

Land Watch Country Monitoring Report 2018

Commitment 8–Transparent and Access to Information (Co-TRAIN)

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Analyzing Development Issues Centre (ADIC)

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EXECUTIVE SUMMARY

To include Background, Research objectives, Research methods and sources, Key findings (by thematic and briefly) and Conclusion and recommendations.

I. INTRODUCTION

Cambodia has a long history of traditional practice on land and natural resources management. But there has been change due to emerging demands for policies and human needs. A decade and a half ago, the Land Law and necessary regulations were adopted and enforced nationwide.

However, land and natural resources management customary practice among non-Indigenous groups still exist in Cambodia and are still widely accepted among Cambodian people.

The legal bidding related to land was functionally started in 2001 when the Land Law had been formally approved and enforcement. The Land Law also stated the type of lands and how to register of land titling—Sporadic Land Registration, Systematic Land Title, Social Land Concession and Communal Land Title (ADIC, 2015). For Economic Land Concessions (ELCs) had also been included and guided the procedures of its grant; and in to improve and ensure the practicing of ELCs, the government also issued sub-degree on Economic Land Concession in 2005 by stating that the purpose of ELCs, which it is mainly, was for agro-industrial development and improve local communities livelihood as well as provide some contribution to economic growth and the sub-degree was also provided some concrete information and criteria in order to apply for ELCs.

1.1. RESEARCH OBJECTIVES

For 2018, the following 3 major activities will be implemented under this project:

1. Initiate CSO engagement with National Statistical Offices (NSO) in the framework of the SDGs;
2. Undertake LWA Country Monitoring on access to land and tenurial security in support of policy work; and
3. Convene and facilitate the work of the CBI #8 Working Group.

1.2. METHODOLOGY, SOURCES AND LIMITATIONS

It was secondary data based for this reporting, which was being recorded from a variety of stakeholders from both public and NGOs sectors; where the author (s) had been using related articles, reports and studies done previously related to land in Cambodia in order to come up this report. Practically, it has been input some specific case studies, finding, articles and reports for some argument and further explanation. In additionally, some case studies are being quoted and put the right places for further emphasis the importance, and its contribution of this reporting to see some updated matters related to land disputes, proposed solutions and new initiatives either by government and/or non-state actors. Not all areas of the country and all cases could be covered, especially in regard to the conflict situation.

Since the study is from secondary data, it would not be able to generate the most up-to-date some data and it would be depended on existing data availability. Furthermore, availability of data would be not also challenged as data-sharing not been applied publicly among public entities in Cambodia.

2. OVERVIEW OF ISSUES OF LAND RIGHTS AND LAND ACCESS IN CAMBODIA

Adopted Policies and Legal Framework by the Ministry of Land Management, Urban Planning (as its annual report in 2016 and in 2017).

In 2017	In 2016
<p>There was a total of 237,143 land titles to be issued and delivered to people a total of 209,679 land titles.</p> <ul style="list-style-type: none"> - Sub-Land Administration Sector Program: defined a total of 238 villages, entered into database a total of 287,077 land lots and issued a total of 229,578 titles and delivered to people a total of 202,114 titles. - Through Directive 001: to deliver a total of 4,493 titles. - Sporadic Land Registration: a total of 3,012 titles including a total of 700 titles under stat-land. - Communal Land Titling: a total of 60 titles from 5 communities. <p>Overall result from the first implementation until at the end of 2017, the MLMUPC already issued a total of 4,881,582 land titles and delivered to people a total of 4,647,886 titles (equal of 66.7% of total land lots about 7 million land lots).</p> <ul style="list-style-type: none"> - Systematic Land Title Registration: 3,626,158 titles. - Directive 001: 641,623 titles. - Sporadic Land Registration: 613,282 titles. <p>Land Disputes Resolutions</p> <p>By Land Administration</p> <ul style="list-style-type: none"> - Succeeded a total of 85 cases (covered a total of 326 households in 44.5 hectares). - Declined after investigating—out of its jurisdiction with a total of 37 cases. - Withdrawal a total of 11 cases. - On progressing a total of 731 cases. <p>By MLMUPC's Team</p>	<p>There was a total of 316,081 land titles to be achieved in the year of 2016.</p> <ul style="list-style-type: none"> - Sub-Land Administration Sector Program: defined in 150 villages, entered data a total of 251,524 titles and delivered to people a total of 295,271 titles. - Directive 001: achieved a total of 18,020 titles. - State-owned registration—a total of 116 lands. <p>Since beginning until at the end of 2016 to issue a total of 4,451,817 lots (equal of 63.6%) of total 7 million lots.</p> <ul style="list-style-type: none"> - Systematic Land Title Registration: 3,202,958 titles. - Directive 001: 637,130 titles. - Sporadic Land Registration: 610,470 titles <p>Disputes Resolutions</p> <p>By Land Administration</p> <ul style="list-style-type: none"> - Succeeded a total of 235 cases (covered a total of 1,271 households in 145.4 hectares). - Declined after investigating—out of its jurisdiction with a total of 132 cases. - Withdrawal a total of 80 cases. <p>By MLMUPC's Team</p> <ul style="list-style-type: none"> - Accepting complaints, a total of 757 cases. - Succeeded in a total of 115 cases (ended a total of 44 cases, another 71 cases responded and transferred).

<ul style="list-style-type: none"> - Accepting complaints, a total of 511 cases. - Succeeded in a total of 123 cases (ended a total of 25 cases, another 98 cases responded and transferred). 	
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3. OVERVIEW OF THE LEGAL AND POLICY ENVIRONMENT ON ACCESS TO LAND

Adopted Policies and Legal Framework by the Ministry of Land Management, Urban Planning and Construction for last two years as in 2017; couple regulations have been adopted including Law on Land Management and Urban Planning and Prakas on Land Development. While in 2016, number of regulations have been adopted.

- Sub-Degree on Measurement Management, Mapping, and Measurement Fee
- Sub-Degree on Revising of Article 9 and 13 of Sub-Degree No. 48 ANKr.BK dated on May 31, 2002 on Sporadic Land Registration
- Sub-Degree on Revising of Article 6, 7 and 11 of Sub-Degree No. 46 ANKr.BK dated on procedure of producing titling and Land Master Manual.
- Sub-Degree on Revising of Article 21, 22 and 23 of Sub-Degree No. 19 ANKr.BK date on March 29, 2003 on Social Land Concession.
- Inter-Ministerial Prakas on Revising of Prakar 9 of Inter-Ministerial Prakas No. 215 BrK/LMUPC.MPh dated on September 9, 2005 on Roles and Responsibilities of Commune/Sangkat Administration on Land Registration.
- Guideline on Implementation of Land Registration Procedure of Communal Land Titling Inclusion or How to exclude from CLT (Legal Entity).

Land Law—this law has the objective to determine the regime of ownership for immovable properties in the Kingdom of Cambodia for guaranteeing the rights of ownership rights related to immovable property, according to the provisions of the 1993 Constitution of the Kingdom of Cambodia (RGC, 2001). Some articles in Land Law 2001 also regulate the practice of ELCs to guarantee the proper grant of land concession. For example, article 59 of this land law regulates the size of ELC not exceeding 10,000 hectares. Furthermore, article 62 required the concessionaries to develop their economic activities on ELC land within 12 months after granting otherwise it will be cancelled (ADIC, 2015). Article 30 stated that any person who, for no less than five years prior to the promulgation of this law, enjoyed peaceful, uncontested possession of immovable property that can lawfully be privately possessed, has the right to request a definitive title of ownership.

Furthermore, Article 33 also stated if the immovable property is taken violently or by abuse of power of the authorities, the property shall revert to the State and it cannot be the subject of any new possession if there is no claim from the lawful possessor of the immovable property of which he was dispossessed. The claim is barred at the end of three years from the date of

proclamation of dispossession by the State. However, following the report by ADHOC in 2011, up to 81 communities had been convicted from their settlement in Phnom Penh alone even in cases of many of them had certificated issued by local authorities and resided at the specific locations more two decades peacefully without warning and notification from authorities, where Land Law also stated clearly that such cases would be automatically able to claim official entitlement, but it was repeatedly ignored and rejected by authorities and eventually forced to leave their locations with insufficient compensation and mutual agreement. Furthermore, it occasionally happened at country sides, where local people had been forcedly convicted without compensation. Beyond that, juridical system also was considered to be unfair treatment and biased to authorities and investors rather than local communities, since many cases had been showed that local people had been subjected of arresting and denied of bail without releasable arguments (ADHOC, 2013).

The Sub-Decree 83 on Communal Land Titling—it had argued that the CLT process was complicated and very time consuming for local IPs (AUSAID, 2016). In addition; internal struggles had existed within the CLT community, which had led to social fragmentation and tension. There has also been duplication and overlap in land granted to both ELCs and communities due to the lack of proper cadastral mapping prior to the launch of D-01. In some cases where CLT has already been granted, communities remain under threat from in-migration and companies that hold ELCs. These threats are more severe for IP areas where registration is still on going and where land titles have not been formally issued yet. As mentioned above, new opportunities for private land ownership were thought to have opened through D-01; thus, the CLT process in some villages has been halted or abandoned (ADIC, 2015). Another example related to the Low Se San II Dam (LSS2), where more than 5,000 people, most of whom are Indigenous, will be forcibly resettled if the project proceeds (Kem, 2015).

Economic Land Concession (ELCs)—it was referred to Sub-Degree on Economic Land Concession No. 146 ANK/BK, where its objectives were to determine the criteria, procedures, mechanisms and institutional arrangements for initiating and granting new economic land concessions; for monitoring the performance of all economic land concession contracts; and for reviewing economic land concessions entered into prior to the effective date of this sub decree for compliance with the Land Law of 2001. Article 4 of the sub-degree of ELC had highlighted some criteria and conditions of granting ELCs including (i) the land registered and classified as state private land in accordance with the Sub-Decree on State Land Management and the Sub-Decree on Procedures for Establishing Cadastral Maps and Land Register or the Sub-Decree on Sporadic Registration; (ii) a land-use plan for the land adopted by Sub-National Level Land Management Committee and the Land Use is consistent with the plan; (iii) Environmental and Social Impact Assessments completed with respect to the land use and development plan for ELCs projects; (iv) Land that has solutions for Resettlement Issues in accordance with the existing legal framework and procedure. The Contracting Authority shall ensure that there will not be involuntary resettlement by lawful land holders and that access to private land shall be

respected; and (v) land for which there have been public consultations, with regard to ELCs projects or proposals, with territorial authorities and residents of the locality (RGC, 2005).

As an example, the case of ELCs in Sre Chhouk Commune, Keo Seima District of Monduliri Province had been found that the basic criteria and procedures not be aligned included the land is not be categorized as private state land, no environmental and social impact assessment had been conducted, no public consultation to be held with both local authorities and affected local people, but the investor had taken action without prior informing and agreeing with local people (NGO Forum on Cambodia, et al., 2015). It was completely contrast what stated by the Land Law and Sub-degree of ELCs and communication by both sides had not been gone smoothly and well due to individual interests and some bias from local authorities and misinterpreting related legal bidding or not full implied from those parties (NGO Forum on Cambodia, et al., 2015).

Social Land Concessions (SLCs)—the law on Social Land Concession was adopted through the government’s sub-decree No. 19 ANK/BK, March 19, 2003. “Social land concession is a legal mechanism to transfer private state land for social purposes to the poor who lack land for residential and/or family farming purposes”. This sub-decree has the objective to define the criteria, procedures, and mechanism for the granting of social land concessions for residential use and/or family farming. Based on the article 3 of the law on Social Land Concession stipulates that: the Social land Concessions may be granted for the following purposes: provide land for residential purposes to poor homeless families; provide land to poor families for family farming; provide land to resettle families who have been displaced resulting from public infrastructure development; provide land to the families suffering from natural disaster; provide land to repatriated families; provide land to demobilized soldiers and families of soldiers who were disabled or died in the line of duty; facilitate economic development; facilitate economic land concessions by providing land to workers of large plantations (chamkar) for residential purposes or family farming; and develop areas that have not been appropriately developed (ADIC, 2015a).

SLC was promoted through the donor support project called, ‘Land Allocation for Social and Economic Development (LASED)’, which started its five year project from 2008 to 2013. The project received fund support from World Bank (11.5 Million USD) and the Government of Germany (1.2 Million USD) with technical assistance from GIZ—the main purpose of this project was to provide land to landless. The quantitative aim was to allocate 10,000 hectares of land to 3,000 poor households, accompanied by community development as well as livelihood and agricultural support services in the provinces of Kratie, Kampong Cham, and Kampong Thom Provinces. LICADHO research on LASED and SLC in the four provinces show that LASED failed to improve the livelihoods of the residents on SLC and the tenure security on those land (LICADHO, 2015).

4. STATUS OF ACCESS TO LAND BY THE RURAL POOR SECTORS

4.1. SUPPORT FOR SMALL-SCALE FARMERS AND RURAL PRODUCERS

Adopted Policies and Legal Framework by the Ministry of Land Management, Urban Planning (as its annual report in 2016 and in 2017).

In 2017	In 2016
<p>Social Land Concession to Veteran and their families.</p> <ul style="list-style-type: none"> - Conducted the visits to a total of 32 families and introduced new procedures to receive the social lands concession. - Scanned, verified and listed of veterans a total of 10,139 families in all 17 steps. - Already sent the list of veterans and families for social land concession a total of 13,347 families to the provincial committee for further implementation. - To monitor and update reserved lands for further social land concession allocation—reserved lands for veterans a total of 14,101.75 hectares; of 8,526.19 hectares already legalized; and invaded lands a total of 15,454.7 hectares, where a total of 6,354.65 hectares already legalized. <p>Social Land Concession for General Poor Households.</p> <ul style="list-style-type: none"> - Conducted orientation on procedures for applying for social land concession. - Visited and finished resolution for social land concession to 7 families of 253 families in Kampong Thom. - To deliver a total of 173 families of social land concession in Mondulkiri province. - To conduct visit to social land concession site in Kratie province per requested by a total of 482 families. 	<p>Social Land Concession to Veteran and their families.</p> <ul style="list-style-type: none"> - Conducted the coordination and solve agricultural land for 2 families received social land concession with a total 23 lots equal of 23 hectares illegally invaded. - Revised a veteran list of 23 families and provided instruction the conditions and criteria to get houses and agricultural land. - Conducted monitoring in social land concession site in Ratanakiri—a total of 151 families. - Updated list and information of veteran with a total of 303 families in Koh Kong. - Finalized relevant documents and land lots to distribute to a total of 113 families in Stung Treng. - To conduct visit the social land concession site in Kratie—a total of 118 families covered a total of 61.64 hectares <p>Social Land Concession for General Poor Households.</p> <ul style="list-style-type: none"> - To conduct primarily visit and assessment on the request for social land concession in Kratie—a total of 504 families covered a total of 5,200 hectares. - Prepared and verified the beneficiaries list for a total of 998 families in Kratie <p>Land Allocation for Social and Economic Development, Phase 2 (LASED II)</p> <ul style="list-style-type: none"> - Prepared and entered relevant

<p>Land Allocation for Social and Economic Development, Phase 2 (LASED II)</p> <ul style="list-style-type: none"> - Verified and collected contract from beneficiaries a total of 775 copies from Kampong Thom and a total of 843 copies from Kampong Chhnang. - Conducted systematic land title registration to social land concession beneficiaries a total of 476 families and a total of 884 families in Kratie. - Conducted quarterly monitoring in all 13 sites under social land concession to check its progressing covered a total of 2,213 families. - Delivered a total of 78,470 kg of rice (as labour compensation) to a total of 857 families donated from LWD and GIZ/ILF. 	<p>information of LASED's beneficiaries with a total of 150 families out of 400 families in Kratie.</p> <ul style="list-style-type: none"> - Public announcement of systematic land title registration to social land concession with a total of 885 families in Kratie covered a total of 3,906 hectares (equal 2,000 lots) and on the way of measuring and issuing land titles—1,186 lots out of 1,510 lots. - Updating and collecting information and data plus updating map and how to use the land to beneficiaries in Kratie—interviewed a total of 32 families out of 400 families. Another site in Kratie to collect and update information a total of 101 families out of 296 families—101 lots. - Conducted an interview with beneficiaries in Kampong Chhnang—a total of 585 families and in Kampong Speu with a total of 321 families out of 424 families.
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4.2. SECURE LAND RIGHTS FOR INDIGENOUS PEOPLES

The Sub-Decree 83 on Communal Land Titling—in the context of Indigenous Peoples (IPs), the RGC had adopted in June 09, 2009 on “Procedures of Registration of Land of Indigenous Communities”, to support the rights and culture of IPs where its objectives were to provide Indigenous communities with legal rights over land tenure, to ensure land tenure security, and to protect collective ownership by preserving the identity, culture, good custom and tradition of each Indigenous community (RGC, 2009). Within this law and sub-degree, the Communal Land Titling (CLT) process had been adopted specifically for the registration of land within the IP areas. However, CLT did not apply to all IPs in Cambodia; it has been noted that some IPs communities have also attained private land registration, like mainstream Khmers. Furthermore, the CLT was a voluntarily process, where the communal identity must be agreed to by all people in the community. As result, 13 Indigenous communities had been successfully granted communal land titles by the government under the communal land identity provisions, while many more villages were in the application process and some. However, they abandoned CLT during the D-01 campaign, where new opportunities for land tenure, acquisition and titling as private individuals were perceived to be simpler than the CLT process (ADIC, 2015).

In 2017, Communal Land Titling (CLT) were issued a total of 60 titles from 5 IP communities covered a total of 15 communities (equal of 519 titles from a total of 16,271 hectares covered a

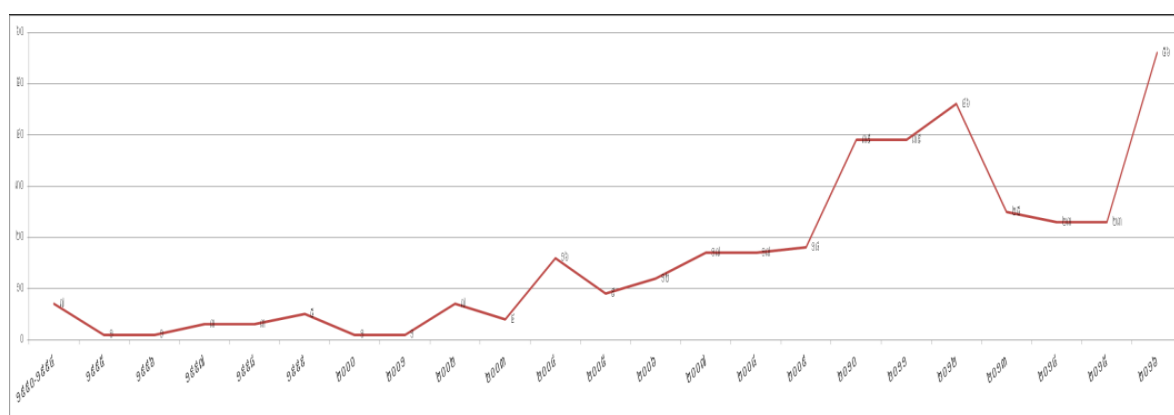
total of 1,784 households). As 2016, CLT was issued a total of 60 tiles from 3 IP communities covered a total of 14 communities with a total of 459 titles; which there was a total of 1,235,779 hectares with a total of 1,478 families.

5. RESOLUTION OF CONFLICTS AND PROTECTION OF LAND RIGHTS WORKERS

5.1. LAND CONFLICT OCCURRENCE

The evolution of land dispute and its solution have been changes from year to year since this last 10 years. In 2008, it was the highest increase of land dispute while that time the price of land became highest. In the following years, the number of land disputes fell slightly. Then, in 2010 to 2011, the land dispute became increasing again but from 2013 to 2015 the land dispute decreased compared to 2012. However, in 2016, the new land dispute began increasing more than the other years.¹

Figure: The cases of land conflict by years²



The information from CCHR about 223 land disputes and the number of people affected in the last 4 years since 2007 reported that 47,342 families having been affected or could be affected by the cases covered. Additional 768,862 have been or may be affected by these cases. The largest land conflict in Cambodia in terms of people potentially in the Prey Lang area about 700,000 predominantly Indigenous people. Phnom Penh was the highest number of land conflict with 10% of total land conflicts. This was followed by Banteay Meanchey and Ratanakiri that both provinces were the scene of 8%, Battambang and Preah Sihanouk was each the scene of 6%.³

Cambodia's Ministry of Land Management, Urban Planning and Construction said in response to the report that it had received only 6,556 complaints on land disputes from 2002 to 2014, and

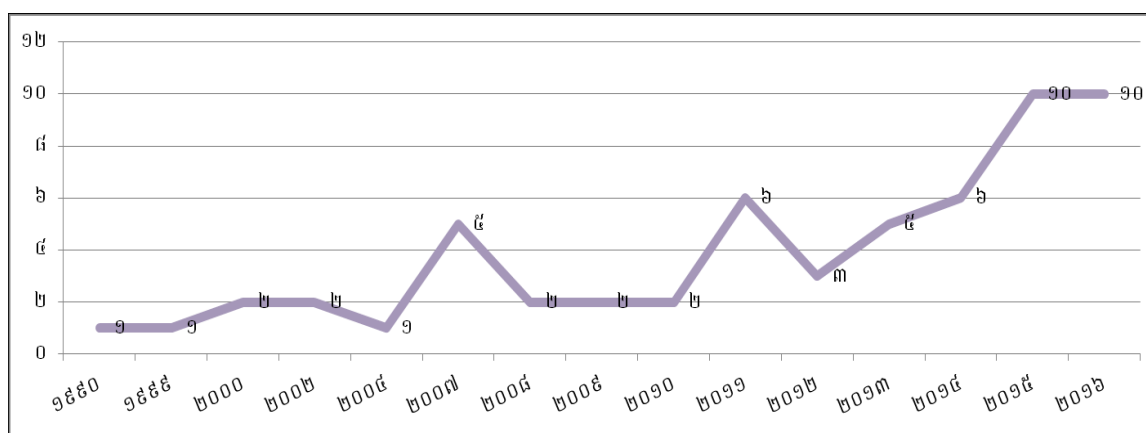
¹ Statistical Analysis of Land Disputes in Cambodia, (2016), The NGO Forum on Cambodia, Research Advocacy and Communication Center (RACC)

² Statistical Analysis of Land Disputes in Cambodia, (2016), et all.

³ http://www.sithi.org/temp.php?url=land_case/land_case_new.php&lg

that the number of complaints went down to 990 in 2013 and dropped further to 750 in 2014.⁴ The data from NGO forum also reported the number of conflicts continued to rise peaking in 2012 with 36 cases, and then decreased until 2014, with 23 cases. By 2014, the total number of land disputes was 352 with 68 cases being resolved, 14 cases abandoned and 270 cases or 77% unresolved.⁵ There were 15 unreported land dispute cases which occurred preceding 2015, 285 land dispute cases were pending or not fully resolved of 308 land disputes in total⁶. At the end of 2015, there were 56 new land disputes across the country last year, adding to existing unresolved case, closest to 2016's bumper year for new disputes was 2012, when 46 new disputes were registered.⁷ 382 cases of land dispute of the country in 2016 were followed up, among that number 58 cases have been completely solved, 3 cases were abandoned, 5 cases were silent, 165 cases were partly solved, 106 cases were in the process of solving, and other 45 cases have not yet any taken to action. The 58 cases were happened differently, some cases happened since 2000 until 2016.

Figure: Land Dispute Solved by Years⁸



Some land dispute cases have been on-going for several years, and this has compromised the living conditions and livelihoods of the affected people. The residential land is the most common type of land the subject of disputes with 791,035.9 ha, followed by multipurpose land with 123,281 ha. Investment project 97 ELCs caused land disputes in 18 provinces, with companies using their position of power to take the land in 42 cases, threats were made in 30 cases, in 22 cases authorities were involved, and in 20 cases people were detained. Approximately 17.8 percent or 51 cases of the 285 on-going cases were reported to have affected Indigenous people in nine provinces. 39 of the cases affecting 6897 HHs of Indigenous people were caused by

⁴ Prashanth Parameswaran, 2015, A persistent problem for Cambodia may be getting a lot worse, Cambodian Land Conflicts Surge

⁵ Statistical Analysis of Land Disputes in Cambodia, 2015, The NGO Forum on Cambodia, P.10

⁶ Statistical Analysis of Land Disputes in Cambodia, (2015), et all.

⁷ Soth Koemsoeun | Publication date 07 July 2017 | 08:32 ICT, Land Conflict Increase Report, Phnom Penh Post

⁸ Statistical Analysis of Land Disputes in Cambodia, (2016), et all.

ELCs. Ratanakiri province has the highest number of disputes affecting Indigenous people, with 23 cases or 2405 HHs. Of those 23 cases, there are 15 cases caused by ELCs, 5 cases disputing on state land, 2 cases caused by private companies and 1 case dispute on forest community land caused by private company. Mondulakiri province had the next highest number of disputes affecting Indigenous people, with 13 cases or 4297HHs, 10 cases were caused by ELCs, and 3 other case disputes involved social land concessions and plantation land.⁹

Table: Type of Land Affect by Land Dispute¹⁰

Type of Land	#LD	Land Size (ha)	Percentage
Agriculture Land	113	55,023.4	6
State Land (including community forest)	55	24,546.3	2
Multi-Purpose Land	72	123,281.0	12
Residential Land	61	791,035.9	79
Others	3	325.0	0
Unknown	4	806.0	0
Total	308	995,017.6	100

In 2016, 314 cases of land conflict cover on 1,052,935.91 ha were not completely solve and waiting for the solution. 35 cases have no information about its size. The conflict effect to different type of lands such as 149 cases effect to the farm land, 108 cases on housing land, 98 cases on rainy rice farming, 47 cases on community forest, 45 cases on forest land, 15 cases on dried rice farm, every 5 cases on flooding land, 3 cases on lake land, rail road, irrigation, spirit forest, every one case island, cliff, pond stream, canal, forest in ELCs area, school, village hall, fishing lots. The conflict effected mainly on the residential land, 7,076.20 ha with 645 families. The smallest effect was the school land, 0.18ha between the people 2,123 families and the teachers.¹¹

Since 2016-2018, the number and dispute, especially, the chronic land issue have been solved. The ministry of Land Management, Urban Planning, and Construction (LMUPC) reported that it has successfully solved 3,655 cases for 19,374 families, equalling 6068.2 hectares. From April 2016 until the end of 2017, the ministry received 1,268 complaints, solving 69 and transferring 169 to the proper authority. It found 2,542 cases had been wrongly authorized and withdrew another 829 complaints. The ministry's working group on land dispute resolution in 2017 received 511 complaints, 123 of which were resolved (25 cases were completely solved while 98 cases were transferred. The cadastral survey commission solved 85 land dispute cases (37 cases wrongly authorized and withdrew another 11 complaints) for 326 families, which amounted to

⁹ Statistical Analysis of Land Disputes in Cambodia, (2015), et all.

¹⁰ Statistical Analysis of Land Disputes in Cambodia, (2015), et all.

¹¹ Statistical Analysis of Land Disputes in Cambodia, (2016), et all.

44.5 hectares.¹² In addition, 46 land dispute cases between people and tycoon Lork Huor were solved while 10 cases between people and tycoon Suy Sophan were solved and 17 more are currently being resolved. A total of 1,230 land titles were distributed to residents of Koh Rong in Preah Sihanouk province by cutting land from a Royal Group Company investment project, the ministry added. Ministry officials have also been busy working on long-running land disputes between villagers and sugarcane plantations in Kampong Speu, Koh Kong, Preah Vihear and Oddar Meanchey provinces.¹³

5.2. MAJOR CAUSES OF LAND CONFLICT

The major cause of land conflicts over the past 10 years are related to agriculture, urban development, manufacturing industries, mining rights and the construction of hydropower dams¹⁴, ELCs, infrastructure, Military based, and land grabbed by national and international investment. The granting of ELCs was the biggest reason for land disputes, the 97 cases, or 31.49 percent of the total land disputes were caused by the granting of ELCs occurred in 18 provinces, or 72 percent of the total provinces in the country.¹⁵

In conjunction with the failure in law enforcement to protect the rights of local communities, this further exacerbates land disputes and is inconsistent with agreed development goals. For example, Social and Environmental Impact Assessments (SEIA) are not conducted or when they do take place, they are carried out in a sub-standard manner with little opportunity for public participation.¹⁶ Licadho's technical coordinator, Am Sam Ath¹⁷ said, *"A corrupt and politically-obedient judicial system, the misuse of armed forces, including soldiers, as well as collusion between well-connected companies and authorities. This toxic cocktail has been fueling conflicts throughout the country for too long,"*

Table: Cause of Land Dispute¹⁸

Reasons for Land Dispute	#LD	#Provinces
Concession	1	1
Economic Land Concession	97	18
Military Purpose	16	7
Mineral Exploration or Extraction	2	2
Plantation/Farming	43	19
Private Company	15	7

¹² Khy Sovuthy, January 1, 2018, Disputes over land fall in 2017, Khmer Time

¹³ Khy Sovuthy, January 1, 2018, Disputes over land fall in 2017, Khmer Time

¹⁴ Sun Narin, 30 Jun 2017, Land titles help to prevent conflict, D+C Newsletter

¹⁵ Statistical Analysis of Land Disputes in Cambodia, (2015), et all.

¹⁶ Statistical Analysis of Land Disputes in Cambodia, (2015), et all.

¹⁷ Prashanth Parameswaran, et.all,

¹⁸ Statistical Analysis of Land Disputes in Cambodia, (2015), et all.

Residency	28	11
Social Land Concession	9	6
State Development Area	21	9
State Land	58	20
Unknown	18	4
Total	308	

In 2016, the land conflict caused by ELCs had been reduced from 97 cases to 84 cases because they were completely solved. Among the 314 cases, 84 cases from ELCs, 43 cases from the powerful people, government officers, soldiers, authority tycoon, and the wealthy who were violent and grabbed the people's land, 43 cases violent on the state property land, 34 cases on the military based, 13 cases on agricultural land, 11 cases violent on the community forest, 7 cases on housing land and social land concession, 4 cases on private company, 3 cases on mining, and other 83 cases such as hydro-dam, village collective land, canal rehabilitation, irrigation, duplicate of land title, sell and buy land without concrete documents, 7 cases without reason of dispute. In conclusion, the main cause of the conflict are ELCs, the powerful people such as the wealthy, the soldiers, tycoon, and the violation on the state property land.¹⁹

5.3. MECHANISM TO PROTECT, RESPECT, AND FULFIL THE RIGHTS OF LAND RIGHTS DEFENDERS

Even if land titling may not be the best defense against land loss to external actors, it may be desired as part of communities' process of internal self-governance, given that it is one of the few mechanisms for enforcing a ban on land sales to outsiders.²⁰ Human-rights activists agree that land titles will help to prevent conflicts in the future.²¹ In 2001, the Land Law was finally adopted, and since then Cambodia has introduced a number of land registration mechanisms to offer land titles to land holders such as Systematic Land Title Registration (SRT), Social Land Concession (SLC), Sporadic Land Registration (SLR), Communal Land Titling (CLT), and Directive 01.²²

While the mechanisms for implementing of the land law are put in place, various forms of land conflicts still emerge and escalated. To cope with this concern, the government has established two mechanisms - 1) Mechanism in the court system and; 2) The Cadastral Commission, to deal with land disputes outside the court system.²³ The administrative court is the legal avenue to

¹⁹ Statistical Analysis of Land Disputes in Cambodia, (2016), et all.

²⁰ Michael B. Dwyer and Young Sokphea, 2016, Uneven Developments: Toward Inclusive Land Governance in Contemporary Cambodia, IDS Working Paper, Volume 2016, No 476

²¹ Sun Narin, et.all,

²² ADIC, 2015, Process, Challenge, and Propects in Land Registration in Cambodia, STAR KAMPUCHEA

²³ ADIC, 2015, Law Enforcement Related to Land Management "Gaps and Key Challenges", OXFAM-STAR KAMPUCHEA

address the conflict occurs on land that has titles. The cadastral committee of the Ministry of Land Management, Urban Planning and Construction (MLMUPC) managed the conflict occurs on land that is untitled.

The existing mechanism to resolve conflicts includes: 1) **Commune Councils (CC)** as they are mandated to resolve differences of opinion between commune people but they have no power to make any decision; 2) **the Cadastral Commissions** is responsible for disputes over untitled land at various levels: district/Khan level, the District/Khan Cadastral Commission (DKCC) on provincial/municipal level; the Provincial/Municipal Cadastral Commission (PMCC) and the National Cadastral Commission (NCC) at national level; 3) **Administrative Commissions** are temporary arrangement during the Systematic Land Registration Process, and have a role to respond to dispute over (yet) untitled parcels claimed by individuals, companies or the state; 4) **The National Authority for Land Dispute Resolution (NALDR)**, chaired by deputy prime minister with 26 ministries and authorities as members which take up the cases not within the hands of Cadastral Commissions or courts, but this role is arbitrary; and 5) **The Courts** at three different levels: Courts of First Instance, Appeal Court and the Supreme Court, that work on disputes over titled land.²⁴

Even if this distinction and division of in conflict resolution is clear on paper, there are important loopholes and constraints when addressing conflicts that involve ELCs.²⁵ The key challenge to implementing the mechanism is lack of clarity over the jurisdiction of each mechanism with number of bodies, poor access by the individual and the community, time-consuming administrative and lost wage, financial costs associated with submitting a complaint and transportation, and procedural burdens, the decisions issued by existing dispute resolution bodies are inconsistent and subject to external pressures.²⁶

However, in the new mandate of the minister of LMUPC with his endeavor to solve the land dispute through adding more input to the existing mechanism. There are 33 working groups and 30 mobile working groups for land dispute resolution in all provinces and Phnom Penh. “Ministry reformed the capacity of the working group on land dispute resolution and created mobile working groups to speed up resolutions located in all provinces and cities”. Mr Davuth, Director of Department of Land Management.²⁷ At the same time, Government officers argue that the land law is fine and will work out well in the long run. They admit that not everything is in place yet, but insist that the problems are being dealt with.²⁸ Mr Chea Sophara, The Minister of LMUPC, gave the notice on the decline of dispute, “*The ministry has continued to work hard*

²⁴ Statistical Analysis of Land Disputes in Cambodia, (2015), et all.

²⁵ ADIC, 2016, Lesson from Land Conflict solution and Prevention in Kratie, Ratanakiri, and Odormeanchey, Mekong Regional Land Governance

²⁶ Has Khunear, 2016, Land Dispute Resolution Mechanism in Cambodia, Parliamentary Institute of Cambodia, P.22

²⁷ Khy Sovuthy, January 1, 2018, Disputes over land fall in 2017, Khmer Time

²⁸ Sun Narin, et.all,

*to register land and solve land disputes by all means possible, resulting in a remarkable decrease in the number of land disputes and protests. The ministry worked tirelessly to manage land usage and divided land with fairness and transparency”.*²⁹ Mr Latt Ky of Adhoc says, *“The situation has generally been improving and no new conflicts have emerged since the government stopped granting ELCs”.* The unresolved conflicts are tough, however, and in the long run, he too expects new conflicts to arise. Future investors, he believes, will not want to pursue their business interests and will not be keen on compromises with local communities.³⁰

5.4. LEGAL AND INSTITUTIONAL FRAMEWORK

The RGC has developed several policies and legal frameworks to support to the relevant laws, especially land law, aim to better implement the procedures related to land management, resolution of land disputes, and prevention the human right.

The Land Law 2001 determines the regime of ownership for immovable properties and establishes a framework for land titling. It distinguishes five main categories of land: i) private land; (ii) state public land (which serves a public interest); (iii) state private land; (iv) communal land; and (v) land of indigenous communities (Articles 4-28, Land Law,2001). Under the law, any person who enjoyed peaceful, uncontested possession of land – excluding state public land – for no less than five years prior to the law’s promulgation has the right to request a definitive title of ownership (Article 30, Land Law, 2001). The Land Law extends private ownership rights to residential and agricultural land, establishes a system for the systematic titling of land and creates a comprehensive dispute-resolution system; the Land Law also governs lease rights.³¹

In the Land Policy Framework, RGC linked land distribution to poverty reduction through the promotion of cultivation and income generation. SLC was introduced through sub-decree No. 19, which describes the process and the scope of SLC granting. Concerning the level of SLC granting, it can take place at both local and national one. At the local level, the commune council could initiate SLC and submit for the approval of provincial or municipal land use. At the national level, the government ministries can propose for SLC to those who were affected from ELCs or natural disaster, such as landslide.³²

Land Law passed by the National Assembly on July 20, 2001; the Declaration of the Royal Government of Cambodia on Land Policy (1st July 2009); Law on Expropriation, 26 Feb 2010; Circular 03 on Resolution of Temporary Settlements, 31 May 2010; National Policy on the Development of Indigenous Peoples, 2009; Sub-Decree No 83, 09 June 2009 on the Procedures for Land Registration of Indigenous Community Land (L&R/L&P/2009/Khm) (Ogs, Year 09,

²⁹ Khy Sovuthy, et.all

³⁰ Sun Narin, et.all

³¹ A Study on Land Disputes in Four Provinces of Cambodia: Mapping, Impacts, and Possible Solutions (2015), The NGO Forum on Cambodia Land Security Project, Hean Sokhom

³² ADIC, 2015, Process, et.all

No. 43, June 12, 2009); and Inter-Ministerial Circular on Interim Protective Measures Protecting Lands of Indigenous Peoples that has been requested for collective ownership titling, while awaiting titling process according to Directive 01 was developed as mechanism to temporarily suspend the granting of ELCs, implementing the "leopard skin" policy to ELCs/LCs which affected local people, cancelling ELCs/LCs which did not align with investment policies, in order to better solve land disputes. Inter-Ministerial Proclamations/Prakas on Strengthening ELC Management were signed by the Minister of Agriculture, Ouk Rabun, and Minister of Environment, Say Sam Ol on 9 May 2014 and was considered a helpful mechanism for reducing land dispute.³³

Within the Court System, by 2013, November 26th, the Ministry of Justice and the Ministry of Land Management, Urban Planning and Construction had issued a joint Prakas No. 02 PrK, on the Competency of the Courts and the Cadastral Commission concerning land disputes. Based on this Prakas, the authority of the court has been working to address “any land disputes over those lands that have been registered at the Cadastral Commission, which are well equipped with land titles known as hard copy Certificates issued by Cadastral Administration.” The disputes over land related contracts that are not registered, such as dispute over inheritance distribution, buying, selling, leasing contracts, etc. have also been addressed by the court. Outside the court, the government has established another paralleled system known as the Cadastral Commission. This mechanism has been established through Sub-decree No. 47 (of the land law) dated May 31, 2002. The cadastral Commission has been set up right from the district, provincial and national level, and it is operated based on facilitation and compromises between the parties involved in the conflicts. The mission of this commission is to resolve the following conflicts related to unregistered immovable property, which include: (1) Disputes occurring outside adjudication areas; (2) Disputes arising within adjudication areas and that cannot be conciliated by the Administrative Commission³⁴.

The National Commission formed under the National assembly has played the role to receive all complaints from people and investigate the complaints, before they can be brought to relevant institutions including the national and sub-national government. This commission provides facilitation support for community to voice their complaints directly to the government. However, the commission can only respond to conflicts that occur as community rather than to deal directly with individual cases.

Some land dispute complaints were submitted to government institutions, including local authorities, at both the commune and district levels, provincial halls, three level Cadastral Commission (district, provincial and national level), at the national level institutions and courts. It is found that the local authorities received the highest of complaints, totaling 198 complaints or

³³ Statistical Analysis of Land Disputes in Cambodia, (2015), et all.

³⁴ Sub decree on Organization and Functioning of the Cadastral Commission, No 47 ANK.BK/May 31st 2002, Article 3; Royal Government of Cambodia

64 percent of the 308 cases. Three cases out of 18 or 17 percent of land dispute cases in Svay Rieng province raised complaints to provincial authorities without dropping complaints at local authorities (commune and district) and 83 percent of land dispute cases complaints raised to district cadastral committee and high level of government institution such as: Ministry of Interior, Council of Minister, the National Assembly, Ministry of National Assembly- Senate Affairs. But those cases confirm none of these cases are yet fully resolved. It is not unusual that in some cases, complaint letters by affected communities were lodged with high level authorities, without first being lodged at a local authority. For instance; there are 13 cases out of 18 cases involved with local authorities and sometimes affected people experience an abuse of power or experience threats. Another five cases were caused by ELCs. Furthermore, where cases occurred in Kampot and Kep provinces, they were not raised to local authority, but complaints were raised to the provincial hall. Provincial hall comes second rank with 155 complaints or 50 percent of 308 cases being raised. The 20 out of the 24 cases in Banteay Meanchey province raised the complaints at the provincial hall level.³⁵

5.5. MEASURES TO PREVENT LAND CONFLICT AND TO PROTECT LAND RIGHTS DEFENDERS

Even though Cambodia established a relatively well-developed legal framework for land management, land related-dispute issues are still a concern. This can be seen in the trend regarding the number of land disputes that have continued to rise over the past decade with land dispute mechanisms only able to address some of the issues.³⁶ To some extent, the government is blaming problems on opposition forces. It has stated that “political parties have manipulated the current land issue shamelessly for their own political gain”. In the eyes of human-rights activists, however, the successful resolution of land issues depends on “the political will of the government.”³⁷ Vong Kosal, NGO Forum’s land safety coordinator, said, *“The Authorities had been slow in solving cases because they did not want to become involved in disputes. The authorities do not have the will to solve the problem for the people. The land grabbers are powerful and rich, and the land disputes are political, so the solution is postponed”*.³⁸

It argues that despite Cambodian’s legal framework governing land and ELCs being well developed, its social benefits, such as protecting the rights of the poor and vulnerable and contributing to transparency and accountability, are almost non-existent. The lack of appropriate regulations to implement the legal framework on the policy of land concession and a complete disregard of the country’s customary land rights (1). The elite exercises control over the judiciary

³⁵ Statistical Analysis of Land Disputes in Cambodia, (2016), et all.

³⁶ Ms. Has Khuneary, et.all

³⁷ Sun Narin, et.all,

³⁸ Soth Koemsoeun, et.all

and has created a climate of impunity, thus hindering the overall implementation of the legal framework and serving their own interests.³⁹

The courts are distanced by multiple barriers, both bureaucratic and otherwise. In 2003, a joint declaration by the ministries of Justice and Land Management barred citizens without land titles from pursuing claims in the Cambodian courts, and (despite the dubious constitutionality of the move) instead appointed an institution called the Cadastral Commission to deal with them. Due to the Commission's ineffectiveness in addressing 'difficult' cases, a second institution called the National Authority for the Resolution of Land Disputes (NARLD) was established in 2006. These institutions were a functional option for rural smallholders since their lack of independence prevented them from resolving cases that pitted smallholders against Cambodian elites – a common occurrence.⁴⁰

Judicial models of conflict resolution and accountability rely on their distance from the parties involved; this distance creates the impartiality that allows the law, in theory, to be exercised in a fair and consistent manner. One problem that other conflict resolution institutions in Cambodia share—from the courts to the Cadastral Commission to the NARLD to many provincial and district authorities—is that they are *too* independent of the constituents to whom they should be accountable. The 'follow the money' approach, of which the HAGL case is one of a few other examples (Hodal 2013), has the advantage of using financial links across jurisdictions to leverage reputational risk and, where possible, formal accountability mechanisms in places like Thailand and the United Kingdom (Blackmore *et al.* 2015; Oxfam *et al.* 2015). While not necessarily a recipe for success, this re-scaling of accountability based on economic connections rather than judicial independence has opened a new front in Cambodian land conflict resolution efforts.⁴¹

The question of policy improvement on land titling is not so much the enactment of laws but rather its enforcement. It is not so much a question of rights, as these are guaranteed by law, but the completion of processes so that one's land rights become inalienable. The completion of land titling process entails going through the formal process—bringing in government to measure and demarcate, registration and other procedures until one obtained the definitive title. Lacking the resources to go through the process, most people rely on mere recognition of claim. This put them at the mercy of the wealthy and the big companies, since a claim can be contested—

³⁹ Christoph Oldenburg and Andreas Neef*, Reversing Land Grabs or Aggravating Tenure Insecurity? Competing Perspectives on Economic Land Concessions and Land Titling in Cambodia, Article, The Law and Development Review 2014; 7(1): 49–77

⁴⁰ Michael B. *et.al.*, P.25

⁴¹ Michael B. *et.al.*, P.26

whoever has the official document would be likely to recognize by the government bodies and the courts.⁴²

The issuing of Directive 01 was an admission that the possession rights enshrined in the 2001 Land Law are out of date and politically unworkable. Yet the legality of the land titling conducted under the Directive's auspices was often unclear (Grimsditch and Schoenberger 2015); as one of our informants put it, the 2012-2014 titling campaign conducted by the 'student volunteers' was 'the real break' with earlier efforts to follow land-related laws and regulations.⁴³

The RAC conducts an Annual Campaign to update and verify data on land dispute cases throughout the country conducted in cooperation with each provincial LAHRiN member.⁴⁴ At the same time, CCHR and LICADHO also gather the information with different methods and sample and compile at their own site and report. Different sources of information have not been incorporated into the common usage one that may make the confusion with those data. The Ministry of Land Management, Urban Planning, and Construction denied the report by LICADHO, 2015 and requested for more detailed information (Phnom Penh Post, March 4, 2015). The disagreement on the statistic of land conflicts may be linked to the poor mechanisms of monitoring among stakeholders, which required more effective mechanisms to report the land conflicts and compromises to find solutions.⁴⁵

According to the limit access of information, as it was identified by a recent research study done by SK; the overall role and responsibility of this mechanism will still be less aware by the community visited by this research study. At the same time, the works of this National Commission have been perceived as linking directly to the current political climate, power and, corruption that exist in land deals today, right from local to the national level.⁴⁶

Human-rights groups argue that the government has not handled land disputes well. Latt Ky of Adhoc points out, *"The government has typically failed to assess the situation on the ground properly before granting ELCs. Only after the fact did it notice who was affected. Moreover, the environmental impacts of ELCs were not assessed either"*. Before the election, Prime Minister Hun Sen acknowledged land-related problems. He decided to stop granting new ELCs in 2012 and limited the duration of future leases to 50 years. He insisted that local people deserve protection and promised to redistribute 1 million hectares of land to poor and dispossessed families. Human rights groups, however, say that little has happened since.⁴⁷

⁴² ADIC, 2017_Contest Land Tenure and Response in Rural Cambodia, A case in Pursat and SvayRieng, STAR KAMPUCHEA

⁴³ Michael B. et.all, P.32

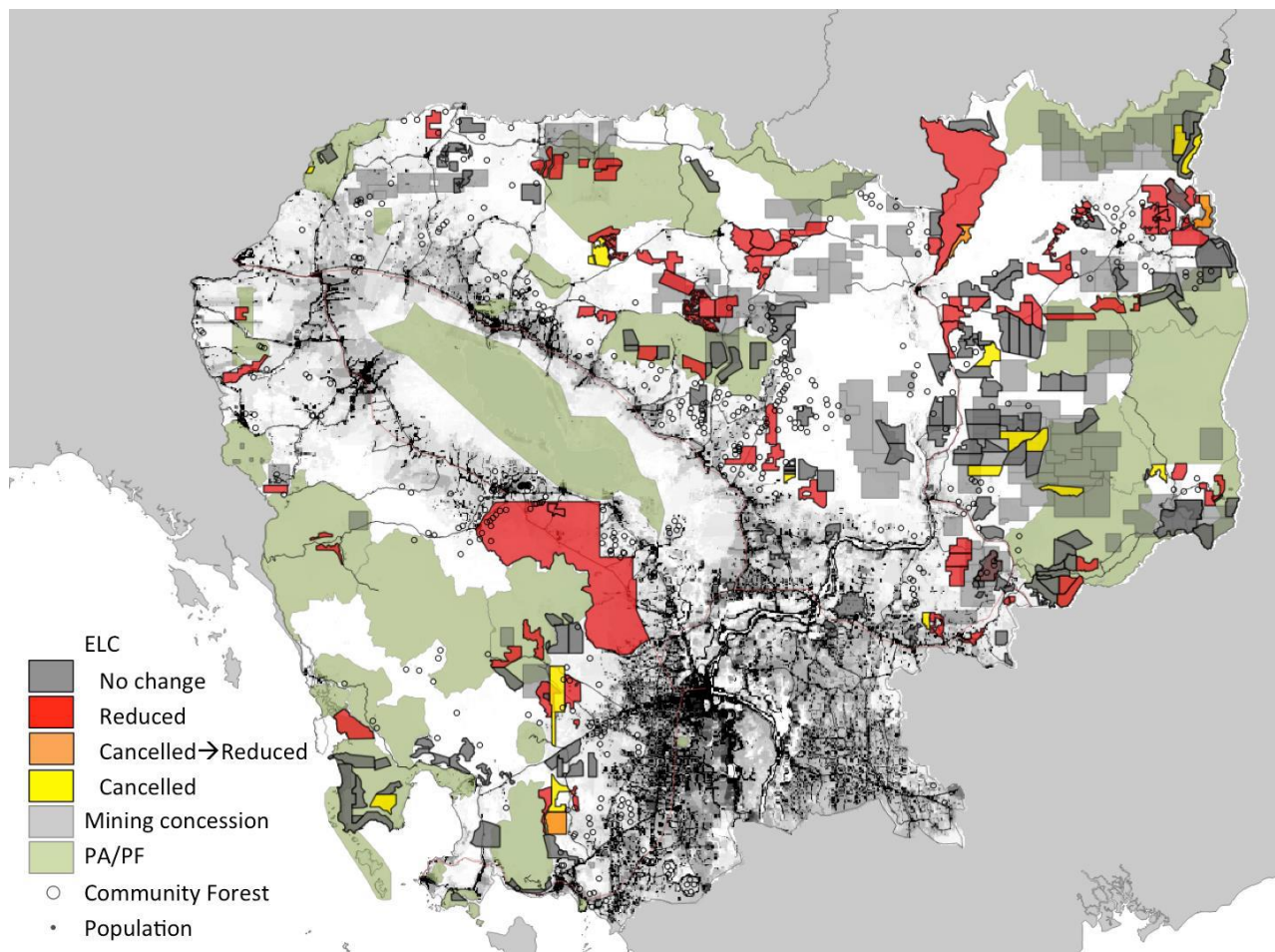
⁴⁴ Statistical Analysis of Land Disputes in Cambodia, (2015), et all.

⁴⁵ ADIC, 2015, Process, et all.

⁴⁶ ADIC, 2015, Law Enforcement

⁴⁷ Sun Narin, et.all

At the same time, the current direction of land related to governance reform. One problem with the way that ELCs have accessed land in recent years is that they have used a legal workaround that avoids doing a detailed on-the-ground survey in advance of gaining legal rights. In the mid-2000s, the Cambodian Ministry of Agriculture, Forests and Fisheries (MAFF) issued a model ELC contract. As part of the recent reforms (Cambodia Daily 2016c), the territorial mandates of the ministries of Agriculture, Forestry and Fisheries (MAFF) and Environment (MoE) were reshuffled; rather than both managing ELCs, as had been the case previously. One problem with ELC maps that only draw polygons on top of topographic lines is that they are too abstract and miss much of what is relevant on the ground. It is necessary to understand the relationship between land-related spatial data transparency and the dynamics of land conflict. If anything is clear from the land governance challenges in contemporary Cambodia, it is that there is no consensus on what development should be.⁴⁸



Source: authors' own. Data source: ODC.

⁴⁸ Michael B. et.al, Page 28-34

Area reductions in specific ELCs undertaken during the recent ELC review process have not been provided in publicly released maps. This map shows ELCs colored by category of available information, based on data available on ODC: <https://cambodia.opendevdevelopmentmekong.net/profiles/economic-land-concessions/> (accessed April 20, 2016). This data has numerous caveats; please contact the authors or ODC for details.

5. TRANSPARENCY IN LAND GOVERNANCE AND ADMINISTRATION

<p>a. Are there mechanisms whereby CSOs, and basic sectors, especially rural women can participate in decision-making and land/resource governance?</p> <p>b. Describe the availability and accessibility of information and data on land and tenure-related issues. These include:</p> <ul style="list-style-type: none"> • Land policies, regulations, mechanisms and mapping systems • Transparency in the process of formulating land use regulations, implementation and monitoring • Tenurial status of all lands, both public and private, including ownership, leases, public concessions and land deals • Public policies, investments and projects that impact on tenure systems <p>c. Is information on land and tenure available to the public—timely, relevant, and reliable?</p>	<ul style="list-style-type: none"> • Percentage of CSOs and basic sectors especially rural women represented in decision-making mechanisms related to rural land use. • Public access to policies, regulations and mechanisms that provide timely, reliable and accessible data on land and land-related issues • Public accessibility of regional and national information on land deals • Process of enabling land use—transparent information on law making, implementation, and monitoring
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6. CONCLUSION AND RECOMMENDATIONS

6.1. CONCLUSION

Conclusion and Recommendations—what are the opportunities for advancing land rights in the country, given the current situation?

- Summary findings and recommendations—what are the opportunities for advancing land rights in the country, given the current situation?
 - Summary of key findings (key summary statements)
 - Opportunities for advancing land rights
 - Policy and program recommendations for government (executive, legislative, judiciary)—calls for legal and institutional reform; passage of advocacy bills; data collection, availability, and transparency concerns

6.2. RECOMMENDATIONS FOR CSOs, NHRIs & PEOPLE

- Recommendations for CSOs; What strategic linkages (with institutions such as NSOs and NHRIs, people) must civil society pursue, to effectively influence policy development and implementation on land issues? How?

ANNEX A: SUMMARY OF INDICATORS AND RELATED DATA

COMMITMENTS	PCLG INDICATORS	AVAILABLE DATA	SOURCES
Commitment 1: Secure Tenure Rights	1a. Documented land rights–number of women and men with legally recognized documentation or evidence of secure rights of land.		
	1b. Perceived tenure security–number of women and men who perceive their rights to land are protected against dispossession or eviction.		
	1c. Effective legal and institutional framework put in place at national and local level for securing tenure rights.		
	<div> LWA indicators <ul style="list-style-type: none"> number of cases received (per 100k pop); number of cases investigated (per 100k pop); number of cases adjudicated (per 100k pop); average time in years for dispute resolution </div>		
	1d. Recognition of customary rights, individual and communal.		
	1e. Violations of Land Rights <div> LWA indicators <ul style="list-style-type: none"> number of people killed (per 100k pop); number of people detained (per 100k pop); number of people harassed (per 100k pop); percentage of area of land grabbed; number of households evicted/displaced from farms (per 100k pop); number of households being totally homeless because of eviction </div>		
	1f. Budget of national government allocated to tenure rights		

Commitment 2: Strengthen Small-Scale Farming Systems	2a. Equitable land distribution and re-distribution by size, productivity, and number of households.		
	<div> LWA indicators <ul style="list-style-type: none"> land ownership distribution by size; Gini coefficient/bottom-to-top ratio (for analysis); percentage of contract farmers' area in relation to total agricultural area; number and percentage of landless persons among rural populations percentage of sharecroppers with legal documents </div>		
	2b. Policies and programs in support for landless and small farmers enacted and implemented, funds for capacity building, rural infrastructure, climate change adaptation and mitigation; (disaggregated by gender).		
	2c. Policies, rules and guidelines in support for sustainable land ownership and management of small-scale farms.		
Commitment 3: Diverse Tenure Systems	3a. Recognition of a continuum of individual and communal rights: the law recognizes a range of rights held by individuals (incl. secondary rights of tenants, sharecroppers, women, etc.)		
	3b. Respect for and enforcement of a continuum of people's rights.		
	3c. Number and area of community claims made, with registration and verification by government agency.		
	3d. Policy and legislation developed and implemented that better enables and supports pastoralists, IPS, forest people, fisherfolk, and productive rangeland systems.		
	3e. Customary rights of forest users—communities, groups of rural families and individuals—are legally recognized.		
Commitment 4: Equal Land Rights for Women	4a. Distribution of agricultural and natural resource holders by sex		
	4b. Proportion of total agricultural population with ownership or secure rights over agricultural land, forest, pasture and housing by sex; share of women among owners or rights-bearers of agricultural land, by type of tenure		
	4c. Gender-responsiveness of land and		

	resource governance laws, policies or mechanisms		
	4d. Availability of an inheritance or family law		
	4e. Number of women with tenure rights to land		
Commitment 5: Secure Territorial Rights for Indigenous Peoples	5a. Recognition of Indigenous peoples' autonomous right to lands, territories and resources and sacred ceremony sites in local and national legislation, policies, and programs.		
	5b. Effective implementation of tenure security of Indigenous lands (in practice).		
	5c. Perception of tenure security and resource governance of Indigenous lands.		
	5d. Traditional land use and management plan recognized by government.		
Commitment 6: Locally-Managed Ecosystems	6a. Comprehensive and sustainable land, forest, and water use planning are formulated and implemented in a participatory manner.		
	6b. Policies and resources are available for community in preparing a comprehensive and sustainable land, forest and water use plan.		
	6c. Urban development planning should be in line with indicator 6a.		
	6d. Land use tenure systems—allows the inclusion of mobile communities and pastoral land use.		
	6e. Number of pasturelands and other natural resources effectively managed and governed by communities recognized by the government.		
Commitment 7: Inclusive Decision-Making	7a. Number of vulnerable women, men and youth represented in decision-making mechanisms related to rural land use.		
	7b. Number of policies and programs formulated because of the recommendation of vulnerable representatives.		
Commitment 8: Transparent and Accessible Information	8a. Public access to policies, regulations and mechanisms that provide timely, reliable and accessible data on land and land-related issues.		
	8b. Regional and national information on public deals.		
	8c. Process of enabling land use—transparent information on law making, implementation, and monitoring.		

Commitment 9: Effective Actions Against Land Grabbing	9a. Effective land policy, legal and institutional framework for private and public investments in place and implemented to prevent land grabs, including the existence of procedural safeguards.		
	9b. Number of communities challenging land rights violation attempts—ranging from official complaints to actual legal challenges—and their description <div style="border: 1px dashed black; padding: 5px;"> LWA indicator <ul style="list-style-type: none"> • <i>number of cases received (per 100k pop);</i> </div>		
	9c. Availability of dispute resolution mechanisms: number of women and men, Indigenous and local communities that have access to effective dispute-resolution mechanisms		
	9d. Land dispute resolution effectiveness: number of individuals/households/communities that reported a land conflict or dispute in the past three years that have had the conflict or dispute resolved <div style="border: 1px dashed black; padding: 5px;"> LWA indicators <ul style="list-style-type: none"> • <i>number of cases received (per 100k pop);</i> • <i>number of cases investigated (per 100k pop);</i> • <i>number of cases adjudicated (per 100k pop);</i> • <i>average time in years for dispute resolution</i> </div>		
	9e. Number of families restituted of their lands, by gender and by type of land.		
	9f. Fair compensation and land restitution for affected families.		
	9g. In cases of land grabs, number of corrective actions taken against violators—whether companies, governments, etc. <div style="border: 1px dashed black; padding: 5px;"> LWA indicators <ul style="list-style-type: none"> • <i>number of cases of land grabbing; average number of cases received (per 100k pop);</i> • <i>number of cases investigated (per 100k pop);</i> • <i>number of cases adjudicated (per 100k pop)</i> </div>		
	9h. Transparency in land use conversion into industrial zone, tourism, eco-park, etc.		
Commitment 10: Protection for Land Rights	10a. Legal basis for the protection of land rights defenders.		
	10b. Protective measures taken.		

