



Case study

The people's power influence over land conflict solution

Srayang commune, located in the eastern part of Kulaen district, is about 55km from Preah Vihear Provincial town. There are 7 villages located in this commune: Srayang Chheung, Srayang Tbound, Kae, Mric, Sambor, Romcek and Sna Pha-Ek. The 7 villages which consist of 2567 families and 10,699 people (5296 females) as total population were greatly affected by three economic land concessions (ELCs): Seladamex, Eminent Elite Cambodia Co.Ltd and FP Malaysia. This commune is reported as a main source of agricultural production in Preah Vihear Province.

On March 01, 2011, the Government granted 9000 hectares of land in Srayang Tbound village to Seladamex Company, on August 03, 2012, the Government granted 7359 hectares of land to Eminent Elite Cambodia Co.Ltd and on November 03, 2011, the Government granted 8200 hectares of land in Srayang Chheung village to FP Malaysia Company as ELCs. These three concessions were granted for rubber plantation. After they were principally approved for ELCs by the Government, these companies started bulldozing the land without respecting international principles, which consist of free, prior informed consent. Additionally, conducting an assessment on environmental and social impacts, to see whether it is likely that there will be a negative impact on forests, biodiversity and community agricultural lands are essential. The communities were not allowed to use their land, nor access the concession areas. This resulted in land conflict between communities and the companies. At that time, there wasn't any authority, at any level, who were accountable for providing a land conflict solution. The authorities strongly supported the owners of ELCs. The communities were weak, with no solidarity, and the people were not organized and mobilized. They were afraid of the power of the companies.

From early 2010, until 2015, Ponlok Khmer supported Community Network in Action (CNA) to start strengthening communities to understand their rights to land and management of natural resources, as well as linking them to the community network in Preah Vihear and other grassroots networks across the country for their advocacy work. During this time, Ponlok Khmer conducted a number of trainings/workshops on land rights, which focused on accountable governing of land and natural resource management and Active Non Violence concepts and tactics. Additionally, Ponlok Khmer aimed to raise awareness on land and forest laws, sub-degree of economic land Concessions, community organizing, mobilization and negotiation skills and consultation meetings to these affected communities. In October 2012, Community Natural Resource and Livelihood (CNRL) project of World Vision also supported these communities in Community Forestry legalization, building the capacity of the community forestry committee and community forestry members, community forestry management, development of community forestry infrastructure and activities to improve livelihood. In order to provide more support to and encourage the communities, Ponlok Khmer together coordinated with ADHOC and CNRL project of World Vision, played a key

role in monitoring the land conflict, meeting with local authority and representatives of the companies to improve governance of land and natural resource management and corporate social responsibility by giving feedback to the local authority and companies for effective land conflict solutions and respect to rights to land of local communities.

With the above supports, a number of community leaders emerged in the communities with a strong energy, and were able to start to organize and mobilize their community members to claim back their agricultural land taken by the three companies. After understanding their rights and powers, the communities, especially the land-grabbed people, conducted a long protest against Human Rights violation and land grab committed by sub-national authorities and the economic land concessions. They submitted petitions to many government institutions like PM cabinet, National Assembly, Ministry of Agriculture, Forestry and Fishery (MAFF) and Land Ministry for many times, influencing the Government at the sub-national and national levels in an attempt to reach a solution over land conflict. In the period before national election in 2013, the land affected community put more pressure on the Government with their strong grassroots movement to reclaim their land back. They went to national assembly and to PM cabinet several times.



As a result of the community effort, the Government had no choice. They started measuring the land for the people from 2013 until 2015 and offered the people land title certificates. There was three times that the Government cut off the land for communities. The first time, based on sub-degree No. 153 dated on April 03, 2013, the Government cut off a total of 3818.76 hectares of land, in which 1288 hectares of land cut off from the ELC of FP Malaysia company, 2530.76 hectares of land from Forest Concession of TPP Company and about 3706.76 hectares granted to people with land titles and 260 hectares of land for reserve land, provided to communities of 1037 families in Kbal Khla village (a new village) of Tbeng Muy commune, Sangkom Thmei district, Preah Vihear Province. It has been learned that the village is close to Srayang Tbeng village, so most of people from Srayang are in close association with the members of the village. The second time, based on the Sub-degree No. 437 dated on March 21, 2013, the Government cut off a total of 7792 hectares of land, in which 3025 hectares of land cut off from ELC of TPP company, 1910 hectares of land cut off from ELC of Seladamex company, FP Malaysia, 309 hectares of land cut off from ELC of FP Malaysia. In addition, 2548 hectares was cut off from land which was planned for social land concessions for military families, and was provided to community members of 1758 families in Srayang Tboung village and other sub-villages, Srayang commune, Kulen district, Preah Vihear Province. The third time, based on sub-degree No. 529, dated on Nov 15, 2013, the government cut off 5692 hectares of land as total in which 2117.50 hectares of land from Forest Concession of TPP, 1400 hectares of land cut off from ELC of Eminent Elite Cambodia Co.Ltd, 342 hectares of land cut off from ELC of FP Malaysia, 1832.50 hectares cut off from social concession for military families, provided to 1551 families of the communities in Srayang Chheung village and other sub-villages, Srayang commune, Kulen district, Preah Vihear Province.

Community members who received their farmland back from the ELCs with land title certificates provided by the government are enjoying exercising rights to use their farmlands and reduced fear of land loss. They do farming activities and increase their incomes; they have enough resources to send their children to school.

Mrs. Huy Ren, a widow, and as community leader in Srayang commune received a number of trainings/consultation with PKH and CNA and then she contributed her heard works for communities. As result, she became a well women leader in this commune. She said,

Mrs. Huy Ren, sells her pumpkins at her home, August2016



“All people feel happy with these land conflict solutions and they feel their lands are secured, they are enjoying using their land”, adding that “people who received land back from the ELCs increased their income through farmland activities; they transplant paddy rice and grow fruit trees like banana and potatoes. Only one family that does not received land title, is not allowed to use their land inside the

Seladamex Company.” She continued, “I will work with the family and the company as well as with commune authority to check this land and try my best to facilitate them to have a best solution for the family.”

Mr. Houn Chan Theoun, 56 years old, lives in Srayang Tbound village, who has land inside FP Malaysia at Klaborck area among the other 15 families. Houn Chan Theoun received a number of trainings from PKH and CNA. He understood on people rights to land and Natural resource management, community organizing and mobilization, peaceful demonstration and demanding to sub-national authority to protect the people rights. He said *“since 2014, my land was measured by the district authority and they allowed me to continue to use my land. No one from the company can come to disturb me.”* He continued that, *“Even though I have not received an official land title yet, I feel happy to grow rice and potatoes to feed my family with 4 members.”* Mr. Houn Chan Theoun has 3 plots of land in side FP Malaysia. One plot is about 9 hectares, so in totally he has approximately 27 hectares of land. Last year in 2015, he planted paddy rice on about 18 hectares and he got rice product about 54 tones. He also planted potatoes on 4 hectares of land and got more than 1000 tones, which he sold and received \$2000. He also planted cashew trees on 5 hectares of land last year, but it has not given yield yet.

Mr. Houn Chan Theoun points to his land where he grows corn, paddy rice and potatoes in his field



Mr. Yann Yun, 46, married with 4 children, live in Srayang Chheoung villages. He owned 3 hectares of farmland since 2004, but his farmland of 3 hectares was taken by the economic land concession of FP Malaysia in 2013 without consultation and about 200 cashew trees were cleared without compensation.

Mr. Yann Yun, received a number of trainings/workshops with PKH and CNA, he understood land rights, Community Organizing and negotiation skill, ANV. He educated community members and joined with other villagers in his village to claim his land back. Because of strong protest, his farmland was given back. He said *"our land would be lost to the company; if we would not protect it by our own means"* adding that *"the company will not buy our labor when we get sick and get old, so it is better that we have land to manage by ourselves, we can plant rice and other fruit tree to survive."* He continued *"I am happy to get my land back with confidence that the company will not be back to clear our land again as now the community members are strong solidarity to help each other."* It is noted that after getting back his farmland, Mr. Yann Yun plants corns,

Mr Yann Yun described about his farmland, August 2016



bananas, mangoes and paddy rice. Last year, he got income from his farmland was about 6 million Riels after he served rice for eating. These incomes allowed him to send his children to school.

However, at the current time, there are still many interruptions and intimidation from the companies and authority through the court system. There are eight community activists that are in a questioning process from the court, due to the complaints from the companies. The communities are still organized and mobilized and they are in solidarity to support and help each other in the communities. They are mobilized to come to inform of court in Preah Vihear when their leaders are called to ask questioned by court. The community leaders in the two villages always helped intervene in other communities in other communes and districts to protect their land and forest.

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Prepared by Ponlok Khmer team

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