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NGO FORUM ON CAMBODIA

**MISEREOR**  
IHR HILFSWERK



NGO  
FORUM OF  
CAMBODIA  
AND  
MISEREOR

## LAND GRABBING AND THE RIGHT TO FOOD WORKSHOP



Proceedings of Workshop | NGO Forum

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## Executive Summary

The issue of 'Land Grabbing' is an immediate global concern with the mass seizure of agricultural land across the world. These seizures often leave communities and residents dispossessed by powerful political and financial actors and are a significant social justice concern for the poorest and most vulnerable peoples.

More specifically, Land Grabbing is occurring in Cambodia with companies leasing thousands of hectares of land for agriculture and commercial development, often when ownership is disputed or existing residents have the right to claim for land title under Cambodian law.

In many cases, the seizure of these lands takes place without appropriate compensation or relocation and is more than simply a land rights issue. With the loss of land often comes loss of financial security and the capacity to grow or obtain food. The issue becomes one of loss of food security and livelihoods.

With these pressing issues of concern, the NGO Forum and Misereor convened a workshop for non government organisations and partners to investigate the relationships between 'Land Grabbing' and Human Rights, in particular, the 'Right to Food'. Presentation topics included Human Rights Instruments, Land Grabbing case studies and discussion groups.

### *Major themes to emerge from the discussion and presentations included;*

- The importance of networking between communities and NGOs to address complicated and sensitive issues.
- Improving the use of Human Rights Instruments in advocacy work
- Developing the 'art' of advocacy and finding other strategies and tools to use
- Working as part of an ongoing process to assist communities rather than a single intervention
- A strong focus on the empowerment of communities to address their own concerns
- A proactive focus on documentation, evidence, dissemination of information and communication

### *Findings included;*

- That many instruments (both agreements/commitments and commissions/envoys) exist across a range of human Rights bodies and are a tool for strengthening the struggle for food security in the face of Land Grabbing by giving moral legitimacy and to involve stakeholders that can apply additional pressure to government
- Well organised, active local communities are needed to make use of international instruments, but outside help is needed too in resources and support.
- An ongoing process needs to look at community driven processes and strategies
- International links important for sharing information, co-ordination and building solidarity
- A focus is needed on more informed, community driven, proactive activities. Local initiatives strengthened by international solidarity and links.



## Land Grabbing and Right to Food Workshop

The 'Land Grabbing and Right to Food' Workshop was held on the 11<sup>th</sup> of November 2010 at the NGO Forum premises. It was hosted by NGO Forum in partnership with Misereor. The workshop was held over two days largely using discussion groups to generate input from a wide range of NGO representatives from around Cambodia and overseas. The workshop agenda is listed in [Appendix A](#).

### *Purpose*

- To improve the understanding of the relationship between human rights and land rights
- To build knowledge about how human rights instruments can be used to advocate for land rights
- To explore potential for co-operative action in support of securing land rights, using a human right's based approach

### *Expected outcomes*

- Information and experiences to be shared by participants
- Participants will understand the connection between food security and land rights
- Participants will know how a human rights based approach can assist their advocacy for land rights
- The possibilities for cooperative action will be explored



## Human Rights Application

There was a general consensus from Khmer representatives that although human rights instruments are useful, they need to be understood within the Cambodian political context, particularly in reference to systematic non-compliance with those instruments. In some cases, there was a sense of scepticism concerning the effectiveness in a Cambodian context.

Some NGOs are aware of human rights instruments such as the “International Declaration of Human Rights” with engagement by NGOs in preparing parallel reports, although many remain unfamiliar with the instruments and their potential use. On the other hand, there were reports of communities demonstrating and advocating using national laws.

“There is a recognised need to increase awareness”

### General strategies

1. Awareness building for communities on Human Rights (HR) and the international instruments applicable: Produce educational materials for communities and engage in education campaigns using television and radio.
2. Capacity building on the use of HR instruments: Running training programs for grassroots/community leaders, NGOs and Government officials
3. Enhance networking and international solidarity: Engage in fact finding missions and follow-up on relevant cases. Increase linkages to international bodies and engaging donors in advocacy campaigns to put pressure on the government will require documenting cases and regular information sharing.

### Specific Recommendations

1. To strengthen lobbying the Royal Government of Cambodia (RGC) to resolve land grab issues through the use of progress monitoring reports to the relevant UN bodies, using “the next UN committee report for guidance”.
2. To empower affected communities to assert their rights by sharing documents that show that their struggle is recognised internationally as legitimate. Educate and assist the community to use UN reports to make press statements for negotiations with government and private enterprise.
3. Provide materials and assistance to local NGOs to mobilise and educate communities on how to assert their Human Rights.
4. Capacity building training and documentation on HR instruments should be translated into Khmer to be widely shared to all stakeholders through different media, including websites.
5. Create two linked alliances focusing on local and international of advocacy mechanisms, using the local alliance to gather information and document cases as an evidence base to share with relevant stakeholders at the international level and the international alliance focusing on intervention with the government and other countries that receive products from Cambodia.
6. Attempt to integrate state obligations “protect, respect and fulfil” into both the formal and informal education system as part of a public awareness campaign on HR abuse in Cambodia
7. Document cases of HR violation related to ‘land grabbing’ and ‘rights to food’ for the attention of relevant UN bodies and other international bodies (ASEAN HR committee).

## An International Concern about 'Control'

Discussion focussed around 'Land Grabbing' as an international issue. Of particular concern was the speed and scale at which private sector lead purchasing of land is occurring. The groups discussed the way in which local food security is undermined and the ability to self produce food is being compromised. Large scale concessions have allowed for the increasing control of an international 'food system' of staple food crops, by a small number of private companies.

Examples were given of huge land concessions given to companies where local farmers were unable to make small extensions to concessions. Where conflict arises, government has been used by companies to address the problem using force.

### General strategies

1. Improve research and data flow on ongoing land grabbing cases to ensure awareness and accuracy of information
2. Enhance solidarity and create links between Cambodian organisations and regional organisations
3. Pressure Companies/Investors by exposing their involvement and shaming them.
4. Publicise and educate on International instruments and structures

"It's all about control"

### Specific Recommendations

1. A common document and database of current land grab cases, carefully researched.
2. Educate communities on the effect of food habits in an attempt to shorten the gap between production and consumers.



Tear gas is fired and rocks are thrown at residents



## A National Issue for Cambodia

Land grabbing is an issue nationally, with examples in both rural and urban areas of seized or disputed land. Loss of land in many cases equates with loss of livelihood, loss of income and the loss of social networks and public services. There are some differences between experiences in rural and urban settings, but at a national level there are various actions that can be taken to improve responses to land grabbing.

### *General strategies*

1. Improving public awareness of land grabbing issues to raise the profile of the problem and encourage engagement on the issues
2. Improve access to information by encouraging the government to improve information dissemination and strengthening rights to access of information
3. Improve research into the history and causes for land-grabbing to improve understand and resulting responses to land grabbing as a phenomenon
4. Better understand, law, government policy and government planning to enhance attempts to avoid land conflict in the future
5. Improve understanding of actors and stakeholders, including NGO resources to better utilise existing resource and engage with stakeholders

"Policy is not smoothly implemented.  
There are issues on disclosure"

### *Specific Recommendations*

1. Develop a social movement around land-grabbing in Cambodia using public forums, awareness campaigns, workshops and press conferences
2. Strengthening the human and social capital of individuals and deepening and integrating the local organisational capacity and social networks o a community
3. Identify research and lobby institutions (local and overseas) that can assist in advocacy efforts
4. Build engagement between stakeholders and enable participation in policy formulation and implementation. Particularly campaign on rights to information. Use round table discussions to engage stakeholders.
5. Provide legal assistance to communities and NGOs involved in land grabbing disputes
6. Improve the quality and quantity of case documentation
7. Facilitate community network building and empowerment to address their own land grabbing experiences.



## An Urban issue

A broad range of issues were discussed, focussing particularly on 'development' as rhetoric used by government to justify urban evictions. Brainstorming around the subject resulted in the diagram below.

"History and rhetoric needs to be taken into account"

The history of Cambodian land law, exclusions to land claims and settlements characterised by government as 'temporary' or 'illegal' has led to a vulnerability to land grabbing for many Cambodians.

When considering the linkages between 'land grabbing' and the 'right to food' in an urban context, the discussion takes into account other considerations. Rather than simply addressing food availability, the issue also becomes one of food affordability. Forced relocations to areas without access to infrastructure or employment exacerbate food security issues.

An important issue is the answer to the question;

How do we deal with food insecurity after an eviction?



### General strategies

1. Advocate against land evictions
2. Continue working with communities post eviction
3. Encourage government to take responsibility for evicted communities



## A Rural Issue

Discussion on 'land grabbing' within a rural context identified the points of contention in a number of areas.

1. Armed forces seizing land
2. Land given by the government for Economic Land Concessions (ELCs)
3. Conflicts arising between communities and the government due to unclear land titling or a lack of documentation
4. Conflict over social land concessions.

These conflicts often result in lost farmland or residential land, in turn leading to a loss of income or food security. Indigenous people can experience damage to traditional culture, difficulties associated with migration.

Discussion identified a limitation with documentation and the movement of information. Cases of land grabbing in rural Cambodia were not well recorded and relevant government documentation, such as land concession contracts or titles difficult to obtain.

### *General strategies*

1. Community empowerment through networking with other communities to build solidarity and confidence
2. Community capacity building by establishing competence and knowledge to address land grabbing issues
3. Advocating government to speed up the land registration process to protect land rights
4. Comprehensive Land Use Planning (CLUP)
5. Support community advocacy initiatives with national and regional strengths

### *Specific Recommendations*

1. Increase knowledge about the possession rights of IP
2. Access records on contracts between company and government
3. Increase knowledge concerning relevant legal framework
4. Increase understanding of international HR instruments
5. Strengthen links and networking with other stakeholders (alliances)
6. Build awareness of the national policies and appropriate processes/procedures

"Documentation is lacking for advocacy purposes"

## An Indigenous Issue

Discussion on Indigenous issues in land-grabbing centred on obtaining information and increasing the capacity to locally address issues. Impacts on IP communities are ongoing with loss of forests and Non timber forest products (NTFPs) directly affecting food security. Traditional methods of land cultivation are threatened by the reduction in access to land and IP's are in some cases becoming migrants and hired farm workers in different provinces.

Ongoing challenges include intimidation, restrictions in assembly, the ignoring of complaints and the failure of legal mechanisms to protect land rights. The following information is important to strengthening attempts to resist further land grabbing of indigenous lands.

"We need to strengthen capacity to assert issues"

### Information and Access needed

1. Information about companies applying for or granted ELCs
2. Regulations and information about IP rights and government policy and action for protection of IP communities
3. Research into companies planning investment in Cambodia
4. Up to date information on IP situation and land violations in Cambodia
5. An ongoing understanding of needs and expectations of the IP community
6. Research and impact assessments on the affect of land grabbing on IP communities
7. Access to decision making forums and engagement with stakeholders on issues affecting IP community
8. Access to the ELC granting process prior to decisions to engage in research and assessment activities
9. The development of case studies on IPs & food security situations, including the causes and developments

### Possible actions

1. An ELC monitor to disseminate information on new ELCs granted or planned
2. Share best practice/positive models of ELC in Cambodia or other countries
3. Creation of a forum to critique, debate ELC best practice from IP perspective
4. Encourage speedy and clear land classification - state land/indigenous territories
5. Proactive action mapping by indigenous communities of IP lands in Cambodia prior to any disputes arising
6. Strengthen Participatory Land Use Planning (PLUP) and Comprehensive Land Use Planning (CLUP)
7. Support awareness raising of international instruments and national IP policy using localised materials. Use materials to raise awareness with local authorities
8. Promote the United Nations Declaration on the Rights of Indigenous Peoples, in particular, Free Prior Informed Consent (FPIC) consequently, public consultation for ELCs
9. Support processes for IP mobilisation and the 3 step process
10. Build engagement with stakeholders (donors, parliament etc)

**Three steps** are required to receive a collective land title for Indigenous Persons;

1. Identification of Indigenous peoples and communities (Self Identification *and* recognition by the Ministry of Rural Development)
2. Registration of the community as a legal entity (through Ministry of Interior)
3. Collective Land Titling (responsible Ministry of Land Management, Urban Planning and Construction)



## Case Study: Dey Krahorn

The community of Dey Krahorn, translated “red soil” is the site of ongoing conflict over land titles between residents, the Phnom Penh Municipality and a private company 7NG. Dey Krahorn illustrates the difficulty faced by communities in the recognition of their land rights when in conflict with lucrative business agreements made between local authorities and private companies.

Dey Krahorn is a community in the riverside area of Tonle Bassac, Chamkarmorn district of Phnom Penh. Tonle Bassac has already been the site of previous land disputes in 2006 and a land title granted to 7NG will likely lead to disputes with other communities in the future.

The area is valuable for commercial development, being close to major new government buildings including the National Assembly. At the same time, Dey Krahorn has been the home of local communities since the 1980s and the issue centres around whether land rights accorded to residents are enforceable in the face of powerful commercial and government interests.

A legal analysis of the dispute indicates the following;

- Articles 1, 3, 4 and 6 of the Contract Law violated: The contract signed on the residents behalf was unlawful
- Articles 5 and 30 of the Land Law 2001 were violated: Residents were entitled to request a land title to confirm their ownership as the area is considered as State Private Land and compensation offered falls far below market value.

In the aftermath of the mass eviction, the Dey Krahorn site is now contains sport facilities for 7NG company workers. Meanwhile, evicted community members have been relocated some 20km to the outskirts of Phnom Penh. Far from being an environment where community members can begin new lives and support their families, the site fails to reach standards regarded as a standard for disaster relief.

The community has no access to potable water, no toilets, any adequate shelter, medical care or facilities. Unable to find employment, some workers have returned to Phnom Penh City, but without the shelter they once had. Without immediate access to food or employment sufficient to buy food, the eviction has affected ‘food security’ for the community of Dey Krahorn.



Protected by police, a horde of demolition workers pour into a village.  
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## Chronology of Events

### • The Government Promise

The government promises the residents a “social land concession” meaning that some land would be lost, but with improved housing built by the developer on the remaining land.

### • The deal is changed.

The residents are told to give up all land to a private company and to accept new apartments 20km away, on the outskirts of Phnom Penh.

### • The Community is deceived

The residents maintain that they were never asked, nor agreed, to move and “community representatives” signed a contract without consultation. Representatives fired and residents ask contract to be voided.

### • The Community is harassed

Community members and representatives were subject to arson attempts, verbal abuse, violence and false accusations by police.

### • The Community is evicted

In August 2007, dozens of workers with a police and military police escort arrive to demolish homes with people and belongings still inside.



## Case Study: Bousra

Bousra Commune is a community of the Bunong indigenous people found in Monduliri Province. There are approximately 60 000 Bunong people in Cambodia with over 3700 living in Bousra commune. Bousra commune consists of seven villages in a resource rich and forested area. The community practises slash and burn agriculture and maintains a collective land management and religious belief in “spirit forests” that promotes sustainable land management.

Economic Land Concessions (ELCs) have been granted in the area and disputes have arisen both over the legitimacy of the ELCs under Cambodian law and in the face of large scale dispossession of indigenous peoples.

The Bousra community has received conflicting information on the details of ELCs impinging on the land that contains their traditional farms, forests and burial grounds, and the actual clearing of land by Socfin-KCD has not always corresponded to the information provided.

A legal analysis of the dispute indicates the following;

The concessions likely infringe upon the following legal instruments:

- Cambodian Land Law 2001;
- Sub-decree No. 146 on Economic Land Concessions;
- Instructive Circular No. 05 IC on Provision of Economic Land Concessions for Investment Projects;
- International Covenant on Economic, Social, and Cultural Rights; and
- International Convention on the Elimination of Racial Discrimination.

The ELCs also appear to violate:

- United Nations Declaration on the Rights of Indigenous Peoples;
- Internal performance standards relevant to Socfinal, the joint venture partner of KCD; and
- Internal performance standards of L’Agence Française de Développement (AFD), the development finance institution of the French government that is allegedly considering funding a component of the Socfin-KCD project.

These potential violations call into question the legitimacy of the granted ELCs and the legitimacy of the dispossession of indigenous peoples living in Bousra Commune. It further raises questions about the legitimacy of ELCs planned for the future.

## Chronology of Events

### • The clearing begins

April 2008: Clearing begins on the first of three Economic Land Concessions granted to KCD. No demarcation process was agreed with by the local indigenous community and the actual contract was unsigned until October 2008.

### • Negotiations break down

December 19, 2008: After protests, involvement of the National Authority on Land Dispute Resolution, complaints and some initial headway in negotiations, the community rejects the government demarcation process as flawed.

### • The conflict escalates

December 20, 2008: Without any agreed compensation package, KCD continues clearing, triggering a community march on the KCD facility and destruction of property and moving equipment.

### • Demarcation begins

January 2, 2009: Provincial authorities begin demarcating disputed land for households with ID Cards using GPS.

### • Demarcation is widened

January 28, 2009: A meeting with the deputy Governor yields a promise a review of the demarcation on complaints and a

## Case Study: Boeung Kak

Boeung Kak lake has been inhabited since the 1960s and has been the source of livelihood to fish farmers, agriculture, vendors and more recently a thriving tourist accommodation of backpackers. In 2008, over 4000 families were living in the area.

2007 saw a 99 year lease granted to Shukaku Incorporated, a company owned by a senator from Cambodia's ruling party. The contract involved the lease of 'state public' land which is illegal under Cambodian land law.

The development of the land has destroyed the agriculture and residents have experienced threats, intimidation and violence. More recently, sand and sludge has been pumped into inhabited areas, burying buildings and houses with belongings inside.

A legal analysis indicates;

- Violations of Cambodian land law 2001 in the leasing of 'State Public' land.
- Violation of the Constitution of the Kingdom of Cambodia
- Violation of planning process requiring effective EIA to be performed
- International human rights instruments are contravened in forced evictions of residents with improper compensation

To date, there has been a lack of transparency surrounding the development. Dialogue with the company and government has been limited and complaints have been ignored.

Compensation has been well under market value and forced relocations to a new site have left many residents without employment opportunities and without food security.

Residents of Boeung Kak make the following reasonable requests;

- An immediate halt to filling in of the lake and an end to intimidation and threats
- Open dialogue on adequate compensation, land titles and consideration of alternative plans including onsite housing
- A credible Environmental and Social Impact Assessment (ESIA)

The issues at Boeung Kak illustrate the tragic consequences of collusion between the state and private enterprise when personal vested interests are involved. To end this kind of abuse of power requires significant pressure from the international community.

## Chronology of Events

### • An illegal lease granted

In February 2007 a 99 year lease of 133 hectares was awarded to Shukaku Incorporated. The company is owned by a Cambodian People's Party senator, Lao Meng Khim. The lease was illegal under Cambodian land law.

### • Land designation changed

August 2008 saw the government change the designation of the land in question to 'State Private' land. While this designation would allow a legal lease, the change was after the contract, rendering the process illegal.

### • Residents submit a complaint

In September 2009, the residents submitted a complaint to the World Bank Inspection Panel arguing that the Bank had breached operational policies through lack of supervision of social and environmental safeguards.

### • Forced evictions continue

More recently, the company has pumped sand and sludge into a village within the area, drowning buildings and houses under the sludge as a method of forced eviction.

## Human Rights Instruments

Human rights instruments are tools that can be used for monitoring and measuring governments and other bodies' success in providing for the 'Right to adequate food'. When designing and implementing public policies states should implement human rights principles such as; Participation, Accountability, Non Discrimination, Transparency, Human Dignity, Empowerment and the Rule of Law.

Various human right instruments exist as transnational agreements and commitments by many governments to fulfill moral obligations to their citizens. Users of human rights tools could include civil society actors such as NGOs, National and International Human Rights Institutions and citizens themselves.

### What is the 'Right to Food'?

"The right to food is the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear". (FAO)

#### FAO: Right to Food Voluntary Guidelines

- Adopted in 2004 by all the 187 FAO member states
- New legal instrument to guide the implementation of the human right to adequate food.
- Describe what governments can and should do when they begin to orient their policies towards a rights based approach to implement the right to food.
- Strengthen the legal interpretation of the right to food: Right to food is more than access to food, but contains also the access of individuals and groups to productive resources.

#### Universal Declaration of Human Rights, Art. 25

"Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to the security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstance beyond his control."

#### International Treaties with Relevance to the Right to Food

- International Covenant on Civil and Political Rights – ICCPR, 1966 (Art. 6)
- Convention on the Elimination of all Forms of Discrimination Against Women – CEDAW, 1979 (Art. 24 & 27)
- Convention on the Rights of the Child – CRC, 1989 (Art. 12 & 14)
- General Comment No. 15 – CESCR: "The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses (...) the importance of **ensuring sustainable access to water resources for agriculture to realize the right to adequate food.**"

#### Extraterritorial Obligations

- **UN Committee on Economic, Social and Cultural Rights, general comment No 3, paragraph 2 (1990):**

"The States Parties to the present Covenant, recognizing the *fundamental right of everyone to be free from hunger*, shall take, *individually or through international co-operation*, the measures, including specific programmes, that are needed (...)"

- **UN Committee on Economic, Social and Cultural Rights, general comment No 12, paragraph 36 (1999):**

"State parties should recognize the essential role of international cooperation and comply with their commitment to take joint and separate action to achieve the full realization of the right to adequate food. In implementing this commitment, state parties should take steps to respect the enjoyment of the right to food in other countries, to protect that right, to facilitate the access to food and to provide the necessary aid when required".

#### International Covenant on Economic, Social and Cultural Rights, Art. 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living (...) **including adequate food** (...) and to the continuous improvement of living conditions (...)
2. (...) the fundamental right of everyone to **be free from hunger** (...)

#### State obligations

- **The obligation to respect**

The states must respect existing access to adequate food and must not take any measures preventing or destroying such access

- **2. The obligation to protect**

The state must take necessary measures to ensure that third parties, including powerful people and corporations do not deprive people of their access to adequate food

- **3. The obligation to fulfill**

The state must guarantee each deprived person's access to food and food producing resources with maximum efforts. This obligation applies also for victims of natural or other disasters

## Violations of the Right to Food

The failure of states to meet their obligations has a large impact on the persistence of hunger and malnutrition.

- State executive authorities are often directly involved when people are evicted from their land.
- In many instances states fail to protect peasants or indigenous people who are violently displaced.
- States frequently fail to enforce minimum wages and fail to secure deprived groups' access to work or to minimum income programs.
- States often withhold available resources that enable malnourished people to feed themselves.

### Breaches of state obligations under the right to food occur when there is;

- Any discrimination in access to food, as well as to means and entitlements for its procurement, on the grounds of race, color, sex, language, age, religion, political or other opinion, etc

### Breaches of the obligations to respect and protect access to adequate food occur when;

- Destroying an individual's or group's food producing resources by polluting or withholding water, or by destroying people's access to other essential inputs like seeds and fertilizers.
- Forcibly evicting peasants, nomadic people, fisher-folk, indigenous people from their land, fishing grounds or forests

### Breaches of the obligation to fulfill access to adequate food occur;

- If national programs and measures do not secure adequate access to food and resources for all, and steps for the use of maximum available resources are not taken.
- If there are severe shortcomings in any of these programs, and if these shortcomings lead to hunger and malnutrition.
- If the minimum income programs are insufficient to provide adequate food or if people are excluded from land or other resources to feed themselves.



*FIAN is an international human rights organization that has advocated for the realization of the right to food for more than 20 years. FIAN consists of national sections and individual members in over 50 countries around the world. FIAN is a not-for-profit organization without any religious or political affiliation and has consultative status to the United Nations.*

*FIAN's mission is to expose violations of people's right to food wherever they may occur. We stand up against unjust and oppressive practices that prevent people from feeding themselves. The struggle against gender discrimination and other forms of exclusion is integral part of our mission. We strive to secure people's access to the resources that they need in order to feed themselves, now and in the future.*

**Information**-FIAN informs victims about their right to feed themselves and alerts the general public about violations of this right

**Action**-Through its activities, FIAN supports the struggle of victim's groups against violations of their right to feed themselves.

**Networks**-FIAN works through a network of members with sections in more than 60 countries

**Lobbying and advocacy**-FIAN uses existing instruments in the UN human rights system to lobby ongoing abuses of rights. FIAN engages in case based advocacy work with the authorities at local, national & international level and develops and supports the creation of new instruments. FIAN engages in setting agendas for agrarian reform and is involved in critical dialogue with the World Bank and other international bodies.



## *Recommendations from discussion groups on Human Rights Instruments*

### **Advocacy**

- The integration of Human Rights into the curriculum for schools/universities
- Increased dialogue with the government
- Strengthening of Human Rights at national level through lobbying government to comply with HR declarations. Encourage government when they comply with declarations.
- Strengthen negotiation and lobbying attempts by submitting monitoring reports to the UN commission every 2 or 3 years.
- Organise campaigns, document violations and submit to ASEAN, UN bodies and special envoys.

### **Documentation**

- Improve documentation for communities using various media to disseminate to the public
- Document potential conflicts before they take place and document the history of communities for advocacy purposes
- Share surveillance reports and case studies for use as evidence
- Documentation in the local language for dissemination

### **Networking**

- Strengthen lobbying efforts to comply with HR through a united national and international effort
- Increase coordination of NGOs through dialogue and forums to address problem
- help and inform communities using reports and recommendations from UN to give community moral legitimacy and strength in resistance
- Use NGOs to communicate and co-ordinate for communities at regional and international level
- NGOs to intervene at their level of operation (domestic at a local level and international at government and international levels)

### **Training**

- Organise training for NGOs and Govt to better understand Human Rights issues. Attempt to mainstream the declaration of HR.
- Help the community to analyse and question on HR issues

## Lessons learned

- Communities that are awaiting eviction don't know the situation, have the tools or read the documentation. Information needs to be 'mainstreamed' – It is easier for communities to hear the information rather than read it.
- Often training has been unsuccessful because it is not used or implements – Need some support to improve the effectiveness of training.
- People are afraid - they tell their children "before you do something, look at others" – Remembering history is important
- Informal village visits have been much more effective than training. "when they are idle from their work - we know their story and their hardship". We can empower them through community engagement
- We need to identify community leaders - then the community will be strong.
- Well organised, active local communities are needed to make use of international instruments, but outside help is needed too
- Media is very important to increase political pressure and provide other ways to communicate with communities broadly.
- The fear is that there is too much talking by NGOs and not enough doing. Between workshop monitoring of action is needed

"..if we struggled we would be dead..... No one protected us, but the company had the army and police.



# The Way Forward

## Regional Efforts

Regional attempts to engage on land grabbing issues need to focus mainly around facilitation and co-ordination of national and local efforts. This requires good communication and dissemination of information. The following areas of need were articulated in discussion;

- Identifying potential local 'hot spots' before eviction notices are given
- Providing 'space' for consultation and discussion
- Providing support in research and investigation
- Establishing global links and partnerships to enhance solidarity and engage resources
- Providing resources and support for developing strategies

## Community Mobilisation

The discussion addressed the gap between community involvement in land grabbing issues and the professional legal tools and processes that are required to engage government and other institutions. A significant task exists in providing communities with the tools and capacity to engage at the level of legal frameworks.

Experiences in other situations indicate the need for regular community engagement through meetings and tools such as mapping exercises alongside parallel research and engagement with government and international bodies.

- Community assessment by visiting cross organisational or cross sectoral teams to strengthen information gathering for advocacy and awareness raising
  - Joint advocacy campaigns and strategic plan with monthly meetings to share information
  - Produce publications/posters/tools/findings for dissemination to donors and other stakeholders. Present the findings to community to build local awareness
  - Monitoring and evaluation each year to identify strengths and weaknesses
  - Conduct non-violent dissemination of information through a photo exhibition, displaying concerns of affected persons to government ministries and other stakeholders
-

## Networking

Opinions were canvassed on networking on Land Grabbing issues, with some members suggesting that there was no coordination or structure existing for NGO's working together on an issue. As a result, the NGO voice is weaker and further diluted by 'non-genuine' NGOs. The view was expressed that the government is happy to destroy the people's voice as part of an overall strategy to avoid controversy and accountability. The need is to empower the people, not just a single representative that can be 'negotiated away' by the government.

- Organise network meetings and community meetings with NGOs at national level and provincial level, especially for emergency support
- Focus on documentation and information sharing through encouraging research on issues
- Community and NGO Capacity building on policy and HR instruments in urban and rural contexts at provincial and national levels
- Create a federation of communities facing eviction, especially in Phnom Penh

## Indigenous Perspective

Looking at the next year for Indigenous communities, suggestions were directed towards stronger communication and planning. The group prepared an action plan for 2011 and compiled the following suggestions;

- Conduct monthly meetings in the province and quarterly outside the province to share information on land and livelihood issues with a view towards planning actions and activities.
- Build capacity in the IP community in natural resources management and particularly training in how to write complaints, lawsuits, advocate land issues.
- Plan a program and distribute advocacy materials through NGOs. Develop case studies to use in gathering support.
- Ask for NGO support to bring members of affected communities to meet Government and United Nations representatives.
- Conduct a public forum as a joint advocacy activity with NGO support.



## Appendix A: Workshop Agenda

### DAY 1 Agenda

- 8.30 am Participants arrive and register
- 9.00 am Welcome and overview of workshop aims
- Mr Chhith Sam Ath, Executive Director of NGO Forum  
Dr Ulrich Dornberg, Misereor
- 9.30 am Introduction of participants
- 10.00 am Café style discussions at six tables
- (1) Land grab world wide: what is new?  
(2) Land grab in rural Cambodia; actors involved in rural Cambodia  
(3) Land grab as an urban issue in Cambodia,  
(4) Land grab as a human rights issue  
(5) Land grab – a national issues  
(6) Land and indigenous communities
- Participants will each have the opportunity to participate in discussions at four tables. After discussions, table hosts will present a summary of the café discussions to the whole forum.
- 12.30pm Lunch Break
- 1.30 pm Analysis of current land grab cases – in small groups
- Case 1: Sahmakum Teang Tnaut (STT), Ms. Nora Lindstroem  
Case 2: Housing Rights Task Force (HRTF), Mr. Sia Phearum  
Case 3: Indigenous Community Support Organization (ICSO), Mr. Suon Sopheap
- Abstracts of three cases will be presented to the whole group to enable participants to choose which case they wish to hear in more detail.
- 3.30 pm Reports to whole forum by small group facilitators
- 4.45pm Summary of lessons from day 1 and Outlook for day 2
- 5.00pm Day 1 closes

### DAY 2 Agenda

- 9.00 am Human Rights Instruments, with a special focus on the right to food. Presentation by Ms Suman, Fian
- 10.00 am Small group discussions: What is the potential and applicability of human rights instruments in Cambodia?
- 11.00 am Presentations from small groups and whole group discussion
- 12.30 pm Lunch Break
- 1.30 pm Small group discussions: Next steps – What can I do to make a difference?
- 3.00 pm Presentation from small groups and whole group discussion
- 4.00 pm Summary in plenary
- 4.30 pm Evaluation of forum
- 4.40 pm Closing remarks

Mr Chhith Sam Ath, Executive Director of NGO Forum  
Dr Ulrich Dornberg, Misereor

## Appendix B: Organisations and Attendees



### About NGOF:

The NGO Forum on Cambodia is a membership organisation for local and international non governmental organisations (NGOs) working in Cambodia. It exists for information sharing, debate and advocacy on priority issues affecting Cambodia's development. All NGO Forum projects seek to build NGO cooperation for advocacy by facilitating the activities of an NGO network.

The NGO Forum is made up of local and international non-governmental organizations grounded in their experience of humanitarian and development assistance to Cambodia. The NGO Forum has an important role to highlight the impact of development processes and economic, social and political changes on Cambodians.

The Land and Livelihoods Programme deals with specific land issues, these being the critical issues that NGO Forum members have encouraged NGO Forum to directly address. The Land and Livelihoods Programme facilitates advocacy with regard to land titling and land grabbing, indigenous minority land rights, resettlement and housing rights, and forest livelihoods and plantations.

For more information on the NGO Forum please visit <http://www.ngoforum.org.kh/eng/core/>



### About MISEREOR:

MISEREOR is the German Catholic Bishops' Organisation for Development Cooperation. For over 50 years MISEREOR has been committed to fighting poverty in Africa, Asia and Latin America. MISEREOR's support is available to any human being in need – regardless of their religion, ethnicity or gender.

Changes cannot be prescribed from outside. MISEREOR therefore believes in supporting initiatives driven and owned by the poor and the disadvantaged. This is because in MISEREOR's experience it is they themselves who possess the strength to improve their lives sustainably. MISEREOR supports them in their efforts in accordance with the principle of help toward self-help. On the ground, projects are run by local organisations. This ensures that the project work is geared to the needs and way of life of the people involved.

The development projects supported by MISEREOR are as diverse as the causes and faces of poverty. They all have one thing in common, though. They all focus on the whole human person. As well as satisfying basic needs such as food security, they also help ensure that human rights are upheld and the way is paved for the people concerned to live in dignity.

MISEREORS ideal would be a world in which all human beings are able to participate in shaping their communities, in which cultural diversity is recognized and promoted, and in which equality is a reality. All these are overarching goals that are, among others, pursued in project planning. MISEREOR is a partner and donor of the NGO Forum for many years.

For more information on MISEREOR please visit <http://www.misereor.de/>

## Attendees

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<i>Mr. Kim Sereykit</i>	<i>DPA</i>
<i>Mr. Lay Sophea</i>	<i>DPA</i>
<i>Mr. Sia Phearum</i>	<i>HRTF</i>
<i>Mr. Chhun Sona</i>	<i>HRTF</i>
<i>Mr. Yun Manel</i>	<i>Vigilance/Mondulkiri</i>
<i>Mr. CaoLeakwanna</i>	<i>LICADHO/Siem Reap</i>
<i>Ms. Femy Pinto</i>	<i>NTFP-EP</i>
<i>Mr. Phan Sithan</i>	<i>COHRE</i>
<i>Mr. Om Mich</i>	<i>IRAM</i>
<i>Ms. Van Samon</i>	<i>IRAM</i>
<i>Mr. Chin Thavro</i>	<i>ICSO</i>
<i>Mr. Mam Vuthy</i>	<i>CLEC</i>
<i>Mr. Don Marquez</i>	<i>ANGOC</i>
<i>Ms. Suman Suman</i>	<i>FIAN</i>
<i>Mr. Vlady Rivera</i>	<i>GRAIN</i>
<i>Mr. Chan Vichet</i>	<i>BABC</i>
<i>Mrs. Men Vannavy</i>	<i>Caritas</i>
<i>Mrs. Soum Samoun</i>	<i>UPWD</i>
<i>Mrs. Kou Sina</i>	<i>UPWD</i>
<i>Mr. Ieng Hoa</i>	<i>CMDP</i>
<i>Mr. Ny Veasna</i>	<i>CMDP</i>
<i>Mr. Ee Sarom</i>	<i>STT</i>
<i>Ms. Nora Linstrom</i>	<i>STT</i>
<i>Mr. Meas Kim Seng</i>	<i>STT</i>
<i>Mr. Ulrich Dornberg</i>	<i>MISEREOR</i>
<i>Ms. Anja Mertineit</i>	<i>MISEREOR</i>
<i>Ms. Almuth Schaubert</i>	<i>MISEREOR</i>
<i>Mr. Emanuel Yap</i>	<i>MISEREOR</i>
<i>Mr. Chhith Sam Ath</i>	<i>NGOF</i>
<i>Mr. Pen Raingsey</i>	<i>NGOF</i>
<i>Mr. Christoph Oldenburg</i>	<i>NGOF</i>
<i>Mrs. Touch Setha</i>	<i>NGOF</i>
<i>Ms. A Sisah</i>	<i>NGOF</i>
<i>Mrs. Chhay Kimheak</i>	<i>NGOF</i>
<i>Mr. Chea Sarom</i>	<i>NGOF</i>
<i>Mr. Khiev Chan</i>	<i>NGOF</i>
<i>Ms. Nou Bunnary</i>	<i>Star Kampuchea</i>
<i>Ms. Tina Franke</i>	<i>Star Kampuchea</i>
<i>Ms. Chet Charya</i>	<i>Star Kampuchea</i>

## Appendix C: References

- Community Legal Education Centre (2010). Draft Legal Memorandum: Economic Land Concession in Bousra Commune, Mondulkiri Province.
- Ernst, A., L. Rathy, et al. (2007) "Overcoming a Failure of Law and Political Will." Cambodia Country Paper. Land Watch Asia.
- GRAIN (2008). Seized! GRAIN Briefing Annex. GRAIN Briefing. Barcelona, GRAIN. October 2008.
- GRAIN (2008). SEIZED! The 2008 land grab for food and financial security. GRAIN Briefing. Barcelona, GRAIN. October 2008.
- GRAIN (2009). The new farm owners. Barcelona, GRAIN. October 2009.
- GRAIN (2010). Asia's new farm owners: Companies / investors involved in overseas farmland grab Land Grabbing and the Right to Food Workshop. Phnom Penh.
- GRAIN (2010). World Bank report on land grabbing: beyond the smoke and mirrors. Barcelona, GRAIN. September 2010.
- Lindstroem, N. (2010). Boeung Kak Lake Case Study, Phnom Penh. Land Grabbing and the Right to Food Workshop. Phnom Penh, STT.
- Lingan-Debuque, T., S. Toledo, et al. (2009). Ideas In Action For Land Rights Advocacy. Regional Training of Trainers, Cagayan de Oro City, ANGOC.
- Quizon, A. B. (2009). New Challenges and Increasing Pressures on Customary Land Rights in Southeast Asia. Customary Land Rights in Southeast Asia Conference, Phnom Penh, ANGOC
- OXFAM-NOVIB.
- Searum, P. (2010). Dey Krahorm Community Case Study Presentation. Land Grabbing and the Right to Food Workshop. Phnom Penh, HRTF.
- Searum, P. (2010). Dey Krahorm Community Case Study. Land Grabbing and the Right to Food Workshop. Phnom Penh, HRTF.
- Suman (2010). Land Grab: The Right to Food. Land Grabbing and the Right to Food Workshop. Phnom Penh, FIAN.
- Thavro, C. (2010). Bousra Case Study Presentation. Land Grabbing and the Right to Food Workshop. Phnom Penh, ICSSO.