



CALL FOR INPUTS: RESETTLEMENT AS A HUMAN RIGHTS ISSUE

ILLEGAL LAND EVICTIONS BY THE GOVERNMENT OF CAMBODIA: RESPONSE BY THE KHMER COMMUNITY TO THE UNITED NATIONS

SUBMITTED ON 18 MARCH 2023

SECTION I. WHY ATTENTION TO THE ISSUES OF ILLEGAL EVICTIONS IN CMBODIA ESSENTIAL, AND DESERVES TOP PRIORITY

One of the world's most renowned and respected independent human rights organizations, Amnesty International, has just published a major report entitled: "Nobody Wants to Leave Their Home," that condemns the government of Cambodia for carrying out mass illegal evictions in the Angkor Wat heritage site region, resulting in over 10,000 long-term families from the 113 "traditional communities" in the area being improperly evicted, without proper compensation or adequate and workable relocation being provided. This has been taking place on what Amnesty describes as a mass and illegal basis, despite provisions in the Angkor Wat Heritage Agreement whereby both the government of Cambodia and UNESCO granted protected status to long-term residents of the "traditional villages" and assured that they would not be evicted.

Sadly, the current mass and illegal evictions from the Angkor Wat region are just the tip of the iceberg. They are just the latest example of what has been a long-standing policy and practice of the Hun Sen government to use illegal evictions of a massive number of people from their traditional homes and farms, in order to promote commercial development for the benefit of companies and developers, as well as members of the Hun Sen family and government officials, who receive major financial benefits as a result of the government's grant of land concessions. This practice is so frequent and widespread in Cambodia that Cambodia must be recognized as one of the top two or three governments in the world that have been carrying out illegal evictions as a basic part of government policy.

The Khmer community is making this report on illegal evictions in Cambodia in response to the United Nations' "Call for Inputs" on this topic, in order to bring international attention to the extent and severity of this long-overlooked problem in Cambodia, and to encourage concerted international action to stop these evictions, and to return the stolen land to their original owners. At a minimum, proper compensation and relocation assistance must be provided to those who have been evicted.

As Amnesty International's report carefully documented, the claims of the Hun Sen/Hun Manet government that adequate relocation is provided by the government does not hold water. The "alternative relocation sites" provided to those evicted from Angkor Wat's traditional villages have proved to be unlivable, and totally dysfunctional with respect to access to the necessary roads and utilities necessary for survival. Amnesty documented the sad reality that necessities like water, sewage, electricity and roads were not provided at the supposed relocation sites. And access to jobs and alternative income sources and food supplies were not provided.

We hope that the UN Human Rights Council, and UN Special Rapporteur for Housing Rights, as sponsors of the UN "Call for Inputs" on this issue, and in their follow-up work related to their "Call for Inputs" initiative, will make the land eviction situation in Cambodia the centerpiece of their work and attention for this essential issue. Cambodia may well be the "worst offender" with respect to land grabs and illegal land evictions, and needs to be called to account as such.

SECTION II. THE LONG HISTORY AND IMPACTS OF ILLEGAL LAND EVICTIONS IN CAMBODIA

Numerous international monitoring groups, such as Amnesty International and Global Witness, as well as in-country organizations, like the Cambodia Center for Human Rights, have extensively documented and reported on the serious and widespread nature of the land grab and land evictions issues in Cambodia. Global Witness' report "Country for Sale," was one of the first sources of information on how military and government officials engineered major land grabs and sold off confiscated land and resources to companies to produce profits for the companies, and, in turn, as Global Witness' report "Hostile Takeover" extensively documented, major personal financial benefits for the Hun Sen family members and government officials who facilitated the illegal evictions. Global Witness urged the Hun Sen government to "take immediate steps" to stop the evictions, and to "review the legality and appropriateness of land concessions," in order to cancel those concessions based on illegal and improper evictions.

But Global Witness was not the only major source of information and documentation on these problems. Cambodia's own Center for Human Rights published a series of "factsheets" and "updates" detailing how illegal evictions were taking place on a widespread basis throughout the country, in numerous sites and locations, affecting thousands of illegally displaced families and landowners.¹

Global Witness and the Cambodia Center for Human Rights, along with several other monitoring groups, have cited estimates summarizing the extensive nature of the Hun Sen/Hun Manet government's land grab and land eviction policies. They found that more than 500,000 families have been forcibly displaced by the Hun Sen government's illegal land grab and land eviction policies since 2003. The United Nations' own in-country Cambodia Office confirmed the extensiveness of the problem in a 2010 report estimating that more than 120,000 individuals had been forcibly and illegally expelled when 16 of 26 natural lake areas in the Phnom Penh region were seized by the government and filled in for development.

Among just a few examples of the most serious, most widely publicized, and impactful land evictions and seizures were the following:

- Boeung Kak Lake Region (4,252 families and 139 hectares of land affected);
- Siem Reap (10,000 families evicted);
- Koh Kong Sugar Plantation Development Site (4,000 families affected);
- Lor Peang (4,772 hectares of lake lands filled in for development);
- Ratanakiri Province (13,111 families evicted from Phnom Penh Wildlife Sanctuary region, with China-based Wuzhishan Group given a land concession for 200,000 hectares – 20 times the maximum amount permitted by law for foreign concessions); and,
- Mondulakiri Indigenous Community Region (forest landholdings confiscated and sold by the government to developers).

But as the CCHR Factsheets on Land Evictions make clear, these well-known examples are just the tip of a massive iceberg. There are numerous other Cambodian communities that have been adversely affected over the years by the Hun Sen/Hun Manet government's far-reaching and long-standing land grab and land eviction policies.

SECTION III. THE GOVERNMENT OF CAMBODIA'S NEFARIOUS AND DEEP-SEATED ROLE IN LAND EVICTIONS

The international monitoring group Global Witness was one of the first to bring attention to the extent and nature of the land eviction and land grab problems in Cambodia. In a series of reports, including: "Country for Sale: How Cambodia's Elite Has Captured the Country's Extractive Industries," Global Witness documented how Hun Sen family members and government officials used land grab techniques, along with massive land concessions to developers, to take over and personally benefit from extensive land evictions that gave them control of lumber, mineral, petroleum and agricultural resources throughout the country, and the ability to reap personal profits from these transactions.

In their report: "Hostile Takeover," they not only gave attention to the illegal eviction issue, but they pointed out and extensively documented the sad reality that numerous members of the Hun Sen family and government officials were personally and intimately connected with, and major economic beneficiaries of, the illegal evictions that were taking place on a widespread basis.ⁱⁱ It is no accident, or change in approach, to learn from the just issued Amnesty International report on the ongoing Angkor Wat "mass evictions," that the daughter of the land minister was identified by Amnesty as one of the major beneficiaries of the evictions taking place at Angkor Wat.ⁱⁱⁱ

The problem, as Amnesty International has confirmed, is that Hun Sen family members and government officials are personally benefiting in a major way from these land grabs and land concessions, so there is no incentive to stop these practices.^{iv}

In fact, the government's complicity has extended to Hun Sen issuing an Executive Office Directive (Directive Number One), mandating that indigenous communities were able to obtain title to traditional land holdings only if they accepted the private titles granted to developers through land concessions. This greatly limited their ability to challenge illegal land grabs.^v

In 2014, two Complaint Communications were filed on behalf of the Khmer community with the International Criminal Court, seeking to have the Hun Sen government's land grab and land eviction policies recognized as international crimes, and holding Hun Sen criminally responsible for these violations. These two Complaints still are pending before the ICC.^{vi}

SECTION IV. HOW TO STOP AND REMEDY THE LAND EVICTION PROBLEM IN CAMBODIA: WHAT ROLE THE UNITED NATIONS AND THE INTERNATIONAL COMMUNITY CAN AND MUST PLAY

A good starting point for how the United Nations can and should play a role in dealing with Cambodia's mass land eviction problem would be the current and ongoing "mass evictions" now taking place in the Angkor Wat region. As Amnesty International has so effectively pointed out, these "mass evictions" of long-term "traditional village" residents directly violate the terms of the Heritage Site Agreement that the United Nations, through UNESCO, entered into with the government of Cambodia, guaranteeing that "traditional" long term landholders would not be evicted. It makes sense for the United Nations to forcefully notify the government of Cambodia of these violations of their Agreement, and to demand compliance by securing the prompt return of the illegally evicted residents to their property.

With respect to the wider and more general problem of Cambodia's widespread and long-standing land evictions, the "perfect" forum for the UN Human Rights Council to raise and address this issue with the Hun Sen/Hun Manet government would be the hearing on Cambodia's human rights abuses that will take place on 8 May 2024 as part of Cambodia's Universal Periodic Review (UPR) session in Geneva. We encourage the UN Human Rights Council to use the 8 May Cambodia UPR session as an initial forum for dealing with the land grab, land eviction issues with the government of Cambodia. But, needless to say, it is important and essential for the United Nations more generally, and most especially the UN Special Rapporteurs for Cambodia and for Housing Rights, to use every opportunity and every available forum to continue to challenge and bring attention to the Hun Sen/Hun Manet government's widespread and long-standing land eviction abuses.

ⁱ [CCHR Factsheet on Forced Evictions in Cambodia, October, 2023](#)

ⁱⁱ <https://www.globalwitness.org/en/reports/hostile-takeover/>

ⁱⁱⁱ <https://www.amnesty.org/en/latest/news/2023/11/cambodia-angkor-wat-evictions-unesco/>

^{iv} <https://www.amnesty.org/en/latest/news/2022/01/cambodia-illegal-logging-harming-indigenous-peoples-rights-and-cultures-new-research/>

^v https://ticambodia.org/library/wp-content/files_mf/1455867912Movement_of_Indigenous_Communities_Targete.pdf

^{vi} <https://www.equaltimes.org/the-intractable-problem-of-land>