

STAR Kampuchea and the  
AIM-Mirant Center for Bridging Societal Divides

**Case Study**  
on Mr. Oum Huot,  
Community Leader of Ksach La Eth village, Ansa Chambak commune,  
Krakor district, Pursat Province

Prepared by Anne Ernst

June 12, 2007



*"The communities put a lot of effort into improving their livelihood and protecting the forests in Cambodia, but big companies and high ranking officials still illegally cut the trees in order to establish plantations. We want the government to cooperate with the communities and to protect the land rights of the people. We need access to land, water, and forests."*

Statement of Mr. Oum Huot  
at the Cambodian Civil Society Fair in June 2006

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STAR Kampuchea Organization  
No. 55, Street 101, Boeung Trabek,  
Chamkarmorn, Phnom Penh  
Tel. (855) 023 211 612  
Fax (855) 023 211 812  
Email [star@starkampuchea.org.kh](mailto:star@starkampuchea.org.kh)

## **1. Introduction**

On 12th November 2004 when an explosion erupted amongst a group of some eight hundred villagers from Pursat Province, who had gathered in protest against the timber company Pheapimex, which was preparing to clear some 300,000 hectares of land in order to make way for a eucalyptus plantation. It was at 1.40am in the morning, whilst the protesters took shelter in a nearby mosque for the night, that a grenade was cast into the group, injuring nine persons. The immediate reaction from the police was that the incident was a "game", aimed at tarnishing Pheapimex's reputation, and suggesting that the protesters may have thrown the grenade themselves. At present nobody has been arrested for the attack and the assailant remains unknown.

The grenade attack marked the sad and violent escalation of the land dispute between the Ansa Chambak commune, Pursat Province, and the Pheapimex Company, who is holding a concession of 315,028 hectares of land in the two provinces Pursat and Kampong Chhnang. This land concession will have a major impact on the community, affecting over 100,000 people who are in danger of losing their homes and livelihoods.

Seven years after the emergence of the conflict, a solution seems to be possible. The villagers of Ansa Chambak commune have developed a plan to establish a forestry community that would include 3000 ha of disputed land. The request is supported by the Commune Council and the District and Provincial governors of Pursat province.

However this is not an isolated incident in Cambodia. There have been many land disputes concerning villagers and economic concession holders that have had a negative impact socially, economically, culturally, and environmentally. Land disputes such as this also cause the mass displacement and dispossession of local populations.

## **2. The Cambodian Context**

The population of Cambodia is around 14 Million with a growth rate of 2 % per year. The total area of Cambodia is 181.035 km<sup>2</sup> of land. The country is divided into 20 provinces and 4 municipalities headed by governors, divided into 185 districts. The districts are subdivided into 1,621 communes.

### **2.1 The Khmer Rouge Regime and its aftermath**

After gaining independence from the French in 1954 under King Sihanouk, the country had to cope with economic problems, corruption and a lack of democracy. The Cambodian Government also found it hard to keep Cambodia insulated from the war in Vietnam and from pressure from both sides in that conflict to support their cause. King Sihanouk was then overthrown in a coup led by General Lon Nol and in April 1975 the Khmer Rouge, an extremist group driven by rabid nationalism and commitment to an uncompromising

agrarian communism came to power. During the Khmer Rouge Regime 1975 and 1979 life was characterized by unremitting hard labor, hunger and the threat of execution. It is estimated that around two million Cambodians – more than one in five – died during the genocide. Most died of starvation, exhaustion and disease, but perhaps 200,000 innocent people were systematically accused and executed. At the same time the Khmer Rouge Regime “brought about one of the greatest population displacements in human history, forcing millions to move from cities and towns to the countryside and from one part of the country to the other. Many thousands also fled across borders.”<sup>1</sup> During the eviction, Thousands of families were separated. The land administration including cadastral maps and titles were destroyed. All land was collectivized.

The Vietnamese invasion ended the Khmer Rouge Regime and the Democratic Kampuchea was replaced by the People’s Republic of Kampuchea (PRK). The leaders ruling the country throughout the 1980s were largely Ex-Khmer-Rouge soldiers and the civil war between the PRK government on the one hand and an alliance of anti-PRK guerilla groups on the other hand continued.

In 1989 Vietnam withdrew its troops and a political solution to the civil war was enforced by international pressure in the Paris Peace Accords of October 1991. The United Nations Transitional Authority in Cambodia was assigned to supervise disarmament and demobilization, organize repatriation and reintegration of around 350,000 refugees on the Thai border; coordinate the huge amounts of international reconstruction aid; and ensure free and fair elections.

During the UNTAC period many local groups and NGOs were established, most of them concentrating on human rights, democracy, elections and relief work. Since then the Cambodian NGOs have become a political actor in civil society. In 1994/95 the number of NGOs increased to more than one hundred. Today the number of NGOs is approximately 1100 including international NGOs.

## **2.2 Economic and social change**

Since the early 1990s, Cambodia has been undergoing a rapid transition. Firstly, it has moved from civil war to more stability. Secondly, it has moved from an isolated, low-growth, state-managed and subsistence-oriented economy to a market-oriented economy that is open to international investments and cooperation. According to the World Bank, the country slowly developed from a post-conflict society to a “normal” developing country.

From 1993, the Government has sought the re-insertion of Cambodia into regional and global relationships (for example, through pursuit of ASEAN and then WTO membership)

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<sup>1</sup> The World Bank: Cambodia Rural Sector Strategy Note. Towards a strategy for rural growth and poverty reduction. June 2005, p. 30f.

with complex effects on the Cambodian economy and society. Between 1994 and 2004, economic growth averaged 7.1 percent per annum. The main engines of growth were garment manufacturing and tourism. Growth in the agricultural sector is significantly less.

Due to greater prosperity, poverty has been reduced from an estimated 47 percent in 1994 to 35 percent in 2004. However, the fruits of economic growth have not been enjoyed equally among Cambodian society. Instead the benefits of growth remained with only a relatively small elite that resides in the urban areas, whereas poverty in Cambodia is overwhelmingly a rural phenomenon: In 2004 about 91 percent of the poor lived in rural areas and worked in the field of agriculture<sup>2</sup>. The poor in the cities include domestic workers and female garment workers, who suffer poverty, a lack of security and discrimination.

### **2.3 The façade of stability**

Under supervision of UNTAC, multiparty and widely free elections were held for the first time in more than 20 years in 1993 and a new constitution was adopted the same year. The central values of the constitution are liberal and pluralistic democracy and human rights. Most human rights, civil and political as well as economic and social, are included in the Constitution and reinforced by adherence to the core international human rights treaties. The Cambodian Constitution stipulates the principle of constitutional monarchy and the separation of powers and provides a good framework for democratic, effective and accountable government.

Since the first election, two coups lead by the current and long-standing Prime Minister Hun Sen and an ongoing “game” of political conflicts and alliances has tarnished the validity of the Cambodian democratic process. The government has failed to provide its constituents with the rights to which they are entitled by the Constitution. Human Rights Organizations already warn about increasing political intimidation and violence before the commune and national elections in April 2007 and July 2008 respectively.

The Special Representative of the Secretary-General for human rights in Cambodia, Peter Leuprecht, concluded in his 2005 report:

*“Unfortunately, Cambodian society is still suffering from the four basic evils the Special Representative identified at the beginning of his mandate, namely, poverty, violence, corruption and lawlessness. ...The Representative notes with regret that ... in the more than 10 years of strong involvement by the international community, Cambodia has not made more significant progress to overcome these four evils and, in particular that poverty has not been reduced for the majority of the Cambodian people. He deplores that the fact that Cambodia has not progressed*

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<sup>2</sup> Cambodia. Halving poverty by 2015? Poverty assessment 2006. Prepared by the World Bank for the Consultative Group Meeting. Phnom Penh, February 2006, p. 35.

*further on the road to pluralistic democracy, rule of law and respect for human rights. What we are witnessing at present does not seem to demonstrate progress towards these goals, but an increasingly autocratic form of government and growing concentration of power in the hands of the Prime Minister behind a shaky façade of democracy.”*

Shrinking democratic space and human rights violations have a strong negative impact on the poor and people who lack access to education and information.

### **3. Land conflicts in Cambodia**

Conflicts over land is one of the most disturbing trends to emerge in recent years with far-reaching consequences for Human Rights, social security, health, education, natural resource management and poverty reduction. Land disputes have increased since they started to emerge in Cambodia in the early 1990s, often involving rich and powerful people and big companies grabbing the land from the poor. At least 1,551 land disputes have occurred between 1991 and 2004, with disputed land totaling more than 380,000 hectares, and affecting more than 160,000 farming families .

In 1998, the World Bank made an assessment of the land sector identifying 7 main problems:

*“(1) inadequate legal and regulatory framework for land administration and management; (2) weak institutional and human resources capacity to implement a reform program; (3) lack of tenure security for most of the population, which has permitted land grabbing by elites and powerful interests, and a large number of land disputes; (4) inadequate regulatory framework and unclear institutional responsibilities for land classification and reclassification, including the definition of boundaries for forest land, protected areas and other state land, as well as agricultural land. The boundaries of all these were determined ad hoc; (5) increasing landlessness...; (6) unregulated and uncertain access by the poor to natural resources on state land; and (7) lack of regulations and transparency in awarding economic concessions.”<sup>3</sup>*

In 2005, the World Bank concluded that these issues are still the main problems despite significant progress in addressing some of them.

A special threat to Cambodia's livelihood that needs to be tackled is the above mentioned economic land and forestry concessions and plantation policies of the Government that have a high social and environmental impact. 10 million ha, or over 50 % of Cambodian

<sup>3</sup> The World Bank: Cambodia Rural Sector Strategy Note. Towards a strategy for rural growth and poverty reduction. June 2005, p. 31.

Land, is classified as 'forests on state-owned land'. 3.8 million ha of this land have been assigned for forest concessions. An additional million ha is assigned for land concessions. Decisions on concessions and plantations are often made without consultation with the local communities or local authorities and without transparency. Increased violence against people and local communities also continue to be a major problem.

The environmental impacts of forestry concessions include the destruction of large swathes of forest that results in an overall decrease in biodiversity, wildlife and local water resources. The important watershed and ecosystem-stabilizing function of extended forested regions is also negatively affected.

The people affected by land concessions lack access to Non-timber-forest-products (NTFP) including in particular firewood and charcoal, traditional medicines, resins and forest fruits. NTFP are collected both for home use and to generate income. At minimum, they are a safety net when harvests fail. The villagers also lose access to pastures, water resources and fishing areas.

LICADHO, in a briefing paper<sup>4</sup>, cited the following as the main harmful effects that land concessions have on poor Cambodians:

*Loss of incomes and traditions* – The land is a spiritual base for the rural Cambodian population. The acquisition of great concessions is perceived as an attack on their spiritual beliefs and social organization. The forest also provides an important source of income for Cambodian peasants. However the concessionaires prohibit access to the forests, denying the rural poor of much needed income.

*Bad working conditions in the private companies* – Work in the private companies is perceived by the peasants as forced labor, as the peasant culture dictates that work is done as and when it is necessary rather than at the behest of a company, and the wages are low. Peasants object to working for companies that they perceive as destroying their forest, and further conflict arises when companies hire more qualified labor from outside the concession areas.

*Displacements and expropriations* – In the rare case that a land concession is handled according to legal procedure, the peasants usually do not have access to legal support and no help is given. When land is given as compensation it is normally infertile, littered with land mines and has no close supply of water.

*Encroaching* – The advertisement of a new concession particularly attracts the attention of poor people who settle there in the hope of being hired or by believing that if they clear

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<sup>4</sup> LICADHO: Harmful Effects of Economic Land Concessions on Poor Cambodians. A LICADHO Briefing Paper, November 2005.

the land then the concessionaires will have to buy it from them. These “newcomers” often cause conflicts with the local population and the concessionaires.

*Environmental effects* – Logging destroys the ecosystem. Monoculture is of great concern and causes serious ecological damage such as acidification.

*Supporting a climate of fear* – Often the peasants are intimidated and threatened by armed guards when they try to assert their rights. There are many instances of peasants making complaints to different NGOs or by demonstrations in front of authorities, companies’ offices or the national assembly. However their attempts are generally in vain and put them in constant fear of attack. This seems to be the case with the grenade attack on Mr. Oum Huot and the protesters from other provinces.

*Dispossessions and impoverishment* – The lack of rigor and real will in the land concession management causes impoverishment of the local communities and thus by no means meets the promises made by the Cambodian government. The territory of Cambodia comprises of 6.5 million hectares of land that are deemed to be arable, with 2.7 million hectares being considered as reasonably productive. However between 1993 and 1999, the Cambodian government conceded more than a third of the most productive lands to mainly foreign companies.

#### **4. The conflict begins in 2000**

The roots of the conflict that is described in this case study lie in the initial request made by the Pheapimex Company to the Ministry of Agriculture, Forestry, and Fisheries in 1997 for a land concession of 331,100 hectares in order to grow eucalyptus trees and establish a paper mill.

On 8th January 2000, Pheapimex was granted two continuous land concessions to grow eucalyptus for a period of 70 years, with the Ministry of Agriculture, Forestry and Fisheries taking only two weeks to reply to their second, substantive, request. The concession land is located in Tuek Phos, Sameakki Mean Chey and Baribour districts of Kampong Chhnang province (total land 176,065 Ha), and Bakan, Krakor and Sampov Meas districts of Pursat province (total land 138,963 ha)<sup>5</sup>. The area of land covers large areas of forest, villagers’ rice fields and entire villages not to mention being adjacent to two protected areas; the Tonle Sap Lake to the east and the Oral Wildlife Sanctuary to the west. However no survey was carried out to assess the impact that the Company’s activities would have.

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<sup>5</sup> The NGO Forum on Cambodia: Fast-wood Plantations, Economic Concessions and Local Livelihoods in Cambodia, Phnom Penh 2006, page 80.

The project is a partnership between the China Corporation of State Farms Group, supplying funding and technical support, and the Pheapimex Company. The joint venture involving \$70 Million, financed with a loan to the Government of Cambodia, from the Import-Export Bank of China, was formed on December 25, 2000, at a gathering chaired by the Prime Minister Hun Sen.<sup>6</sup>

In 2000 the Company began its preliminary operations, alerting residents in the area to their plans for the first time. Pheapimex began clearing an initial area of 6,800 hectares in Ansar Chambok commune, Krakor district, Pursat Province. These actions primarily affected the Ksach La Eth village and its 129 families, based near the forest and the Tonle Sap Lake.

However at no point during the development of the land concessions were the villagers informed or consulted on Pheapimex's plans. This created a feeling of helplessness, neglect and abandonment amongst the people. As one villager stated:

*"The government talks about poverty reduction, but what they are really trying to do is to get rid of the poor. They destroy us by taking our forested land, 70% of the population has to disappear, so that 30 % can live on."*

Initial attempts made by Pheapimex in 2000 to start clearing the land were brought to a halt due to major opposition from local communities. Mr. Oum Huot, along with other alarmed residents, sent complaints and relevant legal documents to various organizations and institutions including the King, NGOs, the media, the Prime Minister, the National Assembly President, concerned Ministries, embassies, and the United Nations, asking for intervention and demanding the return of the entire land concession. However the Government involved itself on the side of the company.

#### **Excurs: Social order in Cambodia**

All relations in Cambodian social life are hierarchically ordered. A person has authority through his/her social status that is determined by factors such as gender, wealth, knowledge and political position. Thus, the social order is felt to depend upon everybody observing this hierarchical status and keeping his/her place in it. One should not stand up against his/her superiors, it is not only inadmissible, it is also foolish, as one is bound to lose. The hierarchical order is not only rooted in Cambodian history, but has been reinforced by Cambodia's dominant belief system, Theravada Buddhism.

Patron-client relationships are another factor that determines the hierarchical social order in Cambodia. Relationships are based on the role of a patron to offer physical protection

<sup>6</sup> Special Representative of the Secretary-General for Human Rights in Cambodia: Land concessions for economic purposes in Cambodia. A human rights perspective, Phnom Penh, November 2004, page 63.

and economic assistance and the obligations of a client to assure political loyalty and occasionally to supply labor for the patron.

On the one hand, these guiding principles could be seen as virtues in the sense that they may act as stabilizing factors. The people respect their benevolent leaders who in turn reward them by providing security and economic assistance in times of need.

On the other hand, things could go terribly wrong if the leaders are not benevolent; if achieving high social status is considered a goal in itself rather than a means to do things for the benefit of society; if state power and the system of patronage is used by the leaders to suppress the people, neutralize their enemies and further their own ends.

Source: Michael Engquist: Strengthening the people's voice: Decentralisation reforms in Cambodia. An analysis of the new form of commune government, Roskilde & Phnom Penh 2003, page 65 f.

Soon after the conflict emerged, Mr. Oum Huot became the self-elected community leader<sup>7</sup> and has been an important figure throughout the conflict. He was born, and currently resides, in the disputed area and has been a simple farmer for the majority of his life. Mr. Oum Huot spent the difficult years of the Khmer Rouge regime in a refugee camp in Thailand, returning to his current home in 1992. On his return he received a small plot of land from the Government. He has gained a great deal of knowledge regarding the forest and the area as well as the history of the conflict. When asked about starting the resistance to Pheapimex, Mr. Oum Huot stated:

*"In the beginning we had no idea and experience on how to mobilize the community. The conflict brought us together."*

In late 2000, the actions taken by the villagers brought an end to the Company's activities and they were allowed to remain on the land. The company's cessation of work may or may not have had anything to do with concern about residents and their resistance as nothing is known of their decisions to cease operations. On its website, the Ministry of Agriculture, Forestry and Fishery, concerning the situation in 2000, stated:

*"The Company can't start plantation due to the protest of the people for keeping the area for community of forestry."*

In May and July 2003 OHCHR/Cambodia staff visited the concession areas and found no sign of any company activity in either province. In several villages, people did not know of the Pheapimex contract, and provincial and local authorities stated that they had not heard from the company since 2000. It was also learnt that the Pursat provincial authorities had

<sup>7</sup> Mr. Oum Huot made it clear that he was elected by the villagers as representative of the forestry community. Since the forestry community is not yet officially registered with the government, he is not officially recognized as the community leader.

refused a request from the local residents for community forestry claiming that it was Pheapimex alone that had authority over the land.

There is one thing for certain and that is if it were not for the actions of Mr. Oum Huot, who was not prepared to accept these decisions, then the situation regarding the land concessions would be far different. His initial reaction to the Company's plans was fuelled by a sense of preservation of the forest and sees the future of Cambodia's natural resources as depending on advocacy for functioning civil society. He has been personally affected by the conflict. Describing himself as a simple farmer and community member, his powerful feelings of wanting to protect "his" forest, "his" homeland, drove him to become the community leader:

*"Had I not taken on the role of leadership, no one else would have started activities to protect the forest. I want to preserve and restore the forest for the benefit of the people and our children. Natural resources are the future of Cambodia. It is my purpose in life to organize the forestry community before the end of my life."*

Learning from experience, Mr. Oum Huot gained important leadership and advocacy skills. He himself highlighted his facilitation and public speaking skills as being key to the successful advocacy. He appears undeterred when addressing people of a higher social and economic rank, coming forward as a speaker before larger and more educated crowds. He has also shown a great deal of initiative in gaining access to distant workshops, big conferences and meetings to lobby high ranking officials and powerful people. A modest man, he makes no boasts of his achievements or of his ability to manage events.

Mr. Im Ila from the Civil Society Advocacy Coordination Alliance (CACA) in Pursat highlighted the personality of the community leader:

*"Mr. Oum Huot is nice, considerate and supports all villagers in his community. He is a good leader devoting time and money to help others. He is on the one hand patient and generous and, on the other hand, creative and flexible in carrying out successful advocacy activities. He always works in compliance with the law."*

## **5. Escalation of the conflict in November 2004**

However even though the company's operations had been suspended for the time being the situation was to escalate further.

The Company started its operations again on 9th November 2004 when the deputy general director of the Ministry of Agriculture, with the Minister's approval, approved a request from Pheapimex to clear 14,096 hectares of land in Ansa Chambok commune, Pursat. The Governor of Pursat, Mr. Ung Samy, immediately set up a working group with

relevant local level officials<sup>8</sup> to work with officials from the Ministry of Agriculture to assess and identify the land.<sup>9</sup> Once again somebody neglected to tell the residents what was happening.

On 12th November 2004 Mr. Oum Huot once again mobilized the crowds and marched in protest, eventually being stopped by police and military personnel and blockading the main National Highway 5 for a period of time. The demonstrators were upset that the governor of Pursat province did not show up as promised to listen to the villagers' complaints and broker a compromise between the villagers and Pheapimex.

### **Excurs: Conflict resolution mechanisms in Cambodia**

The Buddhist religion teaches harmony and compromise and deference to superiors who also should respect their subordinates. Therefore conflicts and the losses of face should be avoided. These might, on the one hand, suppress disagreement that could otherwise escalate into open conflicts. On the other hand, Cambodia lacks a culture for reconciling contrary opinions and a lack of socially accepted behavioral rules for resolving conflicts and for finding a compromise. The notion of harmony might lead to apathy and cynicism and might stifle people's willingness to debate, criticize and question the motives of those in power.

Furthermore, 30 years of war and the Khmer Rouge System destroyed social values, social, familial and cultural relationships. Due to corruption, poor education, social inequality and human insecurity, violence, envy and hate have increased. The inhibition threshold to use violence has dropped, particularly as the society lacks a socially accepted conflict resolution mechanism.

However, the emerging civil society in Cambodia since 1993 helps to develop alternative conflict resolution mechanisms and helps the people to become aware of and exercise their rights.

Source: Michael Engquist: Strengthening the people's voice: Decentralisation reforms in Cambodia. An analysis of the new form of commune government, Roskilde & Phnom Penh 2003, page 65 f.

It was in the early hours on 12th November 2004 that the conflict reached its violent peak when a grenade was thrown into a group of 600 protesters, including Mr. Oum Huot, that were taking refuge in the compound of the local mosque. The attack injured nine people, who were later taken to Preah Sihanouk Hospital in Phnom Penh. When asked about the incident it was stated:

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<sup>8</sup> Including officials from the forestry administration, police, gendarmerie, environment, cadastral commission and commune chiefs.

<sup>9</sup> Special Representative of the Secretary-General for Human Rights in Cambodia: Land concessions for economic purposes in Cambodia. A human rights perspective, Phnom Penh, November 2004, page 64.

*“This was our nightmare, our darkest moment. Because of our lack of knowledge people were hurt and others were afraid to join our protest.”*

At present nobody has been arrested regarding the attack on the protesters at the mosque and it has even been suggested by government authorities that demonstrators orchestrated the attack themselves in order to drum-up support for their cause and draw sympathy. However, the Governor of Pursat issued a reward of \$1,000 for information leading to the apprehension of the person/s responsible for the attack but this approach did not succeed.

The grenade incident however had the effect of increasing the support for the protesters. As more farmers joined Mr. Oum Huot from the surrounding areas the number of protesters increased to an estimated 1,000 (according to the UN report) to 1,500 (according to our interviews). Due to this increase in support armed police and military personnel were deployed at road junctions. Arriving farmers were stopped and dispersed before they could join the other protesters. Mr. Oum Huot with a group intending to approach the Governor was prevented from continuing. These actions also had the effect of bringing the traffic on road 5 to a standstill.

On 13th November 2004 the Chief of Krakor district and a representative of the provincial Governor of Pursat arrived with a letter from the Governor. The letter asked that the farmers return to their homes and tend to their rice fields whilst 10 persons from each village would be permitted to stay and discuss their demands with the authorities. It was announced that there would be a meeting between a national delegation composed of Ministry officials and company representatives and the residents. However on 15th November, the date of the meeting, only the deputy governors from Pursat and Kampong Chnang turned up. No solution was found.

On 17<sup>th</sup> of November a meeting took place between the Secretary of State at the Ministry of Interior, Mr. Nouth Saan, the governor of Pursat province and the first Deputy Governor of Kampong Chnang province.

Confrontations between the people and the government continued, with police using intimidation tactics on those involved in the resistance. On 29th November 2004, the commune chief of Krakor district, called Mr. Oum Huot to his house for a meeting. Also present at the meeting was the district police chief, Mr. Bin Vanna, two district criminal police and one commune police officer. The police proceeded to interrogate Mr. Oum Huot regarding his educational and political background as well as his activity with an NGO and his protest against the company and the grenade attack. They asked him whether or not he received a salary and if so from which organization, which organization had supported the recent protests, what political party he belonged to, how many children he had and where they were. They also questioned him on his reasoning for having a mobile phone and the business that he was involved in.

On 30th November, 2004, the people once again took to the streets. This time demonstrations occurred about 1 km from the entrance of the road to the Pheapimex site and near to the mosque where the grenade attack occurred. However the march to the entrance was stopped by about twenty armed and uniformed police personnel. The road from Kampong Chnang was also blocked to prevent any more protesters from joining the demonstrations.

In January 2005 the first peaceful protest took place involving religious figures. The people planned to organize a blessing the forest trees. Although the ceremony would have been supported by local monks, it was prevented by the local authorities. A leading monk of Krakor district and the religious department warned all monks not to participate in forest related activities which were deemed as political. The community then decided to organize the annual traditional ceremony "Thanksgiving to the Spirit", which was approved by the district chief. A total number of 450 people attended this event from various organizations such as NGOs, monks, villagers, and authorities including the police. The ceremony also attracted the attention of the media. This event marked a change in the strategy being employed by the protesters, now striving to resolve the conflict through non-violence. The company bulldozed the trees a few days after this peaceful protest took place.

In late January 2005 Sam Rainsy of the opposition Sam Rainsy Party visited the area. Photographs of his visit are displayed on the Rainsy website and include pictures of him touring the forest and meeting the residents. Mr. Rainsy also declared his opposition to the land concession publicly.

During February 2005 the residents contacted King Sahamoni to ask for his help. It was on 24th February 2005 that community leaders received their response. A letter dated 11<sup>th</sup> February 2005 and addressed to the people of Toeuk Phos, Boribo and Krakor districts, acknowledged their complaints and informed them that he, the King, had passed them on to the Prime Minister. Then on the 5th March 2005 the communities received a written response, forwarded on to them by the King. The Prime Minister's response from February 24, 2005, was that the protesters were a small group of self-appointed people, serving the interests of political parties.<sup>10</sup> He maintained that the companies operations would benefit the area and its residents and refused to intervene on their behalf. However the villagers felt that the Prime Minister had not been properly informed of the circumstances and that he was not in a position to fully understand their situation.

Confrontations between local people in Kraing Skea commune and company and forestry officials took place on 11th, 15th and 17th March 2005 when officials went to demarcate the boundaries of the concession. Their actions however were prematurely ended after an

<sup>10</sup> Special Representative of the Secretary-General for Human Rights in Cambodia: Land concessions for economic purposes in Cambodia. A human rights perspective, Phnom Penh, November 2004, page 60.

estimated one-hundred local people threw insults at them and protested against their activities. Several demands have been made, including setting up a forestry community and it was agreed by forestry officials that these demands would be transmitted to the provincial level. It was during mid-March 2005 that Pheapimex stopped its activities in the Pursat province, withdrawing its staff and equipment and leaving six police personnel to guard the nursery area.

## **6. How has the land dispute affected the community?**

So what effects has the land concession had on the Ansa Chambak commune?

Ansa Chambak commune comprises of 14096 ha including seven villages, with an estimated population of 1,300<sup>11</sup> families. The land allocated to the company in the land concession covers over three quarters of the land area traditionally used by the villagers. The rural Tonle Sap region already has one of the lowest living standards in Cambodia. The people earn their income by rice farming, animal husbandry, fishing and collecting timber and non-timber products in the forest.

The impending use of the land by Pheapimex will have the effect of depriving the villagers of their income and occupations. All agricultural uses will be affected in some way; water rights, grazing rights and the rights-of-way will all be drastically interrupted. Rice farming, collection of forestry products and fishing will all be restricted or eliminated.

In the surveys carried out by NGO Forum in their report "Fast-wood Plantations, Economic Concessions and Local Livelihoods in Cambodia", area residents reported that before the concession 92% of the people living in Ansa Chambak felt that the forest provided enough resources for their needs. This is in stark contrast to the time after the concession with 92% of the people believing that they do not have enough access to timber resources. Before the plantation was established 75% of the villagers collected forest products, which has now reduced to 54%. The land concessions have also significantly reduced the number of people that collect non-timber products.

The company's plans to plant trees and to build and operate a pulp paper mill will dramatically affect the environmental quality of the residents' lives. Fishing in the Tonle Sap and water quality will suffer greatly. Neither the company nor the government has provided any environmental or social impact assessment showing the results of a paper mill's operations in the region.

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<sup>11</sup> Each family has on average five people.

The concerns of the people are highlighted in the United Nations report “Land Concessions for Economic Purposes in Cambodia: A Human Rights Perspective.” It states that:

*“Confronted by the combined forces of the company and the national and local authorities, they [the villagers] felt helpless, neglected and abandoned. When the forest goes, they said, they will have nothing to live on. They have no means to protest, only their tears.” (page 57)*

The report goes on to describe the effect that the land concession has had on the people living in the villages:

*“during the rainy season and the annual flooding of the Tonle Sap Lake, the villages have traditionally relocated their cattle, and often their families, to higher ground, now part of the concession area. Preliminary research indicates that over half the income of the people of Ansar Chambok comes from the collection of forest products, and that 90 per cent of the population depends on such products.” (page 56)*

The loss of livelihoods due to the land concession has by no means been offset by the activities of the company and, for the majority, there is little hope that Pheapimex will provide alternative forms of income generation or sustainable jobs. So far the land concession has created low paid, short-term employment on the eucalyptus nurseries and the clearing sites. The majority of workers are hired from outside since the local population does not want to play any part in the destruction of the forests on which they depend.

With regards to the land concessions:

*“...the economic concessions are not meeting the promise that formed their rationale, namely to stimulate private enterprise, contribute to state revenue, reduce rural poverty, generate jobs for local people.”<sup>12</sup>*

## **7. What factors have prevented the conflict from being resolved?**

### **7.1 The Company**

Global Witness, an international environmental NGO, describes Pheapimex as having “perhaps the worst record of logging and bad forest management in Cambodia”<sup>13</sup>. The company holds at least five concessions in Cambodia with a total of over 7.4 % of

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Special Representative of the Secretary-General for Human Rights in Cambodia: Land concessions for economic purposes in Cambodia. A human rights perspective, Phnom Penh, November 2004.

<sup>13</sup> Keith Barney: Customs, concessionaires and conflict: Tracking Cambodia’s forestry commodity chains and export links to China, 2005: page 24.

Cambodia's territory<sup>14</sup>. Global Witness showed evidence that the Company together with the Cambodian Military and the Cambodian Prime Minister has been involved in illegal logging activities in different provinces.<sup>15</sup>

Pheapimex is a registered local company based in Phnom Penh. It is the local partner of Chinese plantation firm Wuzhishan LS; which last year secretly acquired a huge illegal economic land concession in northeastern Monduliri. The Pheapimex company is named after its head Ms. Choeung Sopheap (also called Yeay Phu), a crony of Prime Minister Hun Sen<sup>16</sup>, and is a main donor to the government's Cambodian People's Party<sup>17</sup>. Her husband, Mr. Lao Meng Khin is the Director of Pheapimex. He is also the Cambodian Director of Wuzhishan L.S. and the Director of the little known development company Shukaku Inc, which recently leased in an illegal deal a 133 ha area in central Phnom Penh. The deal will lead to the displacement of 3900 families and hundreds of businesses. Lao Meng Khin has been a CPP senator since 2006.<sup>18</sup>

The actions of the company in Pursat province can be cited as a major issue preventing the resolution of the conflict and illustrates a mind-set in which the power-holders see public interest as weak and not worthy of persuasion.

The company makes decisions removed from outside advice and for their own benefit. These decisions are then imposed on the residents of the area by the company in alliance with the government. Protests are ignored as long as they can be branded as lawless, violent, dishonest, or self-serving.

This case highlights how important the company's attitude can be in resolving a dispute. At an early stage Mr. Oum Huot told STAR Kampuchea interviewers that the company approached the residents with an offer to settle the growing dispute but the residents refused. There were no reports of any further interest from Pheapimex in negotiating for a resolution.

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<sup>14</sup> Global Witness: Cambodia's Family Trees. Illegal logging and the stripping of public assets by Cambodia's elite. Washington DC, June 2007, page 77.

<sup>15</sup> Global Witness: Just desserts for Cambodia, Phnom Penh, 1997.

Global Witness: Cambodia's Family Trees. Illegal logging and the stripping of public assets by Cambodia's elite. Washington DC, June 2007.

Luke Reynolds: Pulping Cambodia. Asia Pulp & Paper and the Threat to Cambodia's Forests, In : Multinational Monitor, March/April 2005, VOLUME 26, NUMBERS 3 & 4,

<http://multinationalmonitor.org/mm2005/032005/reynolds.html>

<sup>16</sup> Global Witness: Cambodia's Family Trees. Illegal logging and the stripping of public assets by Cambodia's elite. Washington DC, June 2007, page 8.

<sup>17</sup> Allister Hayman and Sam Rith: Boeung Kak lake latest city sell-off, In: Phnom Penh Post, Issue 16 / 03, February 9 - 22, 2007

<sup>18</sup> Global Witness: Cambodia's Family Trees. Illegal logging and the stripping of public assets by Cambodia's elite. Washington DC, June 2007, page 76 ff.

The company also showed a lack of understanding towards the people. Other than handing out rice and sarongs to villagers early on in the conflict, no authority of the company made themselves available to public representatives to discuss a solution. A meeting was held during 2004, which the company sent representatives to. However these individuals had no power to negotiate, determine policy or make agreements.

Until now, the company kept a lot of the information regarding their proposed plans secret, even from the District Governor. Actions were made without announcement and at present nobody is able to tell us whether or not the company is still planning on development operations. Every major incident in the history of the conflict occurred when the local population discovered a new step in the company's operations.

The company never issued a statement of benefits to the area, in planned jobs or primary income generation to the region. The company also avoided every opportunity to reduce the atmosphere of fear and suspicion that their plans had created amongst the local population and has yet to involve itself in resolving the conflict.

Furthermore, the attitude of the company has been to rely on intimidation (armed police and gendarmes, guards, threats, fences) rather than neighborliness and cooperation. The community has also been under police surveillance. Villagers thus feel threatened and fearful, instead of seeing opportunities for their futures.

## **7.2 National Government**

However it is not only the actions of the company that has prevented a resolution. The Government can also be seen as providing a major barrier to resolving the dispute. Due to the large size and nature of the land it can be concluded that the concession must have been decided by the National Government. At the National Level, the Ministry of Agriculture, Forestry and Fisheries, the Prime Minister Hun Sen<sup>19</sup> and the Councils of Ministers<sup>20</sup> were involved. At the provincial level, the Governor of Pursat province, Mr. Ung Samy<sup>21</sup>, and the provincial department of Agriculture, Forestry and Fisheries were included. The decision, however, was made without notifying or consulting the population of the changes being made. The conflict can be seen to have stemmed from the lack of transparency regarding the land concession and the involvement of high ranking officials

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<sup>19</sup> Special Representative of the Secretary-General for Human Rights in Cambodia: Land concessions for economic purposes in Cambodia. A human rights perspective, Phnom Penh, November 2004, page 63: Prime Minister Hun Sen chaired the gathering during with the China Cooperation of State Farms Group partnered with Pheapimex on December 25, 2000.

<sup>20</sup> Special Representative of the Secretary-General for Human Rights in Cambodia: Land concessions for economic purposes in Cambodia. A human rights perspective, Phnom Penh, November 2004, page 62.

<sup>21</sup> Special Representative of the Secretary-General for Human Rights in Cambodia: Land concessions for economic purposes in Cambodia. A human rights perspective, Phnom Penh, November 2004, page 62 ff.

in the private sector. Throughout the conflict the Government maintained a stubborn and remote position.

The land concession also violates Cambodian law. Although land concessions are permitted these, under the law, are restricted to 10,000 hectares and to Cambodian concerns only. All approvals were completed in two weeks. For a concession with such value it would be common business practice to widely advertise the opportunity to all interested parties.

Cambodian concession practice also involves the company paying a deposit to the government equal to \$1.00 per hectare. However in the case of Pheapimex a deposit of only 14 cents a hectare was collected<sup>22</sup>.

No environmental impact assessment was carried out by the government and the Cambodian Ministry of Environment was not consulted before the concessions were made. The government has a commitment to preserve the forests, which are critical for the protection against floods, storms and erosion into Tonle Sap. No social impact study was carried out either.

At the height of the conflict in November 2004 authorities announced that a national delegation from the Ministry of Agriculture and Land Ministry, and officials from Pheapimex, would meet protesters at a point on the border of the two provinces. However on the day of the meeting nobody from either the ministries or Pheapimex appeared, leaving only deputy governors from the two provinces to appear at the meeting.

The official stonewall apparently hid concern at the highest level regarding popular unrest. An Associated Press article from March 3, 2006, about the conflict stated: "...Prime Minister Hun Sen called for a review of land concessions, warning that a "peasant revolution" could occur if land was not redistributed among the poor and homeless."

### **7.3 Local Government**

An example of the local government taking a proactive stance on the dispute occurred on 13<sup>th</sup> November 2004 with an attempt to lower tensions by the Governor of Pursat. A representative was sent to the residents that were protesting asking them to return home to their fields, leaving one individual behind from each village to discuss their demands. It was stated that the authorities needed seven days to respond to the residents demands during which time the company would be prevented from operating and the residents would be allowed to stop the company if it was found to be violating the agreement.

<sup>22</sup> Special Representative of the Secretary-General for Human Rights in Cambodia: Land concessions for economic purposes in Cambodia. A human rights perspective, Phnom Penh, November 2004, page 56.

However although local government, in the form of the Commune Council and the district governor, Mr. Sari Kosal, appears to have been more involved in finding a resolution they are, at the same time, cautious about taking a strong role due to the fact that conflict resolution is new to them.

#### **7.4 Violence**

Violence has also been used extensively as a way of intimidating those that may challenge the company. The violence used and the threats of violence that have been made played an important part in the conflict. The company's cessation of work may or may not have had anything to do with concerns about resistance from local residents. In order to maintain order the government employed intimidation tactics, using the police against individuals and military force against the public. What the government had to fear was greater civil unrest that would attract elements from outside of the region, and deepen antipathy among the areas residents.

Out of the parties involved it is the residents that have the least obvious power. They have no police or military, no authority, no legal power, and little in the way of financial and economic power. They were constantly reacting to outside events, not in advance of events. They reacted with some strength in the initial stages of the conflict, before changing their strategy to publicly embracing non-violent tactics, employing useful assets in working towards a solution.

Although threats were made by the local population, it is claimed by Mr. Oum Huot that these were not serious and no actual violence was carried out by the residents :

*"We threatened to destroy the company's equipment and material. We told them we would mobilize 500 people to block the gate, but in fact we were only 20 people. We wanted to give the government a headache."*

Lacking in other options, violence and the violent defense of land is commonplace in Cambodia. Perhaps the only reason that the area residents got the attention of the government was the threats of violence that they made without actually carrying out any violent actions.

According to Mr. Phom Phavath, an advisor for the Civil Society Advocacy Coordination Alliance (CACA), the Company and the police were not able to provoke Mr. Oum Huot:

*"He is very active in advocating against the Pheampimex Company in order to preserve the local natural resources. He bravely leads non-violent activities against the company representing the community and all people in Ansa Chambak commune. He is not afraid of being threatened by the power of the Pheapimex Company."*

The only violent act that was committed that resulted in harm was the grenade incident that occurred on 12<sup>th</sup> November 2004. When discussing the incident Mr. Oum Huot was asked if anyone had seen the perpetrator to which he replied that nobody had due to the fact that people had maintained trust in the police to keep order and prevent violence. He commented that it was the darkest day of the resistance to the land concession and deterred others from joining the movement.

## **7.6 Communication**

Finally a lack of communication can be seen as an important factor. The situation highlights the lack of opportunities that the area residents have to communicate with the national government. The residents tried on many occasions to contact various ministries and national government leaders but all to no avail.

However local government seemed somewhat more encouraging. Both the District Governor and the Commune Council felt that they had contributed in the conflict resolution. Mr. Um Phan, the 1<sup>st</sup> deputy chief of the Commune Council stated:

*“We lack communication with the community. We hardly even knew each other. And the community did not know anything about our policy. Today we have a better understanding of each other.”*

## **8. The way towards a possible dispute resolution**

After seven years, a possible solution of the land dispute has appeared. The residents of seven villages in Ansa Chambak commune, residing in an area of the land in question, in consultation with the Commune Council, the District and Provincial Governors, and CACA have developed a proposal outlining a resolution to the conflict.

Supported by CACA and STAR Kampuchea, the community developed the idea to establish a Forestry Community in 2001. It presented the idea in a meeting at Ansa Chambok Commune Office with the participation of the provincial environmental office, department of forestry, the provincial governor's office, the Krakor district deputy chief, the Ansa Chambok commune chief, village chiefs and the village development committee and some villagers. The establishment of a Forestry Community would be one legal way to secure the people's access to land and natural resources in the long run. But the first request was refused as the villagers requested the entire area that is under control of Pheapimex for their Forestry Community.

A second initiative was started in the second half of 2004. With support of the CACA network, the community identified the possible community forestry land and submitted the necessary documents to the Commune Council and the district forestry administration.

CACA also lobbied the Commune Council and attended Krakor district planning meetings in order to include the community forestry in the land mapping. During that period, the Commune Council agreed to support the community with applying for the Forestry Community.

Furthermore, CACA supported regular meetings with the people from Ansa Chambok in order to establish a well managed community and to improve their relationship with the local government. The community developed a management structure, community bylaw and regulations and elected a committee.

In 2005, they continued the process of requesting the establishment of a Forestry Community which would include six villages and only 3000 hectares of forestry land.

A long discussion took place about the size of the Forestry Community and whether it should be jointly managed by the seven villages. The District Governor, Mr. Sari Kosal, advised the villages to apply for 3000 hectares as this corresponds with the number of families present in the villages and the size of land they are able to manage. Firstly, the villagers were reluctant to agree with this suggestion as they fear management problems among the seven villages that should form the community. It was agreed that each village will receive a clearly identified piece of land. Together, they will form a central committee. Regarding the size, Mr. Oum Huot has stated:

*“3000 ha is not enough for the need of the people, but if we do not accept it we do not have anything. This is why we accepted the offer of 3000 ha. In the future, we also have to find other sources of income.”*

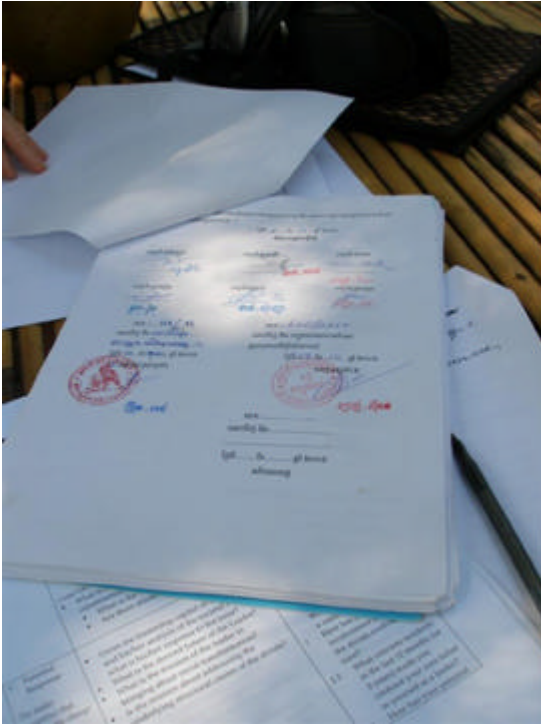
In November 2006, representatives from the community, CACA and STAR Kampuchea went on a joint field trip with the Deputy Governor of Pursat Province, the Vice Governor of Krakor District and representatives from the Provincial and District Forestry authority and the Environment department in order to identify the 3000 ha of land. The result of this demarcation process is included in the official request.

In December 2006, the request was signed by the Ansa Chambok Commune Council that already included the development of the forestry community in the commune plan for 2007:

*“We can help the community to apply for a forestry community. We want to protect the forest and we want to help the community to organize the forestry community.”*

The District Governor, Mr. Sari Kosal, is glad about the expected solution:

*“There is no problem any longer. We have a good cooperation with the community and the community gets strong support from the district.”*



**The proposed settlement submitted to provincial government by seven villages.**

It is not yet clear when the forestry community will be realized, but the community and all involved authorities expect a positive result soon. Currently the community lobbies the provincial level. During a Public Forum in January 2007 with community representatives and the current Provincial Governor of Pursat province, Mr. Chhay Sareth, promised to sign the request as soon as Pheapimex Company agreed to provide 3000 ha for the community forestry. To process the application, the Provincial Governor has sent the application to the responsible Ministry of Agriculture for discussion with the Company. Again, representatives from the Company did not join the meeting with the community.

The proposal to develop a "Forestry Community" has been well thought out and shows clarity, identifying precisely the land in dispute, and also demonstrates knowledge of the law. In Cambodia, a Forestry Community is managed by the local people that live nearby or in the forest. They use the forest in a sustainable way with recognition of the Forestry administration. The agreement to manage the Forestry Community lasts 15 years and can be renewed. The Forestry Law (2002) and the Community Forestry Sub Decree (2003) guarantee the rights of the communities. Both documents can be seen in the context of the Royal Government of Cambodia's Rectangular Strategy which was presented in July 2004. Among others, the strategy emphasized forestry reform, sustainable forest management, the establishment of protected areas and community forestry.

Each of the seven involved villages has already made an agreement with the rest of the group regarding their portion as part of the total settlement. Although the fifteen-year term is not as permanent as might have been hoped it is the best use of the system in creating a positive outcome. The solution will provide:

- Open access to the forest
- Income for the residents
- Protection of the land and the forest

## **9. Further Plans of the Community**

If the Ministry of Agriculture does not process the community's request, the villagers would hardly give up their vision. Instead, they plan to organize another Public Forum to lobby the authorities. As both parties, the Ministry of Agriculture and Pheapimex, have in principle agreed to join a meeting with community members they would again invite representatives from the Ministry and the Pheapimex Company.

CACA together with STAR Kampuchea is following up the community's request with the Ministry by addressing the forestry department. Whenever it is possible, STAR Kampuchea addresses the issue at the national level, for example at meetings of the National Human Rights Committee and the National Authority of Land Dispute Resolution.

After approval of the Forestry Community, the Ansa Chambok community members will organize the community according to the Forestry Law. The structure and core activities will be described in the Forestry Community agreement and the management plan that needs to be submitted to the district forestry administration.

The community also plans to apply for funds for community development, infrastructure and income generation from international and national organizations. They are very optimistic that they will receive further development funds.

All activities are planned to be realized in cooperation with the Commune Council and the district and provincial authorities. The Forestry community plans to work closely together with the forestry administration:

*"In the past they did not support us, but we are optimistic that this will change in the future."*

## 10. What factors have supported the resolution of the conflict?

### 10.1 Change of strategy

A change in the strategy being employed by the protesters has been key to the resolution of the conflict. When the Company first made its plans clear to the villagers there were threats of violence being made, including the destruction of machinery, large marches on work camps and the blockading of the national highway. However it was Mr. Oum Huot that introduced the notion of non-violent protest

*“As long as we used violence and avoided direct communication, we had no result. Using non-violent strategies we have good results for the benefit of the community. We have to find a compromise with the local authority and the government. If we are rigid and stubborn, we will fail and loose everything.”*

Involved government representatives confirmed that compromising was the key for the conflict resolution. The district governor, Mr. Sari Kosal, described:

*“In the beginning, the community claimed all the land back. But this was impossible. Then they changed their strategy from confrontation to cooperation. We have developed a good solution together.”*

Mr. Oum Huot had acquired and developed skills in advocacy and non-violent actions by attending various workshops on community skills. With regards to knowledge acquisition he has stated:

*“Before we attended training courses on advocacy and active non-violence, we act only on the basis of our own experience. Now we have improved our knowledge and have been able to share new ideas with the community members.”*

When asked about the change in tactics to publicly embrace non-violence he specifically cited STAR Kampuchea and a workshop, aimed at educating people on non-violent tactics, held in 2005. Mr. Oum Huot also attended a study tour to Indonesia, organized by STAR Kampuchea. The participants met Indonesian activists who had successfully solved land disputes using advocacy and non-violent strategies. This, he sees, as being the turning point in their strategy. In April 2007, Mr. Oum Huot joined a second study tour to Thailand which was organized by the NGO Forum of Cambodia.

A good example of the improved and successful cooperation of the community with neighbor communities and the authorities is their joint effort to prevent illegal logging in the area. This is a big issue in Ansa Chambok commune since small businessmen from other districts enter the forest to cut and sell trees. Since the forestry department of Krakor district rarely is able to convict illegal loggers, the community effectively helps to find them. Mr. Sok Sophal, trainer and facilitator for STAR Kampuchea, described his activities:

*“Mr. Oum Huot did not only stop the Company’s forest-clearing activities. He also investigates cases of illegal logging and the use of forbidden chain-saws and*

*sends the information to concerned departments. With his support the authorities have been able to contain deforestation within the area. The local authorities trust him and appreciate his cooperation.”*

In cooperation with the Commune Council, the community thinks about establishing a patrol to protect the forest from illegal logging.

## **10.2 The support of Civil Society Advocacy Coordination Alliance (CACA)**

CACA, an active network of twenty-four local NGOs and supported by STAR Kampuchea, represents the most involved participant outside of the local residents supporting the community in their efforts to solve the dispute. CACA was founded in 2000 and aims to support communities in Pursat Province that face natural resource conflicts. The network has sub-committees on land, fishery and forestry.

CACA became aware of the conflict in 2000 and immediately started to collect evidence and consult with other NGOs and local authorities. The network helped to organize public events such as forums with the provincial department of rural development and the “Thanksgiving to the Spirit” ceremony. In June 2001, CACA conducted a study tour with NGO representatives to the Ansa Chambok commune, which included a meeting of the NGO representatives, government officials and village representatives. Furthermore, CACA successfully supported the conflict resolution process by lobbying the Commune Council and district authorities and helping to prepare any necessary documents to apply for the Community Forestry. CACA acted as a mediator between the community and the authorities preparing meetings and communication. Together with STAR Kampuchea, CACA convinced the provincial governor to address the Ministry of Agriculture in order to reduce the concession area and lobbied national authorities such as the Ministry of Agriculture, the National Authority of Land Dispute Resolution and the Prime Minister.

The network provided legal and organizational knowledge. The coordinator of the network, Mr. Keo Phal, stressed that the civil society needs solid legal skills:

*“If we collect all necessary documents according to the law, it is difficult to refuse the community’s request.”*

He also highlighted the importance of a joint objective and vision and a strong people’s voice and movement that is difficult to split:

*“The community needs a clear objective and a clear strategy. The governor stopped the company’s activities because of the strong voice of the people.”*

CACA members have highlighted their improved relationship with the district and provincial authority. In the beginning, the provincial governor put high pressure on the network to stop advocating this dispute, but CACA continued to make the community

heard. Eventually, the network has been able to gain the trust of the authorities by maintaining its independence and not becoming affiliated to any political party.

CACA has also put a great emphasis on the benefits received from cooperative advocacy strategies:

*“If we do not cooperate, we cannot run activities and cannot help the community. Later, when the law is fully implemented in Cambodia, it might be possible to just follow the law. During the transitional period, negotiation and cooperation with the government are necessary.”*

They usually avoid aggressive discussions and allegations and strive to achieve a win-win solution.

*“To achieve a successful agreement and support from the government, we need to avoid that someone loses his face.”*

### **10.3 Lobbying and cooperation of the community, district and provincial government**

As said above, finding a successful resolution to the conflict depends highly on the cooperation of the community, district and the provincial government. Before the dispute began the villages had no experience of mobilizing together on an issue. However the urgency and seriousness of the threat to their lands and destruction of their communal forests provided the motivation for them to come together and oppose the Company's plans. Ten years ago the people in neighboring villages did not know each other but now they are able to solve problems together. Learning to cooperate will also prove to be useful in the future should the community have to overcome any further conflicts or problems.

The Commune Council has made it clear that they see themselves as conscious, committed stakeholders in the process to develop a forestry community. They have described the proposed solution as originating from their consultation, demonstrating the crucial sense of co-ownership that represents a future of cooperation in conflict resolution:

*“This is a good solution as it is born in consultation with the Commune Council”.*

Although the Commune Council system yet lacks any real power it does represent the only local, democratic institution in Cambodian civil society and are important partners of civil society. The Commune Councils are slowly becoming more accepted by the citizens and they are gradually becoming an important player in local development and conflict resolution. The Commune Councils also have a good relationship with NGOs at the local level and are keen to receive more support from civil society organizations.

Mr. Sari Kosal, the District Governor, also feels ownership of the dispute resolution and is a strong supporter of Community Forestry in the province:

*“The district is eager to help the villagers to establish the Community Forestry. I addressed the community and gave the responsibility for the process to the Commune Council. I also lobby the provincial authorities to support the community’s request. It is our vision to preserve the natural resources in Cambodia.”*

A useful strategy to build cooperation with the District Governor and Commune Council was to invite them to training courses and study tours. Members of the Commune Council were invited to join training courses on conflict resolution and advocacy, organized by STAR Kampuchea. They suggested that STAR Kampuchea should offer more training classes and support for Commune Councils and community people.

The district governor was invited to a study tour to Indonesia in 2005 that was organized by STAR Kampuchea. The trip was also attended by CACA members and Mr. Oum Huot and helped to build up trust and communication among the important stakeholders since all participants were able to show their specific skills and to jointly discuss pro-active ideas.

The training courses and study tour can be described as a turning point of the case.

## **11. Summary: The benefit of peaceful advocacy**

Mr. Oum Huot, the community and supporting NGOs have developed successful advocacy strategies that helped to form an equal coalition with local authorities in order to protect the forest and to secure people’s access to land and a proper livelihood. The main strategies have been:

- Organize the community and establish good cooperation and communication among the villagers.
- Change from confrontational advocacy to dialogue with authorities.
- Communicate the willingness to compromise and show respect for the authorities and their responsibilities.
- Being transparent and honest and establish close cooperation with authorities.
- Address the authorities individually and use informal networks.
- Organize joint events such as training courses and study tours for community leaders, commune council members and the district governor in order to build trust and to provide a clear benefit for the government members.
- Offer the authorities the opportunities to present their objectives and achievements (for example by organizing public forums).
- Demonstrate political independence.

- Communicate a strong joint vision and a clear strategy.
- Demonstrate strong leadership and management skills.
- Improve the people's knowledge on advocacy and networking.
- Build up legal competence at the local level and collect legal evidence.
- Networking with and lobbying local, national and international NGOs, networks and the media.
- Share experience with other communities and NGOs.
- Lobby the national government with support of national and international partners.

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