigation project being implemented over five years that included land in their rice field and Chamkar areas. *"We are all worried about what this will mean. The holding area for the water is 1km sq. The canal going to it is 26m; four canals, one on each side. The canals affect 9 communes. We don't know why they do it... some people say it's so we can have rice three times a year, but others say it is for the cassava company. If people want to use the water, they will have to pay for it" (KC 18).*

"I have a Chamkar land that the Chinese company planted crops on already. They surround my small field. I want to plant mangoes but don't dare to go there at the moment because I'm worried about my cattle eating their plants" (KC 21).

In Ratanakiri, several villages received wells and roads as compensation from companies for taking their land. We found that within villages, there was intense disagreement about whether this was an acceptable form of compensation and what the long-term implications would be. In one village, the Village Chief said that this was the best, as there was no way the community would get the land back from the powerful company, and if they received money it would just be spent quickly on perishable products. But others disagreed: *"The Vietnamese company has taken everything, our forest land. I have complained about it, with the other villagers. At first the village chief helped us but then he said we can't protest because the company is too strong. So instead, he organized for the company to give us a school, a road and a well. But I don't want that; I want our land. The government should provide us with schools and roads, not the company. The company shouldn't take our land" (R 73).*

Some participants connected urban development with increased insecurities, such as this woman from Boeung Kak lake, who described what happened to the community after she was evicted: *"Some people divorced, and children couldn't go to school. The standard of living went down. Before we had development [i.e. from the company developing the lake], we could make a living. It wasn't good like other countries, but we could make enough to live. But when the development arrived, we had only tears and pain" (PP 35).*

Positive human security case study 5: Resettlement and a better life

Some resettlement communities in Phnom Penh had much greater levels of hope and security than others. The survey team found that some residents in Tropaing Anchanh village (although not all) had better sanitation conditions, lower reported levels of mental and physical health issues, and greater food security than other resettlement communities. One of the main differences in this area was that residents said they were informed of the upcoming eviction so they could plan for it (including having time to gather important documents and belongings), and most people felt they were given adequate compensation. One resident who had been moved to make way for a railway development project said that the life here was much better than in her previous housing area.

"The land here is 7x12 m². All of the families who live here got paid by ADB, and the payment at the previous time was \$1050; I was happy to get this" (PP 16).

One woman who owns a coffee shop in the village said she agreed to move with the promise to give them a piece of land. She said she didn't care where or which land. The authorities gave a piece of land (4x6m). She was very happy because she now owns the land. She worked with her husband to open a business, selling water and coffee, and now also sells soft drinks. Her husband works in construction in Phnom Penh. *"I made my dream come true. When people do good, people get good" (PP 18).*

People in this area also spoke positively of NGO programs, particularly a program for installing solar lights to improve personal safety at night, and a local church school that gave training in literacy for children from the neighborhood.

The residents there still face challenges. The community is far from businesses, and there is limited transport. Most women surveyed who were employed worked as garment workers and their husbands worked as Moto taxi drivers. They said that their main problem is that the area is far from Phnom Penh, and there is a lack of health services.

Most residents said that they wished there were no evictions in Phnom Penh. However, given the rampant urban development and the likelihood of ongoing evictions, this poses a challenge to make resettlement a chance to increase the human security of those who have to move. Cases where people are consulted and well informed throughout the process and are given compensation reveal communities that they are happy and have good living conditions.



Image 15: Many houses in Phnom Penh's Andong 6 resettlement area were supported by NGOs such as this Korean church organization.

6.9. Security and the roles of NGOs

Non-Governmental Organizations (NGOs) were frequently mentioned by people in all three provinces as being important for their human security. In rural areas, NGOs were instrumental in supporting community groups to advocate for land rights, conducting land rights training, supporting people with land disputes, as well as providing many basic social services. The extent of NGO activity was even more striking in the rural resettlement areas. Many NGOs operate in the resettlement communities in Phnom Penh: In Andong 6, the village chief said that there were 12 NGOs currently operating, and previously in 2013 there were 18 NGOs (PP 7). In Phnom Penh's Andong 6 and Andong 4 resettlement communities, several people said that *"If the NGOs stop helping us, we are finished"* (PP 444); *"We live because of the NGOs"* (PP 82). For example, we spoke with one international NGO from Korea that began operations in the community in 2004, feeds lunches to 350-500 children daily, and assists 2000 families.

In Phnom Penh, people in general placed far more trust in NGOs to solve problems and provide security than in the government. NGOs were doing a lot of basic work of providing food security and shelter to people in informal housing areas. *"If the NGOs weren't here, we would have no food and die"* said one man in Andong 6 (PP 11). Another woman in the same community said her sons and her daughter live nowadays and can survive because of the NGO. *"If the NGO doesn't help the villagers, the villagers are hopeless and my children wouldn't be able to go to school"* (PP 22).

These comments show the positive work that NGOs do in communities. Although, along with this comes a feeling amongst some people of dependence on the NGOs and concern that they may leave. One woman in Ratanakiri voiced the concerns of many participants who were receiving support from NGO programs: *"I'm worried about when the NGO goes away... then the land might be grabbed again"* (R 18).

Some people described how the activities of NGOs were sometimes limited or controlled by authorities. *"The authorities don't want the NGOs to help here, because they are worried that they are from the opposition, that they will turn people to the opposition. So even though there are a lot of NGOs that want to come and help, the authorities don't let them, only some that they want to come. So every day is hard, but there is no one to help. If someone could help, the government and the NGOs I'd be happy"* (PP 5).

While many people spoke positively about the security provided by NGOs, a common theme in interviews in all three provinces was corruption related to NGO activities. The most common complaint was that NGOs worked through the village authorities when they came to implement a program, so that the allocation of resources from the NGO (toilets, chickens, etc) was controlled by the authorities and divided along family or network lines. Villagers complained that the *"NGOs come to the village but they don't come to talk with us, they just go and ask the village chief"* (KC 017).

"When NGOs distribute gifts, they call their networks to come, not the poorest people. When there is a meeting where they are giving out money or something, they call their networks. When it is a normal meeting where they aren't giving out things, then they call everyone" (KC 136).

The distribution of NGO 'gifts' to wealthier households wasn't always seen as completely negative. In Andong 3 in Phnom Penh, people said that the corruption with NGO programs was not as bad, although things were shared amongst wealthy households also: *"When the NGOs come and give things, the authorities do distribute things to everyone, it's better than other places. But the poor get for example 3% and the rich people get 1%. I think this is fair...if the authorities only gave things to the poor, then the rich think why are they getting things when they don't do anything, so if they give a little to the wealthy too, this is better for the village"* (PP 55).

Finally, it is important to recognize that short-term donor funding on studies and projects is not solving problems for people. Our participants told us of numerous donor-paid interviews and programs they have been involved in. While paid researchers and activists come and go, people's lives remain unchanged (PP 301).

6.10. Other sources of security

Listening to the radio: Many people talked about how they gained a sense of security by staying informed through listening to the radio, including critical news programs such as Radio Free Asia. We witnessed this while in a village in Kampong Chhnang during rice transplanting. As the survey team passed fields with groups of people working, some had radios on the edge of the field with the volume turned up loud, tuned to RFA or other news programs. Villagers said this helped them to understand what was going on around the country, so they could be better informed and potentially use this knowledge when they had their own land disputes. However, the security gained by listening to these programs is limited, as one man explained: *"We learn from this, but how can it help us. If we get information, we can't do anything because they will stop us, they don't let us do anything"* (KC 204).

Several villagers in Ratanakiri complained that they listened to the radio (e.g. Voice Of America) but *"I can't understand much of the radio. It's too fast, it's not in my language"* (R 32). We note that recently an indigenous language radio broadcast has started in Ratanakiri in several languages, helping to rectify this problem.

Having Ksae: In the survey, having Ksae (relationships with powerful people, or 'strings') was also seen to be important for security. But many people commented that they were poor and had no ksae, or they had previously had a ksae but the person died or they lost contact (KS 42).

Staying on the land: While being present on the land can provide security, several people described how this could separate families and make other livelihood options unavailable. One widow from Kampong Chhnang described how she had her son stay on the family's land, because: *"I'm scared about losing my land. I have my son stay at the land. Because if someone is there all the time others can't take it. But it's lonely... I'm by myself. And he stays at the land, which is out near the forest. So it's just me here to do all the work at home"* (KC 206).

A woman in Kampong Chhnang who has land in the area planted by the cassava plantation ELC said: *"I only have that land, 5ha, and if it is taken I don't have land to pass to my children. I was so worried; I paid to clear all the land quickly before Chinese company could, because I could see they were going to take it. And I planted fruit trees and vegetables on it. Now my husband and son sleep there to protect it"* (KC 63).



All this development is destroying our lives.

– Indigenous community member discusses the gravity of another type of human suffering in Cambodia

7. Recommendations

7.1 Participants' voices: 'What we want the government to know about human security'



Image 16: Survey participants in Phnom Penh describe their thoughts on human security.

At the conclusion of the survey, people were asked what they wanted to say to the government about improving human security. Responses were audio recorded and later transcribed in full.

One of the main themes people brought out is the way various dimensions of human security are interlinked, and people recognized that land insecurity can have implications for many other areas of insecurity in daily life:

"I want the authorities to help solve the problems in the area. We have the land problem, but that has caused many other problems. Because when we don't have somewhere to live, we live in a place like this, and then there are problems with the security, with gangsters, with health. But the authorities don't help, even when we ask for help. Some NGOs come and help give out rice. I want a compensation that is a fair amount. They offered \$800 per family, but we've only received some of this, \$400 or so, and some more and some less" (PP 7).

People in urban resettlement areas spoke of the need for access to sanitation, documentation, and help in reducing crime:

"Every day is hard... I'm worried about the young people in this area (kmeng stiv). There is no security here. I want the authorities to help control the gangsters. They know about it but don't do anything to help" (PP 1).

"I lack clean water. That is the biggest problem here. I want a proper toilet, proper water, and proper documentation" (PP 36).

In communities where people were still waiting on housing after being displaced, most people's requests to the government were very simple:

"I just want somewhere to live" (PP 55).

"I want a real place with my name on the title. I heard that the place they are giving us is very small, just 3x3m. But that is where we have to go, we have no choice" (PP 44).

"I want the government to help find us work to do. I want the company to help pay compensation too. Even if it's small or big I'll take it, but when they offer us nothing what can we do" (PP 18)?

Others in both Phnom Penh and rural areas talked about feeling abandoned by the government, and wanted more access to basic services:

"I want the authorities to remember about us people who live in the forest... they forget about us. I want them to remember that we need schools, health center, and roads" (PP 18).

"We do have problems with corruption. If it were up to me, I would call a meeting with all the villagers, and ask everyone what we can do to solve it, make this about the community working together" (PP 5).

"I want a title. I don't have a hard title. And I want the authorities to look after us. No one helps us... if we have enough rice to eat, then we eat. If we don't have enough rice to eat, we don't eat. No one helps us" (PP 11).

Others said that they couldn't leave their problems to others to solve; rather, they strived

to build a strong community to solve their own problems:

"To solve the problem, the community is important; we have to build a strong community. The biggest problem is problems of human rights and justice are worse than before, problem of not having anywhere to turn to solve the problems" (KC 014).

"I think that in order to solve the problem we have to meet all together, and have training for the people so we know clearly what is going on and we have the confidence to talk about the problems" (PP 21).

Several farmers discussed ideas for alternatives to ELCs; as one farmer said, *"I don't think Cambodia needs these big foreign plantations. Just small development is good"* (KC 65). One idea put forward by farmers was to utilize the Small ELC policy released during the Directive 001 to allow farmers to rent land long-term for forestry or agriculture: *"I would rent the land, for just as much as the company. Then we could plant on it, or let the forest re-grow for a few years and then harvest it. That would be better for the community and for the government"* (KC 82).

A desire for different relationships between villagers and authorities was also a common theme, with some participants requesting that authorities listen to their problems and open up more lines of communication:

"We do have meetings every month here with the village chief, but it is meaningless, because if we talk of problems, he doesn't do anything to fix them. I want to have meetings every couple of weeks, one with the village and commune authorities" (R 4).

7.2 Toward a human security-centered land sector

Recommendations from roundtable discussions in three provinces

These recommendations come directly from our research with over 400 people, and from roundtable discussions held in Kampong Chhnang, Ratanakiri, and Phnom Penh, involving government officials (at local, provincial and national levels), NGOs, people affected by land issues, scholars and international donors and ambassadors.

Overall Recommendations:

- ❖ Cambodia's rapid economic growth encouraged by the government, international donors and private investors is associated with commercial pressures on land and natural resource extraction, in a context where there are few safety nets for marginalized people and economic inequality is steadily rising. To eliminate land issues in Cambodia, approaches to land use and ownership should focus more on people's livelihoods and less on investment and politics.

- ❖ Based on interviews, marginalized people and groups may find conflict to be a viable option because there are no peaceful alternatives for resolving grievances. The perceived injustices and violation of fundamental rights of Cambodian citizens must be addressed. Violent conflict with more powerful players will not be in the citizens' benefit generally; they must find ways to unite together and with larger players, if possible, such as community groups or international organizations or local NGO's that represent land rights.
- ❖ Our findings match those in other developing countries and reveal that "reforms" often in the form of new laws, land titles, and other juridical mechanisms regularly serve to further marginalize already land insecure people by privileging those with material assets and political connections. Understanding this trend is the most important part of reversing it and the social mistrust it engenders. Law makers and citizens alike must strive for practices of social cohesion, inclusion, and care that respect both the spirit and the letter of land laws.
- ❖ To solve land disputes, the government must not only strengthen its effectiveness, its governance activities and the rule of law, but also must share the same vision as its citizens. Toward this vision, the government must be accountable, allow its citizens to have a voice in its creation, and engage with the community in decision making processes. The people must feel trust that the judiciary is impartial and unbiased. People' rights to fair compensation to land victims and transparency land acquisition must be upheld.
- ❖ After spending time listening, interviewing, and conducting roundtable discussions, there is definitely a lack of social cohesion and mistrust among all stakeholders - mainly between the authority and the land victims- when it comes to solving land conflicts in Cambodia. Furthermore if the government intends to push through reforms, these reforms should be designed to improve the living standards of the people through land ownership. It should not be aimed at harming the marginalized people as found in this study by creating a system that will only benefit the privileged ones. In many of our interviews, we found that the situation consistently tipped in favor of those who had money, political connections, or key positions in the local government or police/armed forces. This usually meant that family members with better connections or more assets also had an unfair advantage in either pressuring away or simply winning legal cases involving land disputes. Currently there seems to be a tangled web around land policy and ownership, which too often leads the most insecure left out.
- ❖ Land documentation will only provide full tenure security if the judiciary is perceived to be accessible and fair. Laws should be respected and revised to ensure they are in the interests of people with no contradictions between legal directives.
- ❖ These recommendations require a moral basis to the actions of everyone involved; shifting from a short-term, individual outlook, to a long-term view for what is best for Cambodia's communities and environment.

Recommendations for the Cambodian government: Moving toward Human Security-Centered Land Policy for Urban Resettlement

Before a new development project is undertaken, a thorough, public investigation needs to determine how the human security of community members will be affected. This should be in consultation with communities. Social and environmental impacts for the development area and surrounding communities should be thoroughly assessed by an independent body. If there are more negative than positive impacts, the development should not be undertaken.

Urban zoning needs to be clear and publicly available, with zones for housing, agriculture, industry and public lands and long-term planning for population growth.

In cases where resettlement is deemed to be the best or only option for people following investigation and consultation with communities:

Resettlement areas should have better human security than the area people are moving from. This should include a land title, a house, schools and health centers, roads and infrastructure, suitable land for agriculture, security and lighting at night for safety, and all public services including clean water, electricity, and cellular services.

Support for resettlement communities needs to be broad-based and long-term. This includes compensation that is adequate for supporting a good livelihood, and also financial and social support until people are able to find suitable work, including agricultural extension and marketing support and employment opportunities in the resettlement area. Support should be given long term both by the government at local and national level, and also by NGOs, with all sectors working in coordination.

Compensation needs to be adequate, given prior to resettlement, and transparent. Sometimes the people who most need help are excluded because the benefits are given to those with networks and money. The money should be given to individuals and not officials. There should be a plan for a public bus route or other reasonable transportation options so that these people do not have to lose their jobs because of the relocation.

Local authorities have a key role in working closely with communities to maintain open communication and support, and assisting resettled people by helping with documentation and resources for accessing jobs, schooling, services, and support networks. Local authorities should receive thorough, ongoing training, and the information and financial resources necessary to understand and carry out their roles.

Recommendations for the Cambodian government: moving toward Human Security-Centered Land Policy for rural areas

The key role of smallholder agriculture can be enhanced by policies for improved livelihood security; the government should provide ongoing training and extension services to people, especially in agriculture and health, and assist in finding

markets and adequate prices for smallholder produce. Access to free health and quality education would reduce distress land sales.

Land titles should be given to all land owners, focusing on smallholders, with thorough consultation, correct procedure and in a timely manner.

Investigate clearly the land boundaries of people affected by land disputes and work with communities to prepare a land use plan detailing clearly what each area of land is used for.

Local authorities have a key role in mediating rural disputes. Government should ensure that local authorities have adequate information about ELCs and investments to communicate with community members, and have the training and resources necessary to carry out their role. For large disputes, local authorities and people affected can work together to write a document explaining the problems, and give this to relevant government departments and NGOs.

Communities with strong networks and knowledge of resource issues and rights are better able to hold authorities and companies accountable, and can work together with authorities to manage resources. Authorities can protect people's rights to information by holding regular community meetings and encouraging the formation of community networks.

Recommendations for the private sector: moving toward Human Security-Centered Land Investment

Investigate all the impacts of the proposed development project, not just within the development area but also within the watershed and broader region. The investigation should be undertaken by an independent party in consultation with community members and authorities. Analyze whether the investment is really worth it, based on the potential benefits and negative impacts of the people and the company. The results of the investigation need to be respected and implemented.

Connect with people and local authorities first before beginning development to ensure that people clearly understand the plans and to form relationships. Post notices and hold meetings with communities, including publicly posting the contract and map of the ELC boundaries.

Development should be in accordance with national and international law, and respecting local communities.

Make sure adequate compensation is given. If people lose their land, they should receive enough to pursue other livelihoods.

The development should provide dignified jobs to the local people wherever possible. The wages should be enough to provide a livelihood to the people. Labor standards need to be upheld by companies in accordance with national and international regulations.

Agricultural companies need to continually monitor impacts, including social and environmental impacts that go beyond the ELC borders. The company needs to ensure that people's water supply is not affected, and that people's livelihoods, cultural practices and farming systems are not put at risk through forest loss.

Recommendations for NGOs and donors: Moving toward human security-centered assistance in the land sector

Donors have social responsibility for the communities where their investment money is spent. Assess the country's overall aid and investments in Cambodia, to ensure these are not promoting land grabbing by funding or indirectly encouraging unscrupulous investments.

Donors have a duty (duty bearer) and social responsibility to speak up and act against land grabbing by assisting land victims (individuals and communities) through proper legal processes instead of trying to protect their relationship with the government.

Recognize that technical approaches to land tenure security are not enough. Human security requires both legal empowerment and community empowerment.

NGOs can play a key role in mediating relationships with authorities, companies and communities to help authorities and villagers work together to solve problems in the long term, by encouraging long-term relationships of accountability, helping communities contact private companies and officials, and smoothing relationships.

NGOs can mitigate the loss of community for resettled people. NGOs can help to re-establish community connections and work with local authorities to welcome newcomers into communities, and organize employment opportunities and livelihood support.

Through long-term, consistent support, NGOs have a role in education and community organization so people have courage and knowledge to claim their rights. When NGOs change direction due to funding or staffing changes, or become competitive with other NGOs, this confuses people and loses their trust.

Recommendations for Cambodian people: How can we help to ensure our own human security?

Community cooperation can help solve problems. Work to establish strong community networks with good leaders before there is a problem, so you are better able to tackle it together.

Long-term human security may be improved by prioritizing children's education and improving our own knowledge by listening to radio discussions and networking with others.

Before you have a problem, gather documentation, and take photos of your land, including planted areas, houses and boundaries. This can be useful if your land is encroached.

When you have a problem, gather all documentation possible, properly witnessed and signed, including neighbors testifying and documentation of land history and use. Even if you do not have a hard land title, you can still have legal rights to the land based on your land occupation.

Learn about and make use of multiple avenues for dispute resolution, including first the local authorities and specific authorities involved, and local and international NGOs. You can go to meet the company directly, with other people from the community, NGO supporters and/or authorities.

Work to build better links with authorities, by requesting that authorities meet regularly with your community and share information.

Always be aware of how development benefits are shared in the community.

Don't give up; the people have to keep trying and keep working together.

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HUMAN SECURITY INDICATORS

Our survey on human security and land rights (with a focus on gendered insecurity) is influenced by research from Cambodia and around the world, including the followings:

Adelman, S. (2012) Resettlement and gender dimensions of land rights in post-conflict Uganda. *Land and Poverty*.

Kes, A. ed. (2011) Gender, land and asset survey: Uganda. Anonymous ICRW

Learning, J. & Arie, S. eds. (2000) Human security; A framework for assessment in conflict and transition. Anonymous Tulane University, CERTI

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Appendix 1: Brief Profile of the Cambodian Institute for Cooperation and Peace

The Cambodian Institute for Cooperation and Peace (CICP) is an independent, neutral, and non-partisan research institute based in Phnom Penh, Cambodia. Since its formation in 1994 as an independent, non-governmental organization in Phnom-Penh, CICP has been conducting research, organizing forums, and developing strategies in regional integration and economic development. CICP's mission is take part in the building of Cambodia and the region through strategic thinking.

The Cambodian Institute for Cooperation and Peace aspires to become a leading academic institution and think-tank in Cambodia. CICP is dedicated to the study and dissemination of information about political, economic, and social trends in Cambodia and the region of Southeast Asia as a whole.

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