

Assessing the Impact of Social Land Concessions on Rural Livelihood in Cambodia

Acknowledgements

The Cambodia Office of the United Nations High Commissioner for Human Rights (OHCHR) is grateful for the information, critical insights and suggestions offered by government officials, staff from national and international organizations, development partners, and individuals.

Particular gratitude is owed to the residents of the six surveyed SLC sites who agreed to be interviewed for this report.

OHCHR would also like to thank Mr. Benjamin Rutledge who prepared the initial draft of this report based on the surveys designed and conducted by Angkor Research.

This document was produced with the financial assistance of the European Union. The views expressed herein can in no way be taken to reflect the official opinion of the European Union.

Cover photo: A family who was allocated a plot of land in the SLC site of Sre Leu Sen Chey, Chom Krovoen Commune, Memot District, Tboung Khmum Province

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Office of the United Nations High Commissioner for Human Rights

Cambodia Country Office

Phnom Penh, Cambodia

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Glossary

Adequate Housing – The UN Committee on Economic, Social and Cultural Rights has set out that the right to adequate housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head. Nor should it be viewed exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity. While adequacy is determined in part by social, economic, cultural, climatic, ecological and other factors, the Committee has set out certain aspects of the right that must be taken into account for this purpose in any particular context. They include: (a) Legal security of tenure (b) Availability of services, materials, facilities and infrastructure, (c) Affordability, (d) Habitability, (e) Accessibility, (f) Location, (g) Cultural adequacy.¹

Adequate standard of living - Article 11 of the International Covenant on Economic, Social and Cultural Rights sets out that everyone has the right to 'an adequate standard of living for himself and his family', including adequate food, clothing and housing, and to the continuous improvement of living conditions. The Committee on Economic, Social and Cultural Rights has issued several General Comments explaining the components of this right including the right to adequate housing (General Comments 4 and 7), the right to food (General Comment 12), the right to water (General Comment 15) as well as the right to social security (General Comment 19). The right to an adequate standard of living is included in several other human rights treaties.

Basic services – The term here refers to the basic services (such as electricity, water, sanitation, health and education) that poor and vulnerable households need to enable economic development. In the Sub-Decree on Social Land Concessions (2003), an assessment on the availability of infrastructures necessary to implement the Social Land Concession Plan should include 'such things as roads, water, electricity, schools, markets, health care centre, and tools and equipment to develop the land and other services'.

CDHS - The Cambodian Demographic and Health Survey.

ELC – Economic Land Concession. Under the Land Law (2001), land concessions responding to an economic purpose may be granted to allow 'beneficiaries to clear the land for industrial agricultural exploitation of land in the territory of the Kingdom of Cambodia'.

FAO - The Food and Agriculture Organization of the United Nations.

Food Security – The right to food is enshrined in the 1966 ICESCR. According to the Food and Agriculture Organization of the United Nations (FAO), food security exists "when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life."² It is a precondition for the full enjoyment of the right to food. Under human rights law, all human beings, regardless of their background, status, gender or ethnicity, have the right to adequate food and the right to be free from hunger.

GTZ - Deutsche Gesellschaft für Technische Zusammenarbeit GmbH (German: German Agency for Technical Cooperation). Now GIZ - Deutsche Gesellschaft für Internationale Zusammenarbeit.

ICCPR - International Convention on Civil and Political Rights.

ICESCR – International Covenant on Economic, Social and Cultural Rights.

ID Poor Programme - Identification of Poor Households Programme, led by the Royal Government of Cambodia's Ministry of Planning.

¹ CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant). Adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on 13 December 1991

² FAO, The State of Food Insecurity in the World 2001 (Rome, 2001).

OHCHR – Office of the High Commissioner for Human Rights.

Landlessness - refers to people who do not own or possess any land for farming or who are prevented from owning the land that they temporarily use. This may be an individual or families who have been evicted from land, or those who lost land due to natural disasters.

Land registration – A recording of rights to land in some form of public register such as a cadastral database that may be separate to a land title. This might be a document issued by a government agency that includes information on the rights, their location, and their holders. Registration can be parcel-oriented or based on the holders or transfer documents.

LMAP - The Land Management and Administration Project.

LASED- Land Allocation for Social and Economic Development Project.

Local Authorities - a term used in this report to refer to Village Chiefs, Commune Chiefs and other local officials. It should not be presumed that these individuals are District, Provincial or other officials responsible for implementing SLC processes. Names and specific positions have been omitted to protect the identities of survey respondents.

MLMUPC - Ministry of Land Management, Urban Planning and Construction.

NGO – Non-government organisation.

NSDP - National Strategic Development Plan.

Poor families/households – The identification of Poor Households, as set out in the Sub-decree on Identification of Poor Households (2011), refers to the determination of poor households, their level of poverty, and area poverty rates. As per the Sub-decree, identification of poor households is based primarily on interviewing households (prepared by the Ministry of Planning). The questionnaire includes a number of poverty indicators including housing condition, size of legally owned residential and productive agricultural land; sources of income; food security; number of household members unable to earn an income, relative to the total number of household members; material goods and equipment; means of transportation; the number of children aged 6 to 11 years who miss school, and several other related factors. Consultations should also be held with community members and local authorities.

Prakas; An administrative order or Proclamation (“Prakas”). A Prakas is a ministerial or inter-ministerial decision signed by a specific ministry. In the hierarchy of Cambodian legal and policy framework, a Prakas stems from and must conform to the law or Sub-Decree to which it refers.

PSIA - Poverty and Social Impact Analysis (PSIA) of Cambodia’s planned SLC programme.

Residential land – Under the Sub-Decree on Social Land Concessions (2003), applicants intending to create an SLC shall specify if the request is for land for residential or family farming purposes, or both. The Sub-Decree states that if there is no residential structure on social concession residential land, the target land recipient shall build at least any part of a permanent shelter within three months after receiving the land, and a family member shall actually and permanently reside on the land at least six months in each year’. This is a condition that must be met to retain possession rights to ‘residential land’ and to secure a land title. Residential land more broadly may be defined as a parcel of land on which there are one or more dwellings, or a parcel of vacant land that is zoned or otherwise designated for residential purposes under a Sub-Decree or specific planning process, as per the Sub-Decree on Social Land Concessions.

SLC – Social Land Concession. Under the Land Law (2001), land concessions may be issued to respond to a social purpose and to allow beneficiaries to build residential constructions and/or to cultivate lands belonging to the State for their subsistence.

Social and Environmental Impact Assessments –Assessments should evaluate the risks of a development project and set out how risks should be managed in order to deliver the expected outcomes while mitigating potential negative environmental or social impacts. Under the Cambodian legal framework, environmental and social impact assessments are essential pre-conditions for granting land concessions.³ For instance, Article 9 of Sub-Decree on Social Land Concessions stipulates that this is mandatory part of the SLC planning process.

State public land - Under the Land Law (2001), there are two categories of state land: state public land and state private land. According to Article 15 of the Land Law (2001), and the 2005 Sub-Decree on State Land Management, state public land has a public interest use, and includes natural resources such as forests, rivers, natural lakes, nature reserves protected by the law, and archaeological, cultural and historical patrimonies. State public land cannot be subject to sale or transfer, and cannot be the subject of an economic or social land concession.⁴

State Private Land - If state public land loses its public interest value, it may become state private land, which can be used for other purposes, including ELCs and SLCs, and can also be subject to long-term leases. As set out in Article 16 of the Land Law, State public land can only become state private land through formal reclassification in accordance with the —law on transferring of state public property to state private property.⁵

Sub Decree - A Sub-Decree (Anu-Kret) is used to clarify provisions within existing pieces of legislation, and may set out the functions and duties government agencies, appoint senior government officials or convert the status of land for example. It is drafted within relevant ministries and approved by the Council of Ministers. It should also be endorsed by the Prime Minister.

Tenure Security - Land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. Security of tenure is the certainty that a person's rights to land will be recognized by others and protected in cases of specific challenges. People with insecure tenure face the risk that their rights to land will be threatened by competing claims, and even lost as a result of eviction.⁶

UNICEF - United Nations Children's Fund.

WHO - World Health Organization of the United Nations.

³A human rights analysis of economic and other land concessions in Cambodia. Human Rights Council. A/HRC/21/63/Add.1. 2012.

⁴Ibid

⁵Ibid

⁶ Land tenure and rural development. FAO Land Tenure Studies. 2002.

Overview of the Legal Framework around Social Land Concessions

The Cambodian Constitution (1993) guarantees the right to private property which includes full ownership of land/property for Khmer citizens. The Cambodian Land Law (2001) provides for and governs land administration and management processes. The Land Law sets out that land concessions may be granted for social purposes as a legal mechanism to permit the transfer of state private land to private individuals or groups for social purposes, and specifically for residential and family farming. Land concessions responding to a social purpose *allow beneficiaries to build residential constructions and/or to cultivate lands belonging to the State for their subsistence.*⁷

The Government took a significant step forward in addressing the issues of landlessness and rural poverty in Cambodia through these provisions in the 2001 Land Law and the subsequent approval of a Sub-Decree on Social Land Concessions, issued in March 2003. The Sub-Decree provides the basis for distributing state private land to, amongst others, landless and land poor households. Article 2 of the Sub Decree reasserts the objective that social land concessions (SLC) provide for a legal mechanism to transfer private state land for social purposes to the poor who lack land for residential and/or for family farming purposes.

Under the Sub-Decree, SLC's can also be used to grant state private land to veterans of the armed forces, to resettle families displaced by natural disasters or public infrastructure projects, or to facilitate development of economic land concessions by providing land to workers.⁸ Economic land concessions by contrast are granted in order to clear land for industrial agricultural development. The Sub-Decree sets out the requirements for SLC planning, creation and development, and the Prakas on the Guidelines for Sub-Decree on Social Land Concession (2003)⁹ details the practical steps required for implementation. Sub-Decree No. 118 on State Land Management (2005) regulates the registration, classification and reclassification of state public and state private land.

The 2001 Land Law sets out that a separate sub-decree must be issued for each individual SLC granted, prior to the occupation or cultivation of the land. This must be registered with the Ministry of Land Management, Urban Planning and Construction (MLMUPC) in order to formally establish the SLC.¹⁰ The Land Law and Sub-Decree set out that SLCs may only be granted on state private property, and that a land concession may never result from the de-facto occupation of state land. Depending on the nature of the SLC, it may be initiated at either the local or national level.¹¹ Responsibility for implementation is shared between the General Secretariat of Social Land Concessions at the MLMUPC, and the National Committee for Sub-National Democratic Development Secretariat of the Ministry of Interior.

Under the Sub-Decree on Social Land Concessions, SLCs are either local or national programmes. One or more citizens or organizations working with or on behalf of citizens in a commune may initiate a local social land concession programme through the commune council in which the social concession land is located. A national social land concession programme may be initiated by one or more concerned ministries or institutions where i) there is a program to develop land in remote areas without sufficient local residents to develop the land, ii) a program to resettle large groups of families, such as urban squatters, or displaced persons, iii) a social land concession program linked to an economic land concession, or iv) where there is a new or existing development program.

Provincial/Municipal Land Use and Allocation Committees may approve a local social land concession plan if it meets the criteria of the Sub-Decree on Social Land Concessions, and if it is decided that the land is vacant state private land and suitable for the social land concession plan. The Provincial/Municipal Land Use and Allocation Committee shall inform the National Social Land

⁷ Land Law 2001. Article 49

⁸Sub Decree on Social Land Concessions (No.19 ANK/BK/ March 19, 2003). Article 3

⁹Prakas on Guidelines for Implementing Sub-Decree on Social Land Concession, N°200 DNS/BRK, RCG, 19 November 2003

¹⁰ Land Law 2001. Article 53

¹¹Sub Decree on Social Land Concessions (No. 19 ANK/BK/ March 19, 2003). Chapter 2 and 3.

Concession Committee about the approved plan. The National Social Land Concession Committee may adjust or cancel the approval if plan contradicts national land use priorities, is technically flawed, or violates the provisions of the sub-decree or other laws, or (b) if the plan is not compatible with the requirements of national social land concession programs.¹²

The National Social Land Concession Committee, chaired by the Ministry of the MLMUPC, may approve plans for a proposed national SLC, or consult with the relevant ministry if necessary. The Ministry may also adjust the plan. A National Social Land Concession Program that has already been approved shall be implemented by the ministry specified in the National Social Land Concession Plan, and in coordination with the Provincial/Municipal Land Use and Allocation Committee, commune council and local residents, unless the approved National Land Concession Program states otherwise.¹³

The Sub-Decree on Social Land Concessions sets out that the maximum size of concession land granted for family farming purposes is ordinarily two hectares, but may be extended to five hectares 'based on the characteristics and potential of the land or the type of crop, and labour'.¹⁴ It also set out that beneficiaries must meet the financial criteria set out in the Prakas of the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation. The income guidelines take into consideration family size and age and health conditions of family members.

In 2005, the Ministry of Planning, with support from development partners, developed a standardised questionnaire and procedure to identify poor households in rural areas. SLC recipients were selected based on transparent mechanisms and participatory selection processes that included the "ID Poor System" as well as their current land holdings.¹⁵ The ID Poor System was formalised through Sub-Decree 291 on the Identification of Poor Households, issued by the Ministry of Planning in 2011, which codified the procedure and set out how identification of poor households and the utilisation of poor household data should be used.¹⁶ Article 17 sets out that relevant government ministries/institutions, non-governmental organisations and local communities which intend to provide services or assistance to poor households or individuals, including any appropriate emergency interventions, must primarily use valid national poor household data. Although the SLC Sub-Decree does not explicitly set out that the ID-Poor system shall be used in determining SLC beneficiaries, (it was issued in 2003 prior to the ID-Poor scheme being developed), the ID poor approach has been increasingly relied upon as the primary tool for identifying poor households through inclusive and transparent processes, and the Government has since declared ID-Poor as the primary targeting methodology to be used in programmes for social protection.¹⁷ It is therefore a key component of the social land concession programme.

¹²Sub Decree on Social Land Concessions¹² (No. 19 ANK/BK/ March 19, 2003). Article 5 & 6

¹³Sub Decree on Social Land Concessions¹³ (No. 19 ANK/BK/ March 19, 2003). Article 7 & 8

¹⁴Sub Decree on Social Land Concessions¹⁴ (No. 19 ANK/BK/ March 19, 2003). Article 17

¹⁵ Lessons Learned. Experiences from the Implementation of Social Land Concessions in Cambodia Iris Richter January 2016

¹⁶ Sub-Decree - Identification of Poor Households No: 291 ANKr. BK. Agreed by the Council of Ministers during the plenary meeting on 9 December 2011

¹⁷ See 2011-2015 National Social Protection Strategy. approved by the Council of Ministers on 18 March 2011. The NSPS states that "The RGC intends to make IDPoor the primary targeting methodology across all social protection schemes, while still allowing for the use of complementary methodologies where their use is justified."

Rationale for the OHCHR Assessment Study

The rapid distribution of state land during the free market economic liberalisation of Cambodia reportedly resulted in many poor and vulnerable households being excluded from land allocation processes.¹⁸ Whilst several million hectares of land have been transferred during the past 25 years to a small group of wealthy investors through the Government's economic land concession programme, designed to stimulate economic development, the legal distribution of state land to the landless and poor has not achieved its ends.¹⁹

The Poverty and Social Impact Analysis (PSIA) was produced in 2003-2004 for Cambodia's planned SLC programme and was conducted as part of a joint initiative between the World Bank, Oxfam GB, the MLMUPC and the GTZ-LMAP.²⁰ The survey data on landlessness and land-poverty in Cambodia presented at the time stated that 12% of Cambodian families were landless, that 19% of female headed households were landless, and an additional 5% of families were deemed land-poor. The landlessness rate was found to be highly variable among different communities. 80% of the landless had never owned land within their current communities, whilst the remaining 20% had lost possession.²¹ The most common reason as to why families lost land was attributed to health-related expenses.²² The PSIA also set out that access to land was considered to be the single most important social safety net in rural areas. This research and analysis provided the evidence-base for and context around which the newly created SLC programme was then established and implemented.

The subsequent SLC scheme that was set up sort to create a cost-efficient, effective and replicable model for nationwide dissemination of state land to poor families through land concessions. In this respect, the SLC scheme serves as an admirable attempt by the Royal Government of Cambodia (the Government) to work with development partners to develop a programme designed to improve rural livelihoods and to ensure that the basic requirements for an adequate standard of living for some of the country's poorest and most vulnerable citizens are met. Target groups included families with limited or no agricultural skills, high levels of debt, limited education and poor health, and implementation therefore was and remains very challenging as a result.

In 2012, the MLMUPC stated that the total distribution of land for poor citizens in all forms was 194,820 hectares for 30,588 households, with 3,965 houses provided.²³ In the National Strategic Development Plan (NSDP) 2014-2018, the Government announced that it had successfully granted land to around 15,000 households ('poor civilians') in the form of "land gifts" up to the end of 2013 through its nationwide Social land concession (SLC) programme. Land has also been allocated to an additional 5,000 poor and landless families under its pilot Land Allocation for Social and Economic

¹⁸ See A human rights analysis of economic and other land concessions in Cambodia. Human Rights Council. A/HRC/21/63/Add.1. 2012.

¹⁹ Muller, Franz-Volker. Commune-Based Land Allocation for poverty Reduction in Cambodia. Achievements and Lessons Learned from the Project: Land Allocation for Social and Economic Development. Paper presented at the Annual World Bank Conference on Land and Poverty. 2012. Pg 4.

²⁰ The Poverty and Social Impact Analysis of Cambodia's planned Social Land Concession (SC) program was conducted between May 2003 and May 2004. It was a joint exercise between the Ministry of Land, Urban Planning and Construction (MLMUPC), GTZ, Oxfam GB, Agri-Business Institute Cambodia (ABiC), and the World Bank. See the Potential Poverty and Social Impacts of Cambodia's proposed Social Land Concession Program. Presentation and Discussion of Results and Recommendations from the PSIA exercise. MLMUPC, General Secretariat of Social Land Concession GTZ-LMAP, Land Management and Administration Project Oxfam GB, Cambodia World Bank, EASRD. May 2004. The PSIA defined 'landlessness' as not owning agricultural land and not having the means to purchase it. Land-poverty was defined as not having sufficient land to support a family - an approximation of one sixth of a hectare per family member was used and then adjusted according to the quality of agricultural land in each village in subsequent calculations.

²¹ Whilst other reports do contain differing statistics on landlessness, this data was found to be broadly consistent with information found in other major databases and research projects.

²² The Poverty and Social Impact Analysis. See the Potential Poverty and Social Impacts of Cambodia's proposed Social Land Concession Program. Presentation and Discussion of Results and Recommendations from the PSIA exercise. MLMUPC, General Secretariat of Social Land Concession GTZ-LMAP, Land Management and Administration Project Oxfam GB, Cambodia World Bank, EASRD. May 2004.

²³ A human rights analysis of economic and other land concessions in Cambodia. Human Rights Council. A/HRC/21/63/Add.1. 2012.

Development Project (LASED), implemented in cooperation with Development partners and national and international NGOs. Within the framework of the MLMUPC's Land Administration, Management and Distribution Program, the Government implemented the LASED pilot program with technical support from GIZ and financial support from the World Bank. One of LASED's 'development objectives' was to improve the *process* for identification of state land transferred to eligible poor families. The LASED pilot ended in December 2014, and therefore those improved processes should in theory be in place in non-LASED SLC sites if this aspect of LASED project was successful. The second phase of the project, entitled LASED II, was approved in 2016 and will continue until 2021.²⁴

Aside from research evaluating the success of the World Bank-funded LASED project, there is very little information detailing what the exact impacts of the Government's nationwide SLC programme have been on either beneficiaries, or local communities affected by the SLCs. A preliminary assessment of publicly available information revealed that few studies have been conducted that report on the processes and outcomes of the SLC scheme.

The Government is now expanding and developing its SLC programme further. The 2014-2018 NSDP sets out that the Government will 'intensify land reforms, focusing on strengthening the management, organization, utilization and distribution of lands that will contribute to reducing poverty, ensuring food security, protecting the environment and natural resources, and socio-economic development, within a market framework'. This shall include 'further distributing and using state land, especially the confiscated economic land concessions and cleared minefields, in a transparent and equitable manner, for development purposes that respond to the needs of the poor, disabled veterans, families of deceased soldiers and veterans who have genuine need to use the land, through the implementation of social land concessions and land grants'.²⁵ The MLMUPC set a target of '43,000 poor households' to have received land through Social Land Concessions by 2018, which was agreed in the Core Monitoring Indicator on SLC's for the 2014-2018 NSDP.²⁶

According to the Special Rapporteur on the situation of human rights in Cambodia however, the granting and management of land concessions in Cambodia has suffered from a lack of transparency and adherence to existing laws.²⁷ GIZ has also reported that implementing and enforcing the rule of law in allocating SLC's has been problematic due to incidents of alleged encroachment and land grabbing by individuals and state institutions.²⁸

OHCHR Cambodia has received numerous complaints and appeals for assistance from families living in SLC sites, as well as those who claim to have been evicted from newly created SLC's. As a result of the issues reported by civil society groups and identified by OHCHR during site visits, and in response to complaints received by OHCHR directly, OHCHR commissioned extensive research assessing the impact of SLCs on rural livelihoods.

OHCHR assessed the impact of six SLC's in six provinces (Tboung Khmum, Kampong Speu, Battambang, Kampong Thom, Mondulhiri and Kampot). The scope of this study focuses primarily on the beneficiaries who received plots of land within the six concessions. Surveys and consultations were also conducted with groups living around the SLC sites, local authorities and NGO representatives. The primary purpose of the research is to assess the impact of SLCs on rural

²⁴ Land Allocation for Social and Economic Development Project II.

See: <http://projects.worldbank.org/P150631/?lang=en&tab=overview>

²⁵ National Strategic Development Plan (NSDP) 2014-2018. For growth, employment, equity and efficiency to reach the status of an upper-middle income country. Royal Government of Cambodia. 2014

²⁶ National Strategic Development Plan (NSDP) 2014-2018. For growth, employment, equity and efficiency to reach the status of an upper-middle income country. Royal Government of Cambodia. 2014. Pg 228

²⁷ A human rights analysis of economic and other land concessions in Cambodia. Human Rights Council. A/HRC/21/63/Add.1. 2012.

²⁸ Muller, Franz-Volker. Commune-Based Land Allocation for poverty Reduction in Cambodia. Achievements and Lessons Learned from the Project: Land Allocation for Social and Economic Development. Paper presented at the Annual World Bank Conference on Land and Poverty. 2012. Pg 5

livelihoods in Cambodia. This includes both beneficiaries but also other families impacted by the scheme.

The survey assesses what level of transparency exists in the process of identifying, allocating and distributing land, whether distribution has been equitable, and what the outcome of these processes has been. The analysis aims to provide policy makers, service providers and other stakeholders' greater insight in to the views and needs of residents and local communities as a whole. This information should aid planning and future decision making on resource allocation, as well as trigger interventions where certain problems appear most urgent and in need of attention.

An additional purpose of these research is to assess the degree to which the SLC scheme is being used to relocate victims of evictions, to counter the privatisation and re-classification of land previously occupied by families, or to negate the impacts of poorly planned ELC processes that did not sufficiently take into account the ownership or possession rights of local communities. Whilst the motivation in creating a SLC scheme is centred around poverty reduction and providing a form of social security for disadvantaged groups, allegations have been made by local residents and NGOs that the SLC programme has being corrupted, to legitimise inequitable land titling policies.

The survey also looks to assess whether the SLC scheme has been implemented effectively and is providing adequate housing, access to basic services and land suitable for farming for beneficiaries. In a 2015 study conducted by the LICADHO, the NGO estimated that less than 50% of the families that received residential land through the LASED SLC scheme had actually settled and remained, claiming that half of the SLC sites were not yet functional and would need substantial financial and technical support to be minimally sustainable.²⁹ Land rights groups and communities have also claimed that SLCs have generated new land disputes and increased deforestation. The government has not provided a publicly available database offering information on land distribution, the creation of land concessions or the results and impacts of the government's SLC programme. This research reports provides a snapshot of those impacts and reflects on how different SLC sites are serving the needs of different groups of beneficiaries.

²⁹ On Stony Ground: A Look into Social Land Concessions. Licadho. 2015

Notes on the Methodology

In-depth interviews were held with 640 individual households across SLC sites in six different provinces in late 2015 and site visits were conducted by OHCHR in 2015 and 2016. The methodology was designed using a mixture of quantitative and qualitative interview techniques. These included qualitative questions around access to public services, and whether families felt that their living standards or housing conditions had improved. It also included quantitative data-collection on house-size, income levels and household debt. Focus-group-discussions with neighbouring communities and more lengthy and open one-on-one interviews with NGO representatives and local authorities helped provide a more complete picture of what the impacts of the SLCs have been on rural livelihoods.

The surveys were designed to gather information and evidence on the respect for and protection of a wide range of economic and social rights, most connected to the right to an adequate standard of living, such as adequate housing including tenure security, access to basic services such as education and health, water and sanitation, and food security for example. It also included certain civil and political rights such as the right to vote, the access to information and freedom of expression.

Respondents were also asked to engage in a self-assessment and to rate access to services and participatory processes, and therefore questions were designed to gauge perception rather than scientific measurements. This provides information on the standard of living as well as residents' understanding of certain rights, and their views of and relationships with local authorities for example. It is important to note that in asking residents to rate access to services, this should not be interpreted as a conclusive determination of what services are available. It is feasible that a resident may be unaware of certain procedures being undertaken by local authorities, or where a local service provider is actually based for instance. A self-assessment on food security may suggest high levels of malnutrition in a community; however, a medical assessment of nutrition levels would be required to determine this conclusively. Similarly, residents were asked whether they participated in various SLC planning process, for instance, whether they were consulted prior to or during the development of the site. Respondents' understanding of and expectations from a consultation may differ, and participation may not be indicative of best practice. Provision of confidential answers should allow residents the opportunity to highlight if they have been excluded from such consultations however.

Rather, survey results should provide a valuable picture of what services are currently available in different SLC sites and which are actually being utilised. For example, if a health centre is not staffed and regularly closed, the respondent may *not* refer to this centre when asked how long it takes to reach the nearest health clinic, whereas local authorities may stipulate that such a service exists in the community, and answers may therefore differ accordingly. The aim in asking community members about social services is to assess what is currently being offered, what is available and what is being used. The survey is therefore designed to highlight the concerns of vulnerable families and stimulate further analysis of resource allocation and SLC programme design and development.

Local authorities interviewed were either Village Chiefs, Commune Chiefs or other Commune Officials. Their respective role in SLC planning and implementation, and their knowledge of process and policies, differs accordingly. Surveys were conducted to gain an insight in to their knowledge and understanding, as well as efforts undertaken to monitor living conditions. Respondents were encouraged to provide candid and honest responses; all names of survey respondents have been omitted in this report.

Quantitative surveys on living standards were not carried out across non-SLC communities, and therefore this survey does not provide a direct comparison of current living standards in and outside SLC sites, other than where the Cambodian Demographic and Health Survey (CDHS) provides

comparable national statistics.³⁰ Access to drinking water, sanitation and malnutrition are significant problems in communities across Cambodia for instance, and careful examination of nationwide and local statistics is required before fully determining the impacts of SLC's on rural livelihoods. This survey data should facilitate better analysis of the impacts of SLC's in rural communities, trends across different SLC's, as well as comparisons with other neighbouring communities.

Survey information has been supplemented by OHCHR field visits to SLC sites as well as examination of relevant laws, policies and additional documents.

The survey findings reflected in this report aim to facilitate improved implementation of the Sub Decree on Social Land Concessions. Donors and other stakeholders involved in the Government's land sector in Cambodia may use this information to develop a more sophisticated understanding of the processes undertaken in issuing SLCs, the impacts of the SLC scheme, and the current needs and vulnerabilities of beneficiary families.

OHCHR engaged in consultations with the World Bank, MLMUPC and the Ministry of Interior in 2015 when initially planning the research. OHCHR sent the group a list of proposed sites and the survey methodology, and invited the MLMUPC to join consultations with local authorities. The research itself largely consisted on interviews with households and was supplemented by interviews with local officials and NGO staff. This included interviews with ADHOC Wathanakpheap, Vigilance Organization, DCA, LWD, LICADO and CLEC. A validation workshop was organized in Phnom Penh in February 2017, to collect comments on the last draft of this research paper, which gathered civil society organizations, development partners and governmental authorities working on SLC related issues.

³⁰ National Institute of Statistics/Cambodia, Directorate General for Health/Cambodia, and ICF International. 2015. Cambodia Demographic and Health Survey 2014 <https://dhsprogram.com/publications/publication-FR312-DHS-Final-Reports.cfm>

Recommendations for Relevant Actors

MLMUPC

- SLC plans should not be approved where plots cover or overlap on land that is contested. Existing land dispute resolution mechanisms have limited capacities and some of the long-standing land disputes highlighted in this report relating to existing SLCs have not been resolved.³¹
- SLCs should not be used as a means for land conflict resolution or for regaining possession of occupied land. Clear and transparent methodologies should be deployed for identifying newly available and vacant land to convert to SLCs.
- SLCs should not be issued on sites adjacent to land used by indigenous groups, until all claims for communal or individual title have been fully assessed and processed, with all appeals or requests for re-adjudication dealt with in a judicious and equitable manner.
- Social and environmental impact assessments must be conducted prior to SLC approval in accordance with Article 9 of the Sub-Decree on Social Land Concessions, and include a mandatory period of public consultation. The results of the impact assessments should be made publicly available³².
- Poor and landless SLC beneficiary families should be selected through open, transparent, equitable and participatory processes that involve local communities, authorities, and also independent actors such as local NGO's, and in accordance with the Sub-Decree on Social Land Concessions, and the Sub-Decree on the Identification of Poor Households. ID-Poor System procedures, currently used as the standard national system for identification of poor households, should be deployed across all SLC sites for the purposes of identifying poor and landless SLC beneficiaries.
- Provisions in the Sub-Decree on Social Land Concessions set out to prevent premature transfer of land by SLC beneficiaries should be reinforced. This should include provision of clear instructions to new SLC beneficiaries that transfers *between* individuals or families living at the SLC site are also prohibited. Local authorities should be asked to enforce these regulations to ensure that SLC plots are not transferred during the duration of the SLC agreement.

The General Department of Housing and Provincial/Municipal Land Use and Allocation Committees

For future SLCs:

- Plans for new SLCs should where feasible be fully embedded in national and provincial development plans prior to plots being allocated.
- Access to health, education and other basic services, including access to water, should be planned by multi-disciplinary SLC Committees working with development partners and prepared in advance of families moving to new SLC sites.
- Improved collaboration should be facilitated between ministries, agencies and development partners involved in land use planning and service provision. Support and resources necessary to ensure SLCs are sustainable should be regularly reassessed, and budgets for infrastructure and development made available.
- Future SLC programmes should look to include increased provision of support (materials, financial and/or assistance with construction, with priority given to vulnerable heads of households), to poor, homeless families, to ensure that SLC housing meets minimum standards

³¹ See for instance the Cambodia – Country Engagement Note and Land Allocation for Social and Economic Development (LASED) Project II. U.S. Position May 19, 2016. This called into question the independence of Cambodia's judiciary and its ability to play a key role in ensuring the equitable and transparent implementation of development projects.

³² This will help ensure that SLCs do not result in negative impacts on the environment or local communities, and that necessary mitigation measures can be put in place prior to damage being caused.

set out in human rights law.³³ This would enable families to move to the SLC more quickly, and should allow poor families to devote scarce resources to developing agricultural land, investing in small businesses or otherwise supporting their families.

- Additional support should be provided to families moving to SLC sites to ensure the initial cost of constructing houses, developing a stable water supply and creating a stable and secure living environment does not drive families further into poverty and render the SLC's unsustainable.

For existing SLCs:

- Additional drinking water sources should be established at each SLC site as a matter of urgency. Access to water sources should not be dependent on beneficiary families' ability to construct wells or pay for clean water.
- Where feasible, efforts should be undertaken to improve job opportunities and to secure private sector investment in SLC areas in order to stimulate job creation. Public-private partnerships should be established where feasible. Access to credit should be made available to existing beneficiary families, but should not put land ownership at risk. Debt levels would need to be managed carefully. Additional investment is required to stimulate local economies in existing SLC's to ensure sites are sustainable. This is particularly important in SLC sites where only residential land is provided without separate plots of agricultural development.
- Access to affordable health care and medical assistance should be provided to all beneficiary families. Vulnerable women and children face particularly acute barriers to accessing healthcare services, and facilities and treatment should cater for these groups. Urgent steps should be undertaken to ensure schools at SLC sites are properly resourced. Education funding must not entrench marginalisation and existing inequalities, and greater resources should be dedicated to providing education to SLC families who are amongst the poorest in the country. Greater efforts should be made to inform families of the value and importance of school education, and income inequalities need to be assessed and tackled.
- Beneficiary families should be provided with training on agricultural skills, industrial crop production, vegetable growing, business development and marketing of crops. Improved cultivation of agricultural land is essential to combating both malnutrition, food security and improving household incomes.
- In line with the ICCPR, SLC residents should be able to exercise their right to freedom of thought, conscience, religion or belief, to worship, or assemble in connection with a religion or belief, and to establish and, maintain places for these purposes.³⁴ SLC planning should include consultations with prospective and current residents on the importance they attach to establishing or maintaining places of worship. Residents who wish to exercise their right to religion should be supported; this could be through the provision of SLC plots/land and other resources necessary to establish a place of worship.
- Local authorities should work with development partners to provide support to victims of violence against women and girls. This should include facilitating access to the police and justice system, providing health care and other support services and basic protection from further violence. SLC beneficiaries include vulnerable groups such as poor women living in remote areas, who will likely have even more limited options and often lack access to basic services than average Cambodians.
- Further analysis needs to be undertaken to explore the cause of increasing household debt.

³³The UN Committee on Economic, Social and Cultural Rights has set out that the right to adequate housing should be seen as the right to live somewhere in security, peace and dignity. While adequacy is determined in part by social, economic, cultural, climatic, ecological and other factors, the Committee has set out certain aspects of the right that must be taken into account for this purpose in any particular context. They include: (a) Legal security of tenure (b) Availability of services, materials, facilities and infrastructure, (c) Affordability, (d) Habitability, (e) Accessibility, (f) Location, (g) Cultural adequacy. See CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant). Adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on 13 December 1991

³⁴ General Assembly Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Resolution 36/55 of 25 November 1981.

Public Prosecutors and the Ministry of Justice

- A significant number of beneficiary families claim to have paid fees in order to ensure selection for land allocation. Allegations of corruption should be fully investigated. Local officials found to have extorted money from beneficiary families or other stakeholders should be prosecuted.
- A new land dispute resolution mechanism needs to be established or existing mechanisms strengthened in order to provide access to remedy for individuals and communities who believe they have been evicted from or unfairly disadvantaged by the creation of an SLC. Legal aid should be provided to support victims of land grabbing or encroachment by private companies or other actors.
- An independent technical body should be established to receive and resolve all kinds of grievances and complaints from SLC sites nationwide.
- Threats made to beneficiary families to sell plots of land should be fully investigated. Individuals who were forced to sell land should be provided with access to remedy.

UN Agencies, NGO's and Development Partners

- NGO's and UN agencies should play a more active role across SLC sites by conducting monitoring and evaluation of living standards, and holding local authorities to account by providing independent verification of land distribution and other processes. Development partners financing the establishment of SLCs should provide appropriate private settling in support. As an example, World Bank reports on the implementation data of LASED sets outs that 100% of eligible LASED households received appropriate private settling in support.³⁵ Settling in support should be extended to non-LASED SLC families. The level and type of support should also be reviewed.

³⁵Implementation Status & Results. Cambodia Land Allocation for Social and Economic Development (P084787). The World Bank. Report No: ISR11681

A Summary of Cumulative Findings Across Six SLC Sites

Demographics

A total 640 individual household surveys were conducted across Tboung Khmum, Kampong Speu, Battambang, Kampong Thom, Mondulkiri and Kampot provinces. Local authorities and NGO representatives were also interviewed in each of the provinces.³⁶

66% of SLC beneficiary interview respondents were female, although only 28% of respondents declared that the head of the household was female. This was a common pattern across all SLC sites. 82% of respondents stated that they are married or in a domestic relationship, whilst 13% are widowed or divorced. The selection of interview respondents mirrored the gender breakdown of beneficiaries in three of the SLC sites, with only Kampot recording a greater number of male, adult beneficiaries than female. Local authorities interviewed in Mondulkiri and Kampong Thom were unable to provide a breakdown of beneficiaries by gender. Gender discrimination in terms of land allocation and distribution does not appear, prima facie, to be an issue, although monitoring and data collection appears to be inconsistent across the six SLC sites. Gender discrimination does appear to be a persistent problem in terms of access to education. This issue is discussed below (see page 45).

The (mean) average age of respondents was 46 years old. The average size of a family at the SLC sites was 4.75 people (the household), with an average of 2.3 children. Not all live onsite permanently however – in some cases it appears to be as little as 10% of original beneficiary families.³⁷ This is further analysed in individual SLC reports below. The vast majority (98%) of respondents described themselves as being of Khmer ethnicity, with the remainder declaring themselves Cham Muslims. Mondulkiri was the only SLC site where residents described themselves as being of Cham ethnicity.

The average amount of time living within the SLC was 82 months (6.8 years). The threshold for requesting a formal land certificate, as set out in the Sub-Decree on Social Land Concessions, is residing in the SLC for a minimum of 60 months / five years. Only respondents living in Battambang and Tboung Khmum were, on average, actually over the 60-month threshold, and virtually all residents surveyed in both these SLC sites had received land titles. In total, 56% of households across all sites have received a land title. Almost none of the residents in Kampot, Mondulkiri, Kampong Speu or Kampong Thom had received titles. The requirement to provide beneficiaries who request legal land title and comply with the criteria of the SLC programme, including residing there for five years, looks to have been met in the majority of cases. However, cumulative totals do not allow for scrutiny of individual households who may be entitled to a land title but who have not received it. Poor living conditions and particular challenges such as a lack of access to basic services and limited job opportunities are impacting on beneficiary families ability to meet the criteria set out in the Sub-Decree on which requires 5 years continuous possession necessary to claim ownership rights.

Province	Battambang	Tboung Khmum	Kompong Speu	Kompong Thom	Kompot	Mondulkiri
Average number of months living at SLC site	131	72	37	35	57	47

Land allocation:

Asked why they were granted land in the SLC, 81% of beneficiaries surveyed replied that it was because they were landless, with 59% citing poverty. Only 1% of families claimed that they were

³⁶ Interviews were conducted in late 2015 and early 2016. NGO's interviewed included ADHOC, Wathanakpheap, Vigilance Organization, DCA, LWD, LICADO and CLEC. Local Authorities included commune and village chiefs, and council members. OHCHR also consult

³⁷ SLC populations fluctuate with nearly all families surveyed stating that family members migrate for work and move for educational purposes.

relocated to make way for a public infrastructure project. 11% stated that they moved because of work opportunities connected to an ELC plantation - these families were from Mondulkiri and Tboung Khmum only. There is overlap here where respondents gave multiple answers justifying the receipt of land. Whilst motivation and needs differed depending on province – the majority of beneficiaries in Kampong Thom attributed their move to a natural disaster for instance –the vast majority of beneficiaries appear to have been poor, landless families in need of assistance. Asked why other families in the SLC site received land, the answers largely corresponded with those above – landlessness and poverty. It is not clear what the initial cause of landlessness was for these families however.

Article 7 of the Sub-Decree on Social Land Concessions provides for a National Social Land Concession Program to be initiated where ‘there is a program to resettle large groups of families, such as residents of informal settlement residents or displaced persons’ or ‘where there is a social land concession program that may link to the economic concession in order to develop agro-industry’. The creation of agro-industry economic land concessions, whilst important for furthering economic development, do not justify forced evictions and should not result in families either becoming landless or requiring additional land to support themselves. Interestingly, only one family from the 640 interviewed claimed to have been evicted from their previous home. In three SLCs, families and indigenous communities living around the SLC sites did claim that they were evicted to make way for the SLCs however. Individual cases are summarised below.

The Government’s Identification of Poor Households Programme (ID Poor), established in 2005-2006 by the Ministry of Planning, is part of the Government’s efforts to reduce poverty and support socioeconomic development throughout the country. In 2005, the Ministry of Planning developed a standardised tool and procedure to identify poor households in rural areas, with support from GIZ and other development partners such as the Australian Government, the European Commission and UNICEF.³⁸ Households identified as poor through the IDPoor process receive ‘Equity Cards’ or ID-Poor Cards.³⁹ Poor households can use the Equity Cards to access a range of services provided by the government and other organisations.

Province	Battambang	Tboung Khmum	Kompong Speu	Kompong Thom	Kampot	Mondulkiri	Average
Percentage of SLC beneficiary families who possess an ID Poor Card	84%	52%	70%	50%	89%	19%	72%

The ID-Poor systems is now an integral part of the Government’s National Social Protection Strategy,⁴⁰ It sets out an inclusive, relatively transparent (comprehensive local and national statistics are available through the Ministry of Planning’s ID Poor website for instance),⁴¹ and legitimate process to determine which families are most in need of assistance. The promulgation of the Sub-Decree on Identification of Poor Households in 2011 enhanced efficiency by providing a legal basis to the system and discouraging duplication of efforts. ID-Poor system has since been used as the

³⁸ See Identification of Poor Households Programme. Ministry of Planning. Royal Government of Cambodia. Available here: <http://www.mop.gov.kh/Projects/IDPoor/tabid/154/Default.aspx>

³⁹ They include a photograph of the household members, a household code, the household’s poverty level, the card’s validity period, and general information on how to use the cards.

⁴⁰ See 2011-2015 National Social Protection Strategy approved by the Council of Ministers on 18 March 2011. The NSPS states that “The RGC intends to make IDPoor the primary targeting methodology across all social protection schemes, while still allowing for the use of complementary methodologies where their use is justified.”

⁴¹ See Identification of Poor Household Programme. ID Poor Information Centre Database. Ministry of Planning. Available at: www.idpoor.gov.kh/en/reports/2/2

standard procedure to target programmes for poor households and areas,⁴² and is now used by most of the local authorities surveyed to assist in the selection of SLC beneficiaries.

Figures on possession of ID Poor cards varied significantly. In total, approximately 72% of respondents had an ID Poor card, however in certain SLC's such as Mondulkiri, only 19% of families possessed one. ID Poor cards are only valid for three years and so out of date and discarded cards is also an issue. 77% of families claimed poverty was a factor in them receiving land, yet more than one quarter of families did not possess the proper documentation to evidence this in the formal selection process. ID Poor data should be used to determine the eligibility of potential land recipient applicants to be selected - this is now the central means by which poverty levels are assessed in and eligible applicants identified.⁴³

The Sub-Decree 291 on the Identification of Poor Households (procedures and rules were only formally codified in 2011) sets out how identification of poor households and the utilisation of poor household data should be implemented.⁴⁴ The Procedures require the involvement of relevant ministries and institutions, sub-national administrations and Village Representative Groups and Village Representative Groups selected by villagers in accordance with democratic principles. Classification of household poverty is calculated by means of totalling scores based on responses obtained from interviews, and through discussion of the actual situation of each household.⁴⁵

Where the majority of families' lack ID-Poor cards, this calls in to question the validity of the selection process. All recipients of SLC land allocated land after the 2011 Sub-Decree on the Identification of Poor Households should have possessed ID Poor Cards - this is the central means by which poverty levels are assessed and eligible applicants and land recipients identified. The lack of ID Poor cards could be because the cards have expired (only being valid for 3 years), families are now no longer deemed to be living in poverty, or that other means were initially used to assess poverty levels when the SLC was established. They may not have been issued by local authorities. Although the SLC Sub-Decree, having been issued prior to the ID Poor Sub-decree, does not therefore require the use of the ID-Poor system, the 2011 ID Poor Sub-Decree clearly sets out that valid national poor household data should be utilised. Where they are not being used, this should be seen as poor practice. No other legitimate, transparent, inclusive and accountable alternative has been identified. In the Mondulkiri SLC, neither the Village Chief, Commune Chief or local NGO staff were able to confirm what criteria was used in the selection process as they were allegedly excluded from participating. Inequitable selection of beneficiaries undermines the entire set of SLC procedures and brings in to question the validity of the programme.

The majority (83%) of households claimed to have been involved in the identification and planning of the SLC sites, with 83% of residents stating that local authorities explained why they were selected as beneficiaries. Figures varied significantly however, with only one half of residents in Mondulkiri and Kampong Thom actively involved. A smaller proportion (69%) stated that authorities explained the selection and allocation process, and the use of the lottery system to distribute land. The quantity and quality of consultations between residents and local authorities varied significantly.

Survey findings indicate engagement by local authorities with the majority of beneficiary families in planning and initially developing the sites in Kampong Speu, Tboung Khmum and Kampot. There appears to have been engagement with a limited number of families currently living in the Kampong

⁴² See Identification of Poor Households Programme. Ministry of Planning. Royal Government of Cambodia. Available here: <http://www.mop.gov.kh/Projects/IDPoor/tabid/154/Default.aspx>

⁴³ Article 10 of the Sub Decree on Social Land Concessions (No. 19 ANK/BK/ March 19, 2003) sets out that beneficiaries should meet the financial criteria established by the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation, based on the comments of the National Social Land Concession Committee. The income guidelines shall take into consideration family size and age and health conditions of family members. The guidelines may be varied from region to region and from time to time in accordance with economic conditions and living standards.

⁴⁴ Sub-Decree - Identification of Poor Households No: 291 ANK. BK. Agreed by the Council of Ministers during the plenary meeting on 9 December 2011.

⁴⁵ Sub-Decree - Identification of Poor Households. 2011. Articles 11 and 12.

Thom SLC, and very limited engagement in Mondulkiri and Battambang SLC sites. This does not necessarily present conclusive evidence of good practice where consultations did take place; rather it is a reflection of residents' perception of whether or not they felt that they were included in planning processes.

The degree of consultations and inclusion in planning and development was closely correlated to the perception of whether land distribution was deemed by beneficiaries to have been equitable and fair. Residents considered the process fair where legitimate consultations had taken place, where they had been provided with necessary documentation and when authorities invited them to participate. This was highest in Kampong Speu and Tboung Khmum, where over 95% of residents believe the process undertaken to distribute land was fair. In Battambang by contrast, this figure was just 27%, indicating significant discontentment with the process. This is likely to be the result of the fact that the SLC was created on land that is contested, and that SLC beneficiary families do not yet have possession of the agricultural plots of land they were promised.

Province	Battambang	Tboung Khmum	Kompong Speu	Kompong Thom	Kampot	Mondulkiri	Average
Percentage of SLC beneficiary families who stated that the distribution of SCL land was "equitable and fair"	27%	96%	98%	86%	89%	55%	67%

Seventy-nine families, or 12% of respondents (primarily in Battambang and Mondulkiri) claimed to have paid money to local authorities (or project proponents who applied for the SLC) during the application process. In Mondulkiri, the individual who initiated the SLC allegedly paid to get the application processed, and residents then paid to have their names included on the list of eligible applicants. There are no fees required in the relevant Sub-Decrees or subsequent regulations. This indicates that there may have been an element of corruption in the allocation and distribution process. This is particularly problematic given that target groups were generally poor and landless families and that household debt is high for a significant proportion of these families.

Article 18 of the Sub Decree on Social Land Concessions sets out that 'each target land recipient shall make a written agreement with the competent granting authority that specifies the rights and responsibilities of the target land recipient in accordance with the social land concession program', and exceptions, such as force majeure or grave illness, which prevent the fulfilment of the obligations'. Only 58% of respondents across all six sites claimed to have signed such an agreement.

Only 60% of respondents had access to the SLC plan. The commune council should initiate local social land concession programmes by preparing a social land concession plan in accordance with the requirements set out in the Sub Decree on Social Land Concessions. Article 6 of the SLC Sub-Decree sets out that approved plans shall be open to the public in the relevant commune/sangkat. Residents may not have been aware of the plans, rather than having been denied access. Beneficiaries must be 'ready, willing and able to participate in the social land concession program, in accordance with the approved social land concession plan'.⁴⁶

A majority (66%) of respondents claimed to have been asked to participate in improving conditions at the SLC. Again, there was a high level of planning and engagement by local authorities with the majority of families in the communities in Kampong Speu, but very limited engagement in Mondulkiri and Kampong Thom in further developing SLC sites.

Active engagement appears to be is a crucial ingredient in successful SLC sites. Freedom of information, access to information, the sharing of ideas and the opportunity to take part in decision-making is a crucial part of democracy, and makes it possible for people to make informed decisions

⁴⁶ Article 10 of the Sub Decree On Social Land Concessions (No. 19 ANK/BK/ March 19, 2003)

about their own lives. Article 19 of the International Convention on Civil and Political Rights (ICCPR) sets out the right to freedom of expression which includes the right to seek, receive and impart information. Article 25 of the ICCPR sets out the right to take part in the conduct of public affairs, directly or through freely chosen representatives. Cambodian citizen's expectations are no longer limited to having access to adequate food and water; they are beginning to demand access to better basic services— including the rule of law, transparency from their elected officials and land tenure security.⁴⁷

Inclusion in planning processes, provision of documentation and access to information should empower communities, stimulate engagement with authorities, strengthen democratic processes and result in better outcomes for all parties in developing the SLC sites. This is particularly important when allocating limited resources amongst poor and highly vulnerable families living on or close to the poverty line. Survey results provide for a wide range of positive and negative outcomes across different SLC sites, and it is clear that standards vary significantly between different local authorities in terms of planning, consultation and engagement. Authorities in Kampong Speu, for instance, appear to have been significantly more pro-active and successful in working directly with beneficiaries which has led to more equitable land distribution, and a sense of justice in resource allocation amongst residents.

Living conditions:

Almost all respondents (98%) across all six SLC sites stated that they had complained to authorities about poor living conditions at the site. The most common complaints related to a lack of available water (68%) and a lack of available food (64%), although various other problems were cited such as limited employment opportunities, the quality of roads, a lack of electricity, and a lack of sanitation. These are set out in further detail below. In over half of all cases where complaints were made, authorities allegedly did not respond.

This is despite the fact that in most SLC sites, local authorities appear to monitor conditions, insofar as they regularly undertake home visits and/or hold village meetings where they enquire about living conditions and current problems. Respondents stated that village meetings (75%) were the primary means through which complaints were submitted, and a further 33% of families are visited at home. Local authorities are clearly aware of the conditions having received complaints and engaging in monitoring and outreach, but lack either the capacity, will or resources to address problems and complaints.

In Kampong Speu, 85% of households stated that local authorities monitor living conditions, with approximately half of families evaluated on a monthly basis, and a further 35% saying that they are able to provide feedback to local authorities at least every three months. Authorities enquire about income levels, food security, agricultural production, and other relevant issues. A commendably active approach appears to have been taken by local authorities in attempting to monitor and evaluate living standards and determining where problems may be developing, even if they are not able to address all concerns.

NGO assistance to communities appears to be limited across all SLC sites. On average, only 37% of families surveyed stated they were being provided support by an NGO. This figure was around 50% in Kampong Speu and Tboung Khmum, and 26% in Battambang. No support appears to have been provided to respondents in the other SLC sites. NGO's could potentially play a much more active role across all SLC's in conducting monitoring and evaluation of living standards, and holding local authorities to account by providing independent verification of land distribution and other processes.

Suitability of land

⁴⁷World Bank. 2013. Where Have All the Poor Gone? Cambodia Poverty Assessment 2013. Washington, DC. © World Bank. <https://openknowledge.worldbank.org/handle/10986/17546> License: CC BY 3.0 IGO.

Beneficiaries received either residential land, or residential and agricultural land. Most residents in Battambang have only received residential land, whereas the majority in the other five SLC sites received both residential and agricultural land. Agricultural farming land was typically not 'cleared' and ready for farming when it was acquired– 73% of all respondents stated none of their land was ready for farming and a further 21% stated that only some of it was. Residents suggested that they could either not afford to clear their land, lacked the right tools and equipment to do so, or simply lacked the time. Complaints have previously been reported by NGOs surveying SLC sites that soil fertility is poor and that land distributed through SLC's is not suitable for farming. This does not appear to be a significant problem in most of the six SLC sites surveyed – only beneficiaries in Kampong Speu cited this as a significant issue. Large proportions of SLC land have not yet been cleared or has not been cultivated because families cannot afford to develop it, and such plots could also potentially be infertile.

The average sized plot of residential land is 1420 metres sq. This ranged quite significantly from 1000 to 1752 metres sq. The vast majority of respondents stated that they received the same sized plot as their neighbours, indicating equitable distribution across the SLC sites in general. 3% of families stated that they received smaller residential plots than their neighbours.

The average sized house is 28 metres sq. This also ranged significantly from 20 up to 52 metres sq in Mondulkiri where the largest average house sizes were recorded. Nearly all houses were constructed by families themselves, and in some cases with assistance from neighbours. Families were able to construct their house on average eight months after being allocated SLC plots.

Under the Sub-Decree on Social Land Concessions, if 'there is no residential structure already in place, the land recipient shall build at least any part of a permanent shelter within three months after receiving the land and a family member shall actually and permanently reside on the land at least six months in each year. The target land recipient of a social land concession for farming shall actually cultivate that land within twelve months after receiving the land and shall continue to utilize the land in accordance with the conditions of the concession program.'⁴⁸ If the recipient fails to meet the occupancy and use conditions, the land shall revert to the state for reallocation. This does not appear to have been strictly enforced in the majority of cases. Residents in Mondulkiri constructed their house on average 17 months after receiving SLC land for example. In Battambang, the average was 12 months. Given that the majority of beneficiary families are poor with limited resources, this rule should not be imposed strictly if future SLC sites are to succeed, unless significant extra resources are provided to families when moving.

A majority of respondents (67%) claim that their new residence is either better or significantly better than their previous houses. However, 13% claimed it is worse than their previous house, with the remainder stating it is about the same. Although this might in part be due to owner perception, it is a crucial indicator as to the success of the SLC project; are poor or landless families being provided land and adequate housing that meets their basic needs? In this instance, it would appear that the SLC sites have facilitated an improvement in living standards through the provision of land, and that the standard of housing has improved for a significant proportion of families. This does not necessarily mean that SLC housing meets the minimum standards as set out in ICESCR General Comment No.4 on adequate housing; the lack of access to drinking water sources suggests it may not in cases. It is also not indicative of Government or donor support actually providing adequate housing itself; only 2% of beneficiaries received a house that was constructed as part of the SLC process. However, it does suggest that housing rights are being progressively realised through the provision of resources, in this case land for residential and agricultural purposes, to improve living standards for particularly vulnerable groups.

The average sized agricultural plot of land is 1.17 ha. This figure ranged widely; in Mondulkiri the average plot size was 4.36 ha for instance. 8% of residents stated that their neighbours received

⁴⁸ Sub-Decree on Social Land Concessions (2003). Article 18

larger sized plots of land than they did – indicating that distribution was relatively equitable across most areas, but that not all plots were equal. Local officials stated that larger families were sometimes granted bigger plots than smaller families.

Several SLC's were granted in areas with dense forest, requiring deforestation of SLC land for agricultural and residential purposes (see page 32 for instance). Lack of employment opportunities is potentially contributing to further deforestation (although survey results did not establish this conclusively. Residents may not have wanted to explicitly admit to illegal logging). Only about half of respondents (44%) generate income through agricultural cultivation of their newly acquired SLC land. The average annual income generated through farming is \$687, although this figure varied widely across different SLC sites. In Kampot, due in part to small plot sizes, families earned on average just USD 89 per year. In Kampong Speu, despite the strong consultation processes in planning and development, earnings from agriculture averaged only USD 242 per annum. This is significantly lower than the average earnings across Cambodia. Waged workers in Cambodia typically earned US\$121 *per month* (2012).⁴⁹ The minimum wage in the garment sector by point of comparison is set at \$145 per month (and is currently being revised upwards). Agricultural incomes were supplemented at all SLC sites by other sources of income, as set out below.

Those unable to generate income stated that yields were too small, and that food grown was for personal consumption only. The range in incomes is likely to be a reflection of plot sizes – incomes are highest in Monduliri and Tboung Khmum where larger plots of land were distributed. Other factors will also have had an impact – 84% of respondents in Tboung Khmum had received assistance from an NGO in cultivating their land (although not in Monduliri by contrast). Many beneficiaries lacked the investment capital needed to clear, prepare and farm their land. The selection process requires recipients to be poor which means having no or limited available capital. It also means residents will often be too busy to develop land because they are engaged in full time employment elsewhere in order to support their families. The survey results on employment, land clearing and debt support these findings.

Economic activities and livelihoods in rural Cambodia rely heavily on agricultural activities. Agricultural crops have been cited as the main contributor to the sharp rise in the total household incomes across Cambodia.⁵⁰ Poverty reduction in rural areas has been driven in part by the substantial increase in rice prices, increased rice production, better rural wages, and improved income from non-farm self-employment.⁵¹ Greater financial and other support is clearly required across all SLC sites to ensure that farm land is being utilised and that SLC agricultural livelihoods are sustainable.

Income generation:

Changes in living standards and poverty reduction in the SLC sites can be explained by looking at not only the overall incomes of households, but at the varied sources of such incomes. In the six SLC sites surveyed, agricultural income is being supplemented by other forms of work, in factories, in economic land concessions and through other forms of self-employment for instance. What is crucial to the potential success of SLC sites and families' well-being is that beneficiary families have genuine, employment opportunities and sustainable income sources, and can supplement household income from agriculture where necessary. This is not the case across all SLC's.

Nearly all households (98%) surveyed have at least one family member employed, and approximately 78% of households have two or more persons employed, with some households having up to eight different people in employment. In response to being asked what type of employment they engage in, 48% stated work as farm labourers, 72% engage in other types of labour-intensive work, 6% in

⁴⁹ See ILO: Global Wage Report 2012/13, op. cit., p. 40.

⁵⁰ Sobrado, Carlos; Neak, Samsen; Ly, Sodeth; Aldaz-Carroll, Enrique; Gamberoni, Elisa; Arias-Vazquez, Francisco; Fukao, Tsuyoshi; Beng, Simeth; Johnston, Timothy; Joaquin, Miguel San; Bruni, Lucilla; de Groot, Richard. 2014. Where have all the poor gone? : Cambodia poverty assessment 2013. A World Bank country study. Washington, DC ; World Bank Group.

⁵¹ Ibid

garment factories, 7% work in public services and 22% through self-employment. The average combined monthly household income from employment is USD 230 per month. This varied widely between different SLC sites however. In Battambang for instance, income averaged at just USD 167 per month in – despite the high number of family members working. The majority of this income comes from farm work, labour/factory work and from self-employment through the selling of products directly.

Prior to moving to the SLC, the respondents average monthly income was lower at USD 213 per household, demonstrating that through a combination of agricultural production and other forms of employment, average incomes have risen across the six SLC sites. Figures here also varied significantly. In Kampong Thom for instance, previous monthly incomes averaged around \$546. Beneficiaries used to live alongside the Mekong River and made a living through fishing and other means. The collapse of the river bank rendered the families homeless and stimulated the application for the SLC. As a consequence, monthly incomes have declined – however this is not necessarily the best barometer to assess whether, and if so how, the SLC has positively impacted on families' lives in this case. All six SLC sites have different characteristics; beneficiary families stem from different provinces, have varied backgrounds, were provided differing levels of support when moving, and appear to have been impacted by a variety of factors when establishing their lives within the SLCs. The figures for average incomes and expenditure across all six SLC's should be understood with this caveat.

Average current household expenditure has also risen significantly across all six SLC sites and now stands at USD 199 per month, up from USD 154 prior to moving to the SLC site. The highest cost rises are attributed to food and health expenditure, although in some SLC sites, a significant rise in spending was also recorded for religious ceremonies. Average monthly spending appears to have risen significantly faster than monthly household income in most SLC sites.

74% of respondents said that they were aware of children working to supplement household income (a child was defined deemed as 15 years or under in the survey). This was a common finding across all SLC sites. The majority of this work was farm work and other types of manual labour, although over 10% of children at work were reported to be working in factories. Note that this question asked whether respondents were *aware* of children in the SLC site working, rather than whether their own children were working.

25% of families believe that access to educational services has worsened since the moved to the SLC, and 20% stated that fewer of the children living within the household now attend school. 42% of respondents stated that access to education had improved after moving to the SLC.

Province	Battambang	Tboung Khmum	Kompong Speu	Kompong Thom	Kampot	Mondulkiri	Average
Percentage of SLC beneficiary families who rated their access to education as <i>improved</i> at the SLC site	40%	54%	55%	0%	17%	3%	42%

Only 28% of families have household savings, although savings have risen on average since moving to the SLC and now stand at a mean average of \$176. 81% of families have incurred household debt, and the average level of debt has risen substantially since moving to the SLC. Beneficiary families incurred significant extra debt after moving to the SLC in five of the six SLC sites, with Mondulkiri being the only exception. Households now owe an average of USD 939 each, which has risen from USD 113 prior to moving to the SLC site. This suggests that households took on significant extra debt

when moving to or after moving to the SLC site, and/or the rise in household expenditure is driving families in to debt. This is a significant concern given the relatively low and unstable monthly household incomes.

In roughly half of all households surveyed (45%), at least one family member lives away from the SLC site permanently. The vast majority of family members living away from the site are children of survey respondents, who migrated for reasons of employment. This indicates that decent work is not available in many of the SLC sites and that the sustainability of the SLCs needs to be re-assessed if the younger generation of current residents choose not to or are unable to live on site.

Household income, has increased amongst the majority of beneficiaries, most of whom are poor families. However, the SLC program was designed to contribute to poverty alleviation, and to facilitate improved living conditions and agricultural production amongst landless families. Beneficiaries should be able to generate income for their families on site, and not be forced to migrate far away for work. In this respect, the SLC scheme appears to be proving only partially successful.

Access to water and Sanitation

Access to water is highly problematic across all six SLC sites surveyed. Only 26% of all families interviewed claimed to have reliable access to drinking water. Families source water from open wells (31%), public boreholes 13%), lakes, streams or ponds (23%), purchase bottled water (11%) or collect rain water (9%). 74% of residents reported treating their water before drinking it, by either; boiling it (90%), or using filters (10%). 38% of respondents reported an odd colour, taste and/or smell to their drinking water, and (only) 2% of families stated that their water is chlorinated. 47% of interviewees rated their access to water as “worse” or “significantly worse” than in their previous residences. Only, 27% stated access to water had actually improved. This suggests that the problem of access to water is particularly acute across all SLC sites and is likely to be impacting on health, household income, education and the enjoyment of other basic rights.

Province	Battambang	Tboung Khmum	Kompong Speu	Kompong Thom	Kampot	Mondulkiri	Average
Percentage of SLC beneficiary families who rated their access to water as worse compared to previous residences	43%	16%	46%	91%	54%	68%	47%

By comparison, the 2014 Cambodian Demographic and Health Survey (CDHS)⁵² states that during the dry season, 35% of households in Cambodia consume drinking water from a source that is likely to ‘not be of suitable quality’ (reflecting the categorizations proposed by the World Health Organization (WHO), the United Nations Children’s Fund (UNICEF). This percentage declines to 16% of households during the rainy season, when more households utilize rainwater for drinking water. The main source of drinking water during the rainy season is rainwater for nearly two out of every five households, and rainwater is the most common source of drinking water during the rainy season for rural households. During the dry season, the percentage of households with their source of drinking water on the premises declines to 69% and 51% among urban and rural households, respectively. Sources of drinking water were the same during the dry and rainy seasons for 92% of urban households and 67% of rural households. ⁵³ WHO and UNICEF categorisations list boreholes and

⁵² National Institute of Statistics/Cambodia, Directorate General for Health/Cambodia, and ICF International. 2015. Cambodia Demographic and Health Survey 2014 <https://dhsprogram.com/publications/publication-FR312-DHS-Final-Reports.cfm>

⁵³ National Institute of Statistics, Directorate General for Health, and ICF International, 2015. Cambodia Demographic and Health Survey 2014. Phnom Penh, Cambodia, and Rockville, Maryland, USA: National Institute of Statistics, Directorate General for Health, and ICF International. Page 18

rain water as likely to be of suitable quality and respondents may have deemed their water to not be safe for drinking despite being from such sources if the water quality is poor or they are unsure of the quality.

Safe drinking water and sanitation are indispensable to sustain life and health, and fundamental to human dignity. The right to water in international human rights law requires States to ensure everyone's access to a sufficient amount of safe drinking water for personal and domestic uses, defined as water for drinking, personal sanitation, washing of clothes, food preparation, and personal and household hygiene. These obligations also require States to progressively ensure access to adequate sanitation, as a fundamental element for human dignity and privacy, but also to protect the quality of drinking-water supplies and resources.⁵⁴ With almost half of all respondents claiming access to water is deteriorating, this suggests that progressive provision of the right to water is not being realised in Cambodia's SLC sites.

98% of the residents surveyed said that the SLC does not have a functioning sewage disposal system. Only 42% of families benefit from sanitation within the household.⁵⁵ One third of the families who have a toilet in the household claim that there is insufficient water to use it properly. Other residents either defecate in the forest or dig a hole somewhere else. There is significant disparagement in the type households that have access to hygienic facilities by urban and rural residence across Cambodia. The CDHS reported that the majority of households in rural areas have no toilet facility, with half of households (50%) reporting no toilet facility and making use of fields or bush areas. This figure was reported among only 7% of urban households. Access to hygienic facilities had improved substantially, as the percentage of households which have no facilities declined from 57 percent in 2010 to 44 percent in 2014.⁵⁶ The SLC sites surveyed rate below the national average for rural areas for sanitation.

Better access to a regular supply of water within the home would eliminate the need for women and children to spend time collecting water from more distant sources and reduce risks in collecting it from lakes, rivers and ponds for instance. Incidents have been reported where children have died as a consequence of poor access to water at resettlement sites.⁵⁷ UNICEF also reports that the lack of water and sanitation is one of the biggest issues affecting the health of children across Cambodia, particularly those who live in the countryside. The consequences for children are particularly severe, as high occurrences of diarrhoea, skin disease, respiratory illnesses such as pneumonia, intestinal and other waterborne and excreta-related diseases cast a shadow over child health and in many cases, result in death.⁵⁸ Significantly more needs to be done to address the lack of access to clean water across all SLC sites.

Food security

Combating hunger and malnutrition is a legally binding human rights obligation.⁵⁹ According to the Food and Agriculture Organization of the United Nations (FAO), food security exists "when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life."⁶⁰

⁵⁴ The Right to Water. OHCHR Fact Sheet 35. OHCHR, WHO, UN Habitat. 2012

⁵⁵ In line with the definition of sanitation as proposed by the Independent Expert on water and sanitation as "a system for the collection, transport, treatment and disposal or re-use of human excreta and associated hygiene", States must ensure that everyone, without discrimination, has physical and affordable access to sanitation, "in all spheres of life, which is safe, hygienic, secure, socially and culturally acceptable, provides privacy and ensures dignity". Statement on the Right to Sanitation. 2010. E/C.12/2010/1

⁵⁶ National Institute of Statistics, Directorate General for Health, and ICF International, 2015. Cambodia Demographic and Health Survey 2014. Phnom Penh, Cambodia, and Rockville, Maryland, USA: National Institute of Statistics, Directorate General for Health, and ICF International. Page 42

⁵⁷ See Two child deaths linked to AusAID Cambodia project. Richard Baker and Nick McKenzie. 2010. available here: <http://www.smh.com.au/national/two-child-deaths-linked-to-ausaid-cambodia-project-20101031-178w7.html>

⁵⁸ Water, Sanitation and Hygiene. Unicef Cambodia. Available: <https://www.unicef.org/cambodia/8.WASH.pdf>

⁵⁹ The Right to Adequate Food. OHCHR Fact Sheet 35. OHCHR, FAO 2010

⁶⁰ FAO, The State of Food Insecurity in the World 2001 (Rome, 2001).

98% of respondents said they had at least once in the past month, feared that they would not be able to provide enough food for their family, with 61% stating that this was a regular occurrence. 83% of families claimed to have limited and restricted diets (no meat or fish for instance) at certain points over the last month because of a lack of money, and 88% have resorted to eating wild tuber or very poor quality meat for the same reason. 62% of respondents claimed that they had missed meals in the last month, and 55% of respondents claimed there were days in the last month where they had nothing at all to eat due to lack of affordable or available food. 23% of households claim that access to food has worsened since moving to the SLC, although for 37% it has improved. Only 16% stated that it had significantly improved. These results highlight how through self-assessment, food security remains a significant challenge for most families. Gains in this area have been marginal. In half of the SLC's assessed, access to food has become more problematic living inside the SLC site. This is likely being compounded by the fact that most beneficiary families reported not having experience or skills in agricultural production (possibly due to the fact that many were formerly landless). Nutrition is therefore likely to be a significant problem for many households within SLC sites – especially for children who lack access to basic foodstuffs containing protein, and where families have been unable to clear agricultural land.

Province	Battambang	Tboung Khmum	Kompong Speu	Kompong Thom	Kampot	Monduliri	Average
Percentage of SLC beneficiary families who rated their food security as <i>improved</i> at the SLC site.	33%	60%	35%	9%	41%	16%	37%

Cambodia has made very limited progress in combating malnutrition generally. Stunting among Cambodia's children under the age of 5 years dropped from 45 percent in 2010 to 32 percent in 2014; however, malnutrition is still thought to contribute to around 45 percent of child deaths in Cambodia.⁶¹ Stunting is more common among the poor, among children with mothers of lower education, and among communities with over half of the households defecating in the open.⁶² All of the SLC's visited lack access to water and sanitation, residents defecate in the open and suffer from food insecurity. The World Bank has set out that the solution to malnutrition must include several joint actions targeting issues beyond the amount of food consumed. This should include actions addressing the quality of the food, the environment (open defecation), and hygiene practices (washing hands and food, and other better hygiene practices).⁶³

The 2015 LICADHO report assessing the results of the LASED SLC programme highlighted the issue of agricultural plots being insufficient to support adequate cultivation, resulting in persistent food insecurity.⁶⁴ Whilst most survey respondents in the OHCHR study did not cite poor land quality and infertile soil as a problem, food insecurity appears to be a major issue in all six SLC sites visited. Low incomes, high debt, poor sanitation, lack of agricultural equipment, and a lack of decent employment opportunities are all likely to be contributing to food insecurity and malnutrition across the six SLC sites.

⁶¹Chhoun, P., et al. Social Determinants of Maternal and Child Undernutrition in Cambodia: A Systematic Review. (2016) 3(4): 1- 7.

⁶²Sobrado, Carlos; Neak, Samsen; Ly, Sodeth; Aldaz-Carroll, Enrique; Gamberoni, Elisa; Arias-Vazquez, Francisco; Fukao, Tsuyoshi; Beng, Simeth; Johnston, Timothy; Joaquin, Miguel San; Bruni, Lucilla; de Groot, Richard. 2014. Where have all the poor gone? : Cambodia poverty assessment 2013. A World Bank country study. Washington, DC ; World Bank Group.

⁶³ Ibid. World Bank Group 2013

⁶⁴ On Stony Ground: A Look into Social Land Concessions. Licadho. 2015

The conditions at a number of SLCs have dissuaded beneficiary families from moving permanently to the SLCs. This undermines the sustainability of the programmes. Without a critical mass of residents to stimulate the local economy, incomes and employment opportunities may stagnate or decline.

Land Disputes

Twenty-six beneficiary families (4% of the households surveyed) stated that they are currently involved in a land dispute with either former residents, local authorities or private companies. Although this is a small minority of the total number of families surveyed, it is nonetheless concerning given that the SLC scheme was designed to provide both tenure security and adequate housing to poor, vulnerable groups. 24% of respondents had experienced encroachment on their land, and 16% of families claim to have suffered from harassment or threats in relation to their land, mostly by former residents, but also by private companies, the military and by government agencies. The high occurrence of alleged threats and harassment by government agencies and the military is particularly problematic giving the vulnerability of poor families, and the fact that households generally rely on state agencies to resolve land disputes. The involvement of a state agency serves as a potential barrier to access to justice and equitable resolution of disputes. This will contribute greatly to insecurity of tenure, which conflicts with one of the goals of the SLC programme.

Several issues were identified relevant to specific SLCs. For example, several indigenous communities claimed that they had been forcibly evicted from land they claim to be ancestral land to make way for the SLC in Monduliri province. Some of the SLC land, according to local officials, is now being developed by a private company. The United Nations Declaration on the Rights of Indigenous Peoples, adopted by the United Nations General Assembly in 2007, and supported by the Royal Government of Cambodia, recognizes indigenous peoples' rights to their lands, territories and resources, including to those traditionally held by them but now controlled by others as a matter of fact and also of law.⁶⁵ Ancestral land is not a term recognised in Cambodian law; however the 2001 Land Law includes a chapter on "Immovable Property of Indigenous Communities", and defines indigenous communities as 'a group of people whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to customary rules of collective use.'⁶⁶ For many indigenous in Cambodia, their relationship to their lands, territories and resources is a defining feature of their identity. The legal definition of an indigenous community is based on its customary land use and traditional lifestyle; however, proof of established customary practices and traditional lifestyle may not always be easy to provide, because traditions are fluid, and customary land-use practices are continuously adapting to changing conditions brought on by decades of oppressive regimes and widespread displacement.⁶⁷ Some of the findings in the research demonstrate the types of challenges indigenous communities in Cambodia face in protecting their land rights such as exclusion from consultations and a lack of social impact surveys conducted.

The SLC in Battambang was issued on land this was and remains contested and occupied by other families. Furthermore, two land distribution and titling programmes (SLC and Directive 001 Campaign)⁶⁸ have been applied simultaneously, and the administrative rules appear to have been used interchangeably. The SLC programme sought to provide beneficiary families with titles for

⁶⁵The United Nations Declaration on the Rights of Indigenous Peoples (2007)

⁶⁶ Land Law 2001. Article 23

⁶⁷ Asian Development Bank. Land and cultural survival: the communal land rights of indigenous peoples in Asia. Mandaluyong City, Philippines: Asian Development Bank, 2009.

⁶⁸ In May 2012, Directive No. 001 was issued by the Prime Minister announcing a temporarily halt of the granting of new economic land concessions, and implementation of a "leopard-skin" policy, by which the boundaries of existing communities and private titles contained within conceded land would be demarcated and excluded from concessions, and land titles thereon would be granted. Directive 001 sought to reduce the amount of land disputes in rural areas and provide tenure security for families at risk of potential eviction, particularly in rural areas on and around economic land concessions and other concessions. According to government figures, as at May 2013, 226,252 titles had already been issued to families. See the 'Role and achievements of Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights. Report of the Secretary-General (A/HRC/24/32).

agricultural plots occupied by other families. SLC beneficiary families then applied for and received land titles under the Directive 001 land titling campaign, despite the land dispute not having been resolved. SLC beneficiary families are now in possession of residential but not agricultural plots.

Various complaints were relayed to interviewers from residents in communities neighboring SLC sites, some of whom claimed to have been evicted from SLC land. Others stated that valuable local forestland that families relied on for collecting non-timber products (primarily food) had been destroyed. Some beneficiary families claim to have paid significant fees in order to be selected for land allocation. A number of beneficiaries appear to have been awarded plots of land that was previously used or occupied by others. The 4% figure above is therefore not a true reflection of how many land disputes have been created by the SLCs.

Whilst efforts have been made to ensure SLC plots are habitable, the social and environmental impacts assessments required by the Sub-Decree on Social Land Concessions appear to have either not been conducted, or were inadequate, in identifying and mitigating potential and actual risks to neighbouring communities. Water resources are scarce across all sites, and the sudden influx of many hundreds of additional families will almost inevitably lead to more hardship for families already living in the area unless significant investment is made in developing fresh water supplies.

Violence against women and girls

Violence against women and girls appears to be a major concern for families across all SLC sites (although significantly less so in Kampong Thom and Monduliri according to feedback from households). In total, 53% of respondents stated that they were *aware* of violence against women and/or girls, and over one third of all respondents believe that the problem has increased since they moved to the SLC site. These findings do not provide a definitive calculation of the prevalence of gender-based violence. The survey team used a subjective question to gauge community perceptions only.

National statistics published in the 2014 CDHS state that one in five women age 15-49 have experienced physical violence at least once since age 15, and 9% experienced physical violence within the 12 months prior to the survey. 6% of women age 15-49 report having experienced sexual violence at least once in their lifetime.⁶⁹ Collecting accurate and credible data on domestic violence poses particular challenges because what constitutes violence or abuse varies across cultures and among individuals, and a culture of silence often impacts on reporting levels. Although survey findings therefore may not provide accurate statistics, violence against women and girls in SLC sites is clearly commonplace, and the problem is likely being under-reported.

Sustainability

Despite the challenges faced by beneficiaries and local authorities highlighted above, such as limited access to water, food insecurity and limited employment opportunities at SLC sites, only 11% of all residents surveyed are considering leaving the SLC sites. This does not mean that living standards are adequate, that rights are being adequately protected or promoted, or that residents are satisfied with the SLC scheme. It does indicate however that the alternatives to living within the SLC are likely to be worse, and that beneficiaries believe they have a better standard of living in the SLC site than they might do otherwise. It may also be a reflection of the high number of families yet to receive land titles which should prevent them from selling their land. Further monitoring and reporting of household occupation should be conducted after the majority of households have resided in the SLCs for at least five years to determine the true sustainability of SLC programmes.

⁶⁹ National Institute of Statistics, Directorate General for Health, and ICF International, 2015. Cambodia Demographic and Health Survey 2014. Phnom Penh, Cambodia, and Rockville, Maryland, USA: National Institute of Statistics, Directorate General for Health, and ICF International. Page 257

The World Bank has highlighted that Cambodian economic growth has been strong for over a decade, ranking amid the best in the world, and that household consumption increased significantly in recent years. This growth was pro-poor—not only reducing inequality, but also proportionally boosting poor people’s consumption further and faster than that of the non-poor. As a result, the poverty rate across the country dropped significantly, ‘surpassing all expectations’. However, the majority of these people escaped poverty only slightly: they remain highly vulnerable—even to small shocks—which could quickly bring them back into poverty.⁷⁰ These survey results confirm that SLC families feel highly vulnerable, and that although many families may no longer be officially deemed poor due to slight rises in incomes, most of them who are living just above the poverty line. To generate the maximum beneficial impact for SLCs, government policies should concentrate on the productivity of the rural poor’s major assets: their labour and land. Local authorities should focus on capitalising on gains made within SLC sites, and avoid complacency that provision of land will automatically ensure that beneficiary families will now have secure incomes, adequate living standards, tenure security and safe, sustainable futures.

⁷⁰Sobrado, Carlos; Neak, Samsen; Ly, Sodeth; Aldaz-Carroll, Enrique; Gamberoni, Elisa; Arias-Vazquez, Francisco; Fukao, Tsuyoshi; Beng, Simeth; Johnston, Timothy; Joaquin, Miguel San; Bruni, Lucilla; de Groot, Richard. 2014. Where have all the poor gone? : Cambodia poverty assessment 2013. A World Bank country study. Washington, DC ; World Bank Group.

Annex One: Survey Data from Reaksmei Samaki commune, Oral District, Kampong Speu Province SLC

Key Findings

- *The vast majority of beneficiary respondents claimed to have been involved in the identification and planning of the SLC site, and nearly all recipients believe land distribution was fair.*
- *Neighbouring communities raised complaints about the loss of local forest land that families relied on for collecting non-timber products. A valuable source of food was destroyed to make way for SLC farm land, with the beneficiaries not being local families. Respondents from neighbouring communities also claimed to have lost land as a result of the SLC. This appears to have been access to forest land rather than residential land.*
- *No families possess land titles yet (as a result of having not lived in the area for the requisite 5-year period). However, none of the households have received relevant documentation relating to allocation of land. Three quarters of families signed an agreement with authorities relating to rights and duties within the SLC.*
- *Approximately 16% of respondents stated that limited income from agricultural production is due to the poor quality of soil.*
- *Two-thirds of families interviewed do not have access to safe drinking water. Almost half rated their access to water as worse or significantly worse than in their previous places of residents. Access to water is a particularly acute problem in Kampong Speu and insufficient resources have been allocated to providing safe drinking water. There is no sewage disposal system in place at the SLC, although 74% of households have some form of sanitation (mostly through a pit latrine).*
- *Access to other basic services such as health and education is limited (on average, it takes residents 64 minutes to travel to the nearest health centre for instance) and appears to be placing excessive demands on upon the budgets of poor households. Residents do not have access to a stable electricity supply. Food insecurity is an issue for the majority of families.*
- *Monthly household earnings have risen on average, as has monthly household expenditure and debt.*

181 households were interviewed at the Kampong Speu SLC site. Local officials stated that there are a total of 424 beneficiary families and 2,018 people living on site. The land was formerly registered as an SLC in June 2012 according to local authorities. The SLC is a 'local' social land concession programme, created at the request of commune officials and the District Working Group, who have worked alongside the NGO Life With Dignity (LWD) to develop the plots. It is now part of the World Bank-backed LASED II programme (included in the second phase of the LASED programme but not the first).

69% of respondents were female, although only 30% of respondents declared that the head of the household was female. 82% stated that they are married or in a domestic relationship. 14% are widowed or divorced. The (mean) average age of respondents is 43 years old. All respondents described themselves as being of Khmer ethnicity.

Asked why they were granted land in the SLC, 93% of respondents replied that it was because they were landless, and 67% because they were poor. There is overlap here where respondents gave multiple answers justifying the receipt of land. Only 2 families stated that they were moved due to public infrastructure projects, three were families of retired soldiers, and one family stated that they received land in connection to their work on a ELC plantation. One family alleged that they were forcibly evicted from their previous land and were subsequently deemed landless and granted an SLC plot.

When questioned as to why other families had been given plots of land within the SLC site, respondents cited landlessness (86%) and poverty (61%) as the main justification. No respondents claimed allocation was directly related to ELC work. This indicates that within the Kampong Speu SLC, there is little suspicion amongst beneficiaries of misallocation of plots of land away from poor or landless families favouring those who moved to the area to work on ELCs.

Only 70% of beneficiaries possess and ID Poor cards (through the Identification of Poor Households Programme), while 30% of the respondents did not. Recipients of SLC land, other than demobilised soldiers or victims of natural disasters, should in theory possess ID Poor Cards - this is one of the central means by which poverty levels are assessed and eligible applicants and land recipients identified.⁷¹ The lack of ID Poor cards suggests other means were used to assess poverty levels and to identify eligible beneficiaries. Local authorities surveyed stated selection based on landlessness and poverty, but provided no more details on how this was assessed or confirmed. No preference was shown to particular groups, and no residents living adjacent to the SLC were apparently awarded plots.

The vast majority of beneficiary respondents (95%) claimed to have been involved in the identification and planning of the SLC site. This is the highest proportion of residents included in the process across all SLC sites surveyed. This indicates that the consultation process was significantly more inclusive in Kampong Speu than in other SLC sites. Furthermore, 98% of residents stated that local authorities had explained the selection and allocation process. 91% of respondents stated that they were involved in selecting plots of land. Consultation will lead to a more inclusive process, more equitable distribution of land and other resources, and a better planned SLC that takes into account the needs and rights of beneficiary families. This is borne out in the statistic that 98% of beneficiary households believe that the distribution of land was conducted fairly. This is significantly above the average of 67% across all SLC sites surveyed. None of the respondents stated that they paid money towards the allocation process. These statistics suggest that good practices could be observed and lessons learned from the local authorities in terms of planning, consultation, inclusiveness and equitable distribution of land.

Local authorities claimed to have conducted a social and environmental impact assessment looking at the area; the only impact described for planning purposes was the need to clear SLC land so that it could be farmed. They also stated that consultations were held with neighbouring communities close to the SLC site, and that these were conducted primarily in order to inform them about the SLC boundary lines, but also because some of them were requesting plots within the SLC. They also confirmed that there were no families living inside the SLC prior to registration.

During a focus group discussion with residents in communities neighbouring the SLC site, complaints were raised about the loss of local forest land that families relied on for collecting non-timber products. They stated that this was a valuable source of food that had now been destroyed to make way for farm land, and that the beneficiaries were not local families.

SLCs at the commune or provincial level are developed through a decentralized process in terms of planning and implementation. The main beneficiaries of good practice processes, other than those who receive plots of land, will be the implementing institutions at provincial, district and commune level, who will develop more effective and efficient methodologies for establishing the SLC and ensuring it caters to the needs of poor or landless families.

⁷¹ Article 10 of the Sub Decree on Social Land Concessions (No. 19 ANK/BK/ March 19, 2003) sets out that beneficiaries should meet the financial criteria established by the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation, based on the comments of the National Social Land Concession Committee. The income guidelines shall take into consideration family size and age and health conditions of family members. The guidelines may be varied from region to region and from time to time in accordance with economic conditions and living standards.

However, 99% of households had not received relevant documentation relating to allocation of land which is problematic. Without land titles, families should possess documentation to evidence the planning and allocation process as a means to protect possession and ownership rights. 76% of families have signed an agreement with authorities relating to rights and duties within the SLC.

None of the families stated that they have received a land title. The (mean) average of months living in the SLC was 37 at the time of the interviews. Under the Sub-Decree, beneficiaries must comply with the criteria of the SLC programme for five years before they are entitled to request legal land titles. However, the vast majority of respondents (87%) *had* been told that they are due to receive a title when the 5-year period is concluded. The majority of residents (90%) had also received some form of documentation relating to possession or ownership (70% papers related land allocation lottery, 20% NGO-issued identification card, and 17% a contract or agreement relating to the SLC), providing them with a limited form of tenure security in the interim. This is not ideal – all residents should have documentation and a contract relating to the SLC. It is significantly higher than the average across all SLC sites (53%) however.

In comparison, 56% of the total respondents across all SLC sites had received land titles, although the average number of months living on site across all SLC's was significantly higher at 82 (6.8 years) roughly 36% longer than required. All families should be informed when they are due to receive land titles (13% of families in the Kampong Speu SLC claimed not to have been), and all should be provided with documentation evidencing possession rights and providing tenure security until the five-year period is concluded and titles are distributed.

Approximately two-thirds of respondents (64%) have access to the SLC plan. The commune council should initiate the local social land concession program by preparing a social land concession plan in accordance with the requirements set out in the Sub Decree on Social Land Concessions. Beneficiaries must be 'ready, willing and able to participate in the social land concession program, in accordance with the approved social land concession plan'⁷². 92% of respondents have been asked to participate in improving conditions at the SLC. This indicates a high level of engagement by local authorities with the community, both at consultation level and in planning further development of the site. Local authorities stated that they encountered no serious problems or challenges in administering the SLC processes.

Nearly all respondents (97%) stated that they had complained to authorities about living conditions at the site. The most common complaints related to a lack of available safe drinking water (84%), followed by a lack of available food (84%) and agricultural materials (22%), access to health centres (21%), and a lack of employment opportunities (20%). The lack of electricity, by contrast, was only an issue highlighted by 6%, distance to schools 5%, and access to a latrine 7%, significantly lower than in other SLC sites. Other issues cited included a lack of irrigation systems in place to facilitate farming, infertile soil, a lack of seeds, a lack of grazing land, insufficient means to generate income, the lack of a local pagoda and more.

This is despite the fact that 86% claim that local authorities actively monitor conditions at the site. Local authorities are clearly aware of the conditions having received complaints and engaged in monitoring and outreach. They either lack the will, capacity or resources to address these problems. Only 63% of families stated that local authorities had responded to complaints – this could be interpreted as either having addressed the concern or merely acknowledging the issue. Respondents stated that village meetings (61%) and home visits (45%) were the primary means through which complaints were submitted, suggesting a substantial level of engagement by local authorities. 48% of residents stated that complaints are received or evidence taken on a monthly basis, with a further 35% assessed or consulted every three months. The high level of engagement indicates that local

⁷² Article 10 of the Sub Decree On Social Land Concessions (No. 19 ANK/BK/ March 19, 2003)

authorities commit a substantial of time and effort to understand the needs and problems of the community even if they lack the resources to address all concerns.

Local authorities stated that they provided 'toilets, zinc, cement, bricks, hoes, knives, \$80 cash, built wells' and a number of tractors were given to the community. The community undertake initiatives to improve living conditions within the SLC. The focus of these efforts is on improving, building or maintaining wells (45%), and improving irrigation systems (53%). Water is clearly a scarce resource and a source of major problems at this SLC site. Considerable effort appears to be made to improve local facilities and services, although it is not clear what assistance, if any, local authorities are able provide in this endeavour.

Suitability of land

162 families (90%) were provided with both residential and agricultural land. The remaining three families questioned were only allocated residential land. Although this is significantly lower than the average in other SLC's, it is nonetheless concerning if families are unable to support themselves. These families may have other means by which to support themselves. The Sub-Decree states that plots may be granted to *provide land for residential purposes to poor homeless families, or, to provide land to poor families for family farming*. In the absence of ID Poor cards, it is particularly important that local authorities are able to accurately gauge poverty levels and the needs of individual beneficiary families.

75% of respondents stated that the agricultural farming land they received was not 'cleared' or ready for farming when they acquired it. The majority of those families (63%) still haven't cleared it, suggesting it is not being utilised for its original intended purpose of cultivation. Statistics on income levels presented below provide for different conclusions however. A significant number of residents cited a lack of available food (84%) and agricultural materials (22%) as problems they had encountered since moving to the SLC site, yet the majority of beneficiaries are still unable to grow crops, with 90% of respondents claiming they cannot afford to clear their agricultural land. Local authorities interviewed claimed by contrast that 100% of families are successfully cultivating their land. Further assistance is clearly required to enable families to begin and to further develop agricultural farming practices. 55% families reported having received assistance from NGOs to clear land, whilst 23% paid for labourers to assist. A majority of respondents (61%) intend to grow rice once the land is cleared, which is a water-intensive crop. This may further exacerbate the water shortage in the area. A further 52% plan to grow mangoes, 51% cassava, 23% corn and 22% a mix of vegetables. There is a much broader diversity in terms of intended farming practices and crop production compared with other SLC sites, which may be reflective of environmental conditions. This diversity should benefit the community if they are able to produce a wide variety of different foodstuffs, especially in terms of food security and tackling malnutrition.

The average sized plot of residential land is 1181 metres sq (aprox 0.175 ha), which is smaller than the average sized plot across all surveyed SLC's (1420m sq). No respondents claimed that they received a smaller plot than their neighbours, again demonstrating equitable distribution of land.

The average sized house is 22 metres sq, again smaller than the average across all SLC sites (28 m sq). Only two of the houses were constructed prior to families moving to the SLC site; all others were constructed by families and neighbours. Families were able to construct their house on average four months after being allocated SLC plots. The majority of respondents (71%) claim that their new residence is either better or significantly better than their previous houses. Eleven families (6%) claimed it is worse or much worse than their previous house.

58% of respondents stated that they do not feel safe in their current house (14% due to the risk of theft and 49% due to damage by wind/rain. It is not clear how many families have suffered from either theft or damage caused by weather.

The average sized agricultural plot of land was 1.3 ha, a little larger than the average across all SLC sites surveyed (1.2ha). Local authorities stated that the average size was 15,000 sq metres, i.e. 1.5 ha. 99% of respondents stated that their neighbours received the same sized plots of land. 96% of respondents stated that the land around their house is now being cultivated, although the majority (82%) do not generate (sufficient) household income through this; i.e. the majority consume rather than sell the produce. The average annual generated income through agricultural cultivation was just \$242. This is lower than the average across other SLC sites surveyed (though the average is skewed by higher incomes in the Mondulkiri and Tboung Khmum SLCs). 77% of respondents stated earning more than they did prior to moving to the SLC site; 48% of whom earn 'much more', although 16% claimed that they earned less than before moving to the SLC. In response to being asked why they did not generate more income from their agricultural land, 16% of respondents stated that it is due to the poor quality of the soil. With 85% of all respondents families use the proceeds to feed their family / the household. Poor soil quality has been a common complaint highlighted by NGOs visiting other SLC sites (i.e. not those surveyed here), and is clearly an issue here, although not for the majority of families.

Only two residents had sold or donated parts of their land. A large proportion of residents had received some form of assistance during their time at the SLC (provision of equipment 47%, money 43%), seeds 37% for example). Most of the assistance was provided by NGOs - 77% of families claimed support from an NGO, whilst only 11% had received direct additional support from a government agency. The majority of residents (76%) claimed not to have had agricultural skills prior to moving to the site, suggesting both that alternative forms of employment or income generating opportunities are required, and that training and support on agricultural practices is also needed at SLC sites such as this. This would also require an assessment of skills and knowledge during the planning phase of the SLC in order to identify the needs of residents, to plan potential interventions and to allocate scarce resources most effectively. 51% of families stated that their skills relating to agricultural production had not improved whilst living at the SLC site, indicating that support and training has been inadequate to date.

Land Disputes

Two of the 181 respondents interviewed stated that they are currently involved in land disputes over their household land; none are with private companies or government institutions. Only one had experienced encroachment on their land. One of the respondents claimed to have been threatened by a private company in relation to the dispute however.

Respondents from neighbouring communities, in focus group discussions, claimed to have lost land as a result of the SLC. This appears to have been access to forest land rather than residential land. Local officials denied that anyone was evicted to make way for the SLC.

Access to Water and Sanitation

65% of families interviewed do not have access to safe drinking water. Families source water from a variety of wells that are either public (22%) or on their own land (16%), from public boreholes (32%), and 27% purchase their drinking water. 82% of residents treat their water before drinking it;(89% of these boil drinking water, 11% use filters) – the remaining 18% do not treat their water at all! And may be putting themselves at some risk. 51% of respondents reported an odd colour, taste and/or smell to their drinking water. Only 2% of families stated that their water is chlorinated, the majority (51%) don't know. 46% of interviewees rated their access to water as worse or significantly worse than in their previous residence. Only 28% rated their access as improved since moving to the SLC site. This suggests that the problem of access to water is particularly acute in Kampong Speu and that insufficient resources have been allocated to providing clean water.

There is no sewage disposal system in place at the SLC site, although 74% of households have some form of sanitation (mostly through a pit latrine). 26% of residents either defecate in the forest or dig a

hole. Despite this, 60% of respondents rated sanitation conditions as better when compared to previous circumstances, and only 8% stated it was worse.

Health

It takes residents, on average, 64 minutes to travel to the nearest health centre, and 96 minutes to travel to the nearest hospital. 38% of residents claim that they are ill more often when compared to previous living conditions. Malaria is one of the most common cause of illness in the village (according to 44% of respondents), 'fevers or colds' (76%), stomach pains (25%) and typhoid (46%). 32% of respondents stated that access to health care is worse or much worse when compared to their previous situation. 35% of residents believe access to healthcare facilities has improved, with the remaining 32% stating it is approximately the same.

Education

91% of residents stated that there is no secondary school in their area; children travel an average of 38 minutes by moto-dup to get to the nearest secondary school. All respondents stated that there is a primary school within the SLC site. It takes children an average of 5 minutes to travel to the nearest primary school by moto-dup. 20% of the respondents stated that at least some of their school-age children (aged between 6-17 years old) in the household do not attend school of any type which is deeply concerning. This is attributed to lack of affordability (nine families / 23% of those not attending), because they are needed at home (13%), because the school is too far away (8%), or because the children do not like attending (25%). One respondent claimed their child works at a factory, and two further families claimed that their children are bullied at school (one of which cited being beaten by the teacher as the reason for non-attendance). 9% of families said fewer of their children now attend school since moving to the SLC, whilst 48% claim more of their children attend. This indicates that amongst certain families in the SLC, some but not all of the children attend school. Note, this is not an indication of how much education is actually provided, more a reflection of the intentions of households and the relative importance attached to education.

Asked to rate access to education at the SLC site, only 11% of respondents stated that it had worsened since moving. By contrast, 58% stated that access had improved.

Infrastructure and Electricity

All residents have access to mobile phone connection. 42% of respondents stated that access to transport (road networks) and communication (telephone and internet access) has improved since moving to the SLC, and only 11% said that it had deteriorated. No residents have access to electricity at the SLC site. Note the survey question asked about 'state provided' electricity through mains connections. It does not necessarily mean that there are no generators or other sources of power.

Food Security

97% of respondents said they had at least once in the past month, feared that they would not be able to provide enough food for their family, with 61% stating that this was a regular occurrence. 83% of families claimed to have limited diets (no meat or fish for instance) at certain points over the last month because of a lack of money, and 88% have resorted to eating wild tubers or very poor quality meat due for the same reason. 62% of respondents claimed that they had missed meals in the last month, and 55% of respondents claimed there were days in the last month where they had no food at all to eat due to lack of affordable food and no food available from their own land. 23% of households claim that access to food has worsened since moving to the SLC, although for 35% it has improved. Nutrition is likely to be a significant problem for households within the SLC – especially for children who lack access to basic food stuffs containing protein, and where families have been unable to clear agricultural land.

Employment & Income

Nearly all households surveyed (98%) have at least one family member employed, and 62% of households have at least two persons employed. In response to being asked what type of employment do they engage in, 28% work as farm labourers, 71% engage in other types of labour-intensive work, and 14% also include self-employment. 15% work in garment factories, and 3% work in public services or for the government in some capacity. The average monthly household income is 546,765 Riels (USD 390) per month. Prior to moving to the SLC, the respondents average monthly income was marginally lower at 523,667 (USD 276) per household. Average current household expenditure is 599,870 Riels (USD 326) per month, which has risen from 505,711 Riels (USD 258) prior to moving to the SLC site. The majority (over 80%) of this is spent on food and healthcare costs. Whilst average monthly earnings have risen slightly at the SLC site, so have daily household costs. Healthcare costs have seen the biggest increase for families moving to the SLC.

Less than one third of families have household savings (30%). 78% of families have incurred household debts and the levels of debt have risen substantially. Households owe an average of 2,020,730 Riels (USD 505), which has risen sharply from 147,589 Riels (USD 36) prior to moving to the SLC site. This suggests that households took on significant extra debt when moving or after moving to the SLC site.

As an indicator of wealth, only 12% of families own a television, although 50% own a motorcycle. 78% have a mobile phone.

In nearly two thirds of households (67%) are all members of the family living at the SLC site permanently. The majority of family members living away from the site are children of surveyed respondents, highlighting a preference amongst the younger generation of migrating away from the family home for work (75%) and/or study (22%).

Social Structure

20% of respondents stated that they feel stressed, 31% of whom cited the cause as a drop in earnings, and a further 42% due to a lack of food.

98% of respondents stated that they were aware of alcohol abuse occurring in the community. 50% of households think there is more crime in the community in comparison to their situation before moving to the SLC site. 65% cited awareness of violence against women or girls, and 46% believe there is more Gender based Violence GBV than in previous communities. This is the highest proportion of respondents across any of the SLC sites indicating that gender-based violence is a particularly acute problem here. These findings do not provide a definitive calculation of the prevalence of gender-based violence or alcohol abuse. They are a reflection of community perceptions only and must be read as such, with the understanding that the survey team did not ask directly whether for example alcohol abuse was a problem within the household.

64% of respondents said that they were aware of children working to supplement the family income (children were defined as 15 years or younger). The majority of this work was farm work (49%) and other types of labour (72%). 18% of households sent a child family member to work in a factory.

80% of residents are registered to vote. Whilst this is relatively high and above the average for other SLC sites, local authorities replied that all residents were registered. 34% of households lack relevant residential documentation provided by local authorities, and in 18% of households, at least one member of the family lacked a birth certificate, and in 33% of households at least one family member lacks an ID card. 19% of families lacked a family book.

Only 5% of families said that they are considering leaving the SLC site, which given the scarcity of food and other challenges in the area, is remarkably low. Suggestions on how to improve living standards on the SLC site focused on access to food and water: improving local irrigation systems (72%), improving access to food (36%), access to clean water (63%), improving provision of health

care facilities (18%); but suggestions were also raised on a number of other issues including housing, electricity, work and provision of latrines.

Annex Two: Survey Data from Boeng Pram Commune, Bavel District, Battambang Province SLC

Key findings

- *Two land distribution and titling programmes (SLC and Dir 001) have been applied in Boeung Pram Commune simultaneously, and the administrative rules appear to have been used interchangeably.*
- *The SLC appears to have been issued on occupied land that is still contested. SLC beneficiary families were provided plots of agricultural land that is already occupied and used by other families, meaning that SLC beneficiaries have not gained possession of SLC agricultural plots.*
- *Over 90% of families were provided with residential land, but were not given separate plots of agricultural production. In all other SLC sites surveyed, at least 90% of families were provided with both residential and separate plots of land for agricultural development. This is because the land demarked for agricultural plots is already occupied.*
- *Despite this, families are able to generate income through developing land around their homes. Only half of respondents stated that they earned more money at the SLC site than they did in previous places of residence. This suggests that moving to the SLC has not increased household incomes.*
- *A large number of families were allegedly evicted from their agricultural lands to make way for the SLC. Former residents were not reportedly informed about the SLC, did not consent to its creation and were provided with minimal amounts of compensation. A significant proportion of the land converted for the SLC was formerly forest land suggesting that it may have been used by former residents to support livelihoods. The land dispute between evicted families and SLC beneficiary families remains unresolved.*
- *Almost three quarters of beneficiaries surveyed in Battambang stated that the process undertaken to distribute land was not fair. Over one fifth of respondents stated that they paid money towards the allocation process.*
- *Only 26% of SLC beneficiaries surveyed stated that they were being provided with assistance from an NGO. NGO representatives interviewed stated they believed that the selection and distribution was fair; this suggests that either the processes themselves were not in fact sufficiently fair, transparent and equitable, or that both local authorities and the NGO were ineffective in organising consultations and adequately explaining the selection and distribution processes.*
- *Less than half of respondents have access to the SLC plan. There appears to have been a relatively low level of consultation with beneficiary families in planning and in active engagement by local authorities in developing the site.*
- *Nearly all families have received land titles. Titles were issued as part of the Directive 001 land titling campaign.*
- *Access to basic services, particularly clean water supplies, remains problematic. Although there are schools in the area, many residents rated access to education as worse than in previous places of residences. Communities living adjacent to the SLC did indicate that access to health care services had improved for them as a consequence of the SLC development, indicating positive impacts beyond immediate beneficiaries.*

250 households were interviewed at the Battambang SLC site⁷³ (out of an approximate 1,560 according to OHCHR data). The SLC site occupies approximately 3,638 ha in total, and was registered as an SLC in May 2010 according to local authorities. Prior to the SLC being created, the site was forest land.

⁷³ The SLC site covers seven villages (Sam Nang Preah Srey, Chey Chumnas, Boeng Thom, Boeng Pram, Boeng Kralor, Yutithor, and Orrussey) in Boeng Pram commune.

Through the SLC process undertaken in Bavel District, plots appear to have been initially issued for agricultural land that was already occupied by 192 other families. SLC beneficiaries were allocated both residential and agricultural plots in 2011, however, they are still not in possession of the agricultural plots because they were already occupied. The 192 families claimed to have been utilising the agricultural land for many years and have contested possession. The SLC beneficiary families received land titles for the plots of land allocated under the SLC under the Government's Directive 001 land titling campaign.⁷⁴ Directive 001 scheme does not have the same requirements as the Sub-decree on Social Land Concessions and does not require five years continuous possession. SLC beneficiaries claim to have been living on the residential plots without title for a number of years prior to the creation of the SLC, and requested the concession in order to provide them with tenure security.

Two land distribution and titling programmes (SLC and Dir 001) appear to have been applied in Boeung Pram Commune simultaneously, and the rules governing administrative procedures have been used interchangeably. The 192 families who occupy the agricultural SLC plots also claim possession rights and have filed complaints with local authorities appealing for assistance.

60% of respondents were female, although only 24% of respondents declared that the head of the household was female. 82% stated that they are married or in a domestic relationship, whilst 12% are widowed or divorced. The (mean) average age of respondents is 50 years old. The average family living at the SLC has 4.85 people within the household, with 2.4 children. Not all family members live onsite permanently, as outlined below. All respondents described themselves as being of Khmer ethnicity.

Asked why they were granted land in the SLC, 82% of respondents replied that it was because they were landless, with 36% citing poverty. 7% of families were relocated to make way for a public infrastructure project. A number of respondents claimed that some beneficiaries had actually purchased land from the commune chief and from former residents, who occupied the land prior to it being converted to SLC land in order to profit from the conversion. There is overlap here where respondents gave multiple answers justifying the receipt of land. Asked why other families in the SLC site received land, the answers largely corresponded with those above – landlessness and poverty.

The majority of families (84%) possess ID Poor cards (through the Identification of Poor Households Programme). All recipients of SLC land, other than demobilised soldiers, should initially have possessed ID Poor Cards - this is the central means by which poverty levels are assessed and eligible applicants and land recipients identified.⁷⁵ The lack of ID Poor cards for the remaining 16% of families could be because they are no longer living in poverty, or that other means were used to assess poverty levels when the SLC was established.

A majority (76%) of households claimed to have been involved in the identification and planning of the SLC site, with 70% of residents stating that local authorities explained why they were selected as beneficiaries. However, only 36% stated that authorities explained the selection and allocation process and the use of the lottery system to distribute land. Whilst 99% of respondents have received documentation relating to the allocation of land in the SLC, only 46% of respondents stated that they were actively involved in selecting the plots. Furthermore, only 44% of families have signed an agreement with authorities relating to rights and duties within the SLC. Local authorities stated that

⁷⁴ In May 2012, Directive No. 001 was issued by the Prime Minister announcing a temporarily halt of the granting of new economic land concessions, and implementation of a "leopard-skin" policy, by which the boundaries of existing communities and private titles contained within conceded land would be demarcated and excluded from concessions, and land titles thereon would be granted.

⁷⁵ Article 10 of the Sub Decree on Social Land Concessions (No. 19 ANK/BK/ March 19, 2003) sets out that beneficiaries should meet the financial criteria established by the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation, based on the comments of the National Social Land Concession Committee. The income guidelines shall take into consideration family size and age and health conditions of family members. The guidelines may be varied from region to region and from time to time in accordance with economic conditions and living standards.

they conducted consultations with communities living around the SLC to inform them about SLC processes.

One of the local authority representatives surveyed stated that 1,037 families lived on the SLC land prior to its registration (none of these former residents were said to be indigenous peoples). Former residents were allegedly not informed about the SLC and did not consent to its creation. It was also claimed that none of these families were forcibly evicted however; although the respondent was unable or unwilling to disclose any more information about where the families were moved to or if they were provided with compensation.

Almost three quarters of beneficiaries surveyed in Battambang (72%) stated that the process undertaken to distribute land was not fair. This is significantly below the average of 67% who thought the process was fair across all SLC sites surveyed. 21% of respondents stated that they paid money towards the allocation process, and paid an average of USD 224. This is deeply concerning. A combination of inadequate consultation and the charging of fees, in addition to a lack of active involvement in distribution processes have caused resentment and a belief amongst the majority of residents that land allocation is manifestly unfair. Local residents who were not allocated land but who were surveyed as part of a focus-group discussion outside of the SLC site also complained that they had been evicted off land and unfairly excluded from the SLC allocation process. NGO officials interviews as part of the survey stated that prior to the creation of the SLC, the land was bamboo forest land and was state public land.

The NGO Life with Dignity (LWD) was, according to a survey respondent from the NGO, invited by the local authorities to assist in identifying and selecting beneficiaries, as well as implementing the land identification, mapping and classification processes. Assistance from an independent, competent NGO should have provided local residents in and outside of the SLC greater confidence that land distribution was conducted fairly. Only 26% of SLC beneficiaries surveyed stated that they were being provided with assistance from an NGO, indicating that Life with Dignity was unable to provide significant support. The Life with Dignity survey respondent stated that they believed that the selection and distribution was largely fair. This view contrasts with residents and local community members who were not selected as beneficiaries. This suggests that either the processes themselves were not in fact sufficiently fair, transparent and equitable, or that both local authorities and the NGO involved in organising consultations and explaining the selection and distribution processes were not able to explain the procedure and selection process effectively enough.

44% of respondents reported having access to the SLC plan. The commune council should initiate the local social land concession program by preparing a social land concession plan in accordance with the requirements set out in the Sub Decree on Social Land Concessions. Beneficiaries must be 'ready, willing and able to participate in the social land concession program, in accordance with the approved social land concession plan.'⁷⁶ The significantly larger proportion (66%) of respondents claimed to have been asked to participate in actively improving conditions at the SLC despite not having access to the SLC plan. This indicates a relatively low level of planning and active engagement by local authorities with the community in developing the site.

Almost all respondents (97%) stated that they had complained to authorities about living conditions at the site. The most common complaints related to a lack of available clean water (58%), a lack of available food (63%), limited employment opportunities (22%), the quality of roads (34%) and lack on sanitation (12%). 73% of residents provided various other responses, including; insufficient land for farming, in part due to land disputes (with neighbour communities) over farm land. The lack of or poor irrigation systems, the lack of wells, flooding, no seeds to plant or fertiliser, lack of available drugs/medicine and doctors at the Commune clinic. The lack of animals, lack of equipment for farming, no market, a lack of teachers at the school, the pagoda is too far away from homes, insufficient means to generate income, disputes with neighbours, and violence in relation to land

⁷⁶ Article 10 of the Sub Decree on Social Land Concessions (No. 19 ANK/BK/ March 19, 2003)

disputes. Only 23% of residents stated that authorities had responded to complaints. This could be interpreted as either having addressed the concern or merely acknowledging the issue. Although response rates across all SLC's was low (42%), the rate in Battambang was significantly below the average.

This is despite the fact that 47% of respondent reported that local authorities actively monitored the conditions at the site. Local authorities are clearly aware of the conditions having received complaints and engaged in monitoring and outreach, even if monitoring is disappointingly inconsistent and not carried out across the whole SLC site. Authorities either lack the will, capacity or resources to address these problems. Respondents stated that village meetings (84%) were the primary means through which complaints were submitted, suggesting a reasonably high level of engagement by local authorities through this medium. A further 14% of families are visited at home by local authorities.

Only 26% of residents stated that complaints are received or evidence taken at least every 3 months. 39% of respondents stated that evaluations or meetings are only taken annually, with a further 11% stating that this has only occurred once since they moved to the SLC. Given the average length of residence is over 10 years, this suggests an alarming disconnect and lack of engagement. Only 2% of respondents stated that authorities enquired about income levels, and only 7% had been asked about food security for example. A majority of families (65%) have taken action themselves to address problems, with efforts focusing on improving irrigation, access to water and sanitation, the local school and roads.

A large majority (85%) of households stated that the community undertake initiatives to improve living conditions within the SLC. The focus of these efforts is on improving, building or maintaining roads (36%), improving access to healthcare services (59%), access to water / building wells (64%) and local schools (90%).

Suitability of land

Only 16 of the families (6%) were provided with separate plots of both residential and agricultural land. 232 (93%) of the remaining families questioned were only allocated residential land, with one claiming only to have received just farm land. The Sub-Decree states that plots may be granted to *provide land for residential purposes to poor homeless families, or, to provide land to poor families for family farming*.

81% of respondents stated that none of their agricultural farming land around their home was 'cleared' and ready for farming when they acquired it – just 12% said all of the land and the remaining families stated that some of it was cleared. All families have now cleared their arable land. 27% of households paid labourers to assist in clearing it. The significant proportion of residents (47%) intend to grow mangoes in the future, 34% vegetables and 35% rice. This is a significantly larger diversification of crop types than in other SLC sites.

The average amount of time living in the SLC was 131 months – meaning that the residents should have received land titles (60 months being the threshold for receiving a formal land certificate as set out in the SLC Sub-Decree). All but two families (0.8%) have received a land title. Under the Sub-Decree, beneficiaries must comply with the criteria of the SLC programme for five years before they are entitled to receive legal land titles. It is not clear whether this was complied with at the 60-month mark, but tenure security has now been provided to nearly all residents. A quarter of residents (24%) had also received additional documentation relating to possession or ownership (contracts, lottery papers or NGO documentation).

The average sized plot of residential land is 1707 metres sq, which is larger than the average sized plot across all surveyed SLC's (1420m sq). 5.6% of respondents claimed that they received a smaller plot than their neighbours.

The average sized house is 29 metres sq, a little larger than the average across all SLC sites (28 m sq). Only 4% of the houses were constructed prior to families moving to the SLC site; all others were constructed by families and neighbours. Families were able to construct their house on average twelve months after being allocated SLC plots. A *majority* of respondents (59%) claim that their new residence is either better or significantly better than their previous houses. However, 22% claimed it is worse or *much worse* than their previous house, with the remainder stating it is about the same. Although this might in part be due to perception, it is a crucial indicator as to the success of the SLC project; are poor or landless families being provided adequate housing that meets their basic needs? In this instance, it would appear as if the SLC has not improved the standard of living for a significant proportion of beneficiary families.

59% of respondents stated that they do not feel safe in their current house due to damage by wind/rain (72%) or theft (13%). A further 5% think their house as a structure is not secure. It is not clear how many families have suffered from actual damage caused by weather or have been victims of theft.

The average sized agricultural plot of land is just 0.12 ha. 8% of residents stated that their neighbours received larger sized plots of land. 41% of respondents stated that the land around their house is now being cultivated, although 90% said the land is not suitable for farming, and a substantial number (76%) do not generate household income through this; i.e. the majority consume rather than sell the produce or it is too small to generate enough produce to sell.

Despite the small plot sizes, 76% of residents are able to generate income through agricultural production. The average annual income generated through cultivation is \$443. Despite this, only 54% of respondents stated that they earned more money at the SLC site than they did in previous places of residence (and 46% only 'a little more'). 82% of residents stated that they were awarded land in the SLC because they were land poor, with a further 36% citing poverty, this suggests that moving to the SLC has not increased household income (and therefore wealth and, most likely, standards of living) significantly amongst a group of families deemed to be living in poverty prior to moving. 23% of households earn less per month than they used.

91% of respondents stated that they are unable to generate income from agricultural production simply because food is grown for consumption within the household, and a further 48% because yields are too small. This indicates that the provision of such small plots of agricultural land is not supporting households sufficiently in terms of increasing income. Local authorities claimed to have provided agricultural equipment as well as housing materials to new beneficiaries. Of significant concern is that 18% of households claim not to be able to generate income because they are in a dispute over possession or ownership of their land.

Only 2% of residents had sold or donated parts of their land. This is possibly a result of low levels of income and high debt, and/or an inability to cultivate and generate income from acquired land. Given the length of ownership (average 131 months) and that families are legally entitled to sell the land after more than five years of possession, this low figure suggests that the majority of families are able to support themselves sufficiently; and/or that alternatives are worse. Varying types of assistance has been provided to 42% of families in utilising agricultural, 85% of those 61 families who did receive assistance have received equipment and 56% received financial assistance, mostly from NGOs rather than government agencies.

The majority (77%) of residents claimed not to have had agricultural skills prior to moving to the site, and only 42% of these say they have improved their skills relating to agricultural production, indicating that support and training has been provided but perhaps has not been effective enough.

Land Disputes

Sixteen of the households representing fully 6% stated that they are currently involved in land dispute over their household land – either with a former residents or a government institution. 46% of

respondents had experienced encroachment on their land however- the highest proportion of any of the SLC sites surveyed - either by a former resident (53%), a government institution or official (15%) or other party. Worryingly, 32% of families at the site claim to have suffered from harassment or threats in relation to their land, either by former residents (40%), government institutions (14%) or the military (14%). The high occurrence of threats and harassment by government agencies and the military in Battambang – over a quarter of all households – is particularly concerning given the vulnerability of poor families, and the fact that households generally rely on state agencies to resolve disputes which serves in this case as a potential barrier to access to justice and equitable resolution of disputes. This will contribute greatly to insecurity of tenure, which conflicts with one of the goals of the SLC programme.

The interview team conducted a focus-group discussion with a group of residents from Yoti Thor village, Boeng ram commune, Bavel district, who claimed to have been evicted from the SLC land in Battambang. This group comprised of people who stated that they had lived or used SLC land for up to 11 years previously. There was no indication that land titles had been provided to this community. Residents claimed that they were paid minimal amounts of compensation, around 20,000 riel (approx. USD 5) each. The survey team were not able to verify the authenticity of these claims. Focus-group discussion respondents did not apportion blame to SLC beneficiaries but did complain about how local authorities had dealt with their complaints.

Local authorities claimed that land disputes were preventing beneficiaries from farming their land and that this was having a significant impact on household income, food security and the standard of living. They stated that they were unable to solve these disputes and that only more senior government officials could do so. They also reported that people from other provinces were arriving and encroaching on SLC land, indicating that insecurity of tenure and unresolved disputes may be contributing to further encroachment and exacerbating existing problems.

Access to certain services such as improved local health centres had improved since the creation of the SLC according to some participants of the focus-group discussion, indicating that local citizens living outside the SLC area itself are able to and do benefit from improved public services developed in coordination with local authorities and the SLC. Access to clean water and sanitation had not improved however and was still a major problem. This corroborates the feedback provided by SLC beneficiaries. The same group also claimed that family members were still migrating to Thailand for jobs and that employment opportunities were still very limited and had not improved since the creation of the SLC.

Access to water and Sanitation

90% of families interviewed do not have access to clean drinking water. Families source water from ponds, dams or lakes (58%), rivers or canals (10%) or they collect rain water (22%). 82% of residents treat their water before drinking it by boiling it, although only 3% use filters. 42% of respondents reported odd colour, taste and/or smell to their drinking water and only 3% of families stated that their water is chlorinated. 53% of interviewees rated their access to water as *worse or significantly worse* than in their previous residents. Only 21% stated access to water had improved. This suggests that the problem of access to water is particularly acute in Battambang and that insufficient resources have been allocated to providing clean water.

There is no sewage disposal system in place for 98% of the surveyed residents, and 62% of households do not have any form of sanitation. However, of the 38% that do, families have either a flush toilet leading to a pit latrine or a ventilated pit latrine. Other residents either defecate in the forest or dig a hole. 89% of respondents stated that they do not feel safe when venturing out of the house to defecate. 28% of respondents rated sanitation conditions as worse or much worse when compared to previous circumstances, whilst 30% said it had improved. The majority stated that it had not changed.

Health

It takes residents, on average, only 9 minutes to travel to the nearest health centre, but 95 minutes to travel to the nearest hospital. 54% of residents claim that they are ill more often when compared to previous living conditions. Typhoid symptoms were reported as prevalent, as is Dengue Fever. Malaria is also present. Fevers or colds and stomach pains are also particularly common. 2% of families reportedly someone living with HIV in the household. 42% of respondents stated that access to health care is *much worse* when compared to their previous situation, and a further 7% said it was worse. Only 32% stated that it had improved at the new SLC site.

Education

There is both a primary and secondary school in the area; children travel an average of 18 minutes by moto-dup to get to the nearest secondary school (although this is significantly further for the 13% of residents who say there is no secondary school close to their residence). It takes children an average of just 6 minutes to travel to the nearest primary school by moto-dup. 20% of the respondents stated that at least some of their school-age children (aged between 6-17 years old) in the household do not attend school of any type which is deeply concerning. This is attributed to a range of reasons including affordability. 19% of families said *fewer* of their children now attend school since moving to the SLC which is also deeply problematic, although 42% of respondents said more of their children attended. The reduction is unlikely to be due to be to locality given that both primary and secondary schools are operating in the area (unlike other SLC sites). It can largely be attributed to poverty and therefore indicates that greater support must urgently be provided to poorer families to develop additional sources of household income so that all children can attend school. On average, approximately 55% of families are planning for their male children to receive *at least* 12 years of education, but this figure falls to 49% for girls indicating gender discrimination is an issue in access to education. Note, this is not an indication of how much education is actually provided, more a reflection of the intentions of households and the relative importance attached to education.

Asked to rate access to education at the SLC site, only 40% of respondents stated that it had improved. By contrast, 24% stated that access had worsened.

Infrastructure and Electricity

Almost all residents have access to mobile phone connection, and most (89%) of respondents have access to a telephone and the internet. Only 30% of the respondents stated that access to transport (road networks) and communication (telephone and internet) has improved, whereas 49% stated that it had deteriorated since moving to the SLC site, despite roads having been built in the area.

Only three (1%) residents surveyed have access to electricity at the SLC site. Note the survey question asked about 'state provided' electricity through mains connections. It does not necessarily mean that there are no generators or other sources of power.

Food security

96% of respondents said they had at least once in the past month, feared that they would not be able to provide enough food for their family, with 78% stating that this was a regular occurrence. 80% of families claimed to have limited diets (no meat or fish for instance) at certain points over the last month because of a lack of money, and 90% have resorted to eating wild tubers or very poor quality meat due for the same reason. 56% of respondents claimed that they had missed meals in the last month, and 39% of respondents claimed there were days in the last month where they had no food at all to eat due to lack of affordable food and no food available from their own land. Access to affordable food and food poverty is particularly acute in Battambang. Despite this, only 31% of households claim that access to food has worsened since moving to the SLC, and for 23% it has improved. Nutrition is likely to be a significant problem for households within the SLC – especially for children who lack access to basic food stuffs containing protein, and where families have been unable to clear agricultural land.

Employment

Nearly all households (98%) surveyed have at least one family member employed, and 75% of households have two or more persons employed, with some households having up to five people in employment. In response to being asked what type of employment do they engage in, 33% work as farm labourers, 63% engage in other types of labour-intensive work, and 22% also include self-employment. The average monthly household income is USD 167 per month. The majority of this comes from labour/factory work and from self-employment through selling products themselves directly. Prior to moving to the SLC, the respondents average monthly income was slightly lower at USD 164 per household. Average current household expenditure is USD 190 per month, which has risen from USD 158 prior to moving to the SLC site. The highest costs are attributed to food and then healthcare costs. Spending on 'religious ceremonies' is also high. Average monthly earnings have risen but not as significantly as daily household spending, which is now on average higher than monthly incomes.

Less than one fifth of families have household savings (17%), although these have risen on average since moving to the SLC and now stand at a mean figure of \$253. 82% of families have incurred household debt, and the levels of debt have risen substantially. Households owe an average of USD 1,346, which has risen from just USD 20 prior to moving to the SLC site. This suggests that households took on significant extra debt during or after moving to the SLC site. Survey responses suggest that household savings have risen, despite average monthly expenditure exceeding income. This may be a consequence of seasonal variations not being taken into account by the respondents, or household debt being used to service increased monthly expenses such as health care costs.

As an indicator of wealth, 27% of families own a television, although 44% own a motorcycle. 95% have a mobile phone.

In roughly half of the households (43%) do all members of the family live at the SLC site permanently. The majority of family member type living away from the site are children of survey respondents, highlighting a preference amongst the younger generation of migrating away from the family home for work (92% of first and 89% of second children are not living permanently at the SLC site have left for employment reasons for instance).

Social Structure

Only 23% of households believe collective decisions within the SLC are taken through a democratic process, with 70% stating that it is the village chief who takes decisions. Local authorities claimed decisions are taken collectively after village level consultations.

86% of respondents stated that they feel stressed, with 51% reporting this as being particularly acute. This is attributed to a lack of food, low incomes and other factors.

Almost all (93%) respondents stated that they were *aware* of alcohol abuse occurring in the community, and a further 10% believe there is a drug problem in the SLC. 26% of households reported that they were working with an NGO who provide support (57% said LWD and a further 40% could not remember which NGO). 46% of the surveyed households think there is more crime in the community in comparison to their situation before moving to the SLC site. 62% of respondents cited awareness of violence against women or girls, and 37% believe there GBV is actually more prevalent than in previous communities. These findings do not provide a definitive calculation of the prevalence of gender-based violence or alcohol abuse. It is a reflection of community perceptions only and must be read as such, with the understanding that the survey team did not ask directly whether for example alcohol abuse was a problem within the household.

89% of respondents said that they were aware of children working to supplement household incomes. The majority of this work was farm work (46%) and other types of labour (70%). 6% of households send a child family member to work in a factory. This is the highest average across all SLC sites. Low

household income is clearly having a significant detrimental impact to children's lives, their access to education of general welfare. This urgently needs to be addressed.

29% of residents are allegedly *not* registered to vote. This figure is relatively high given that the average household has been resident there for over ten years, and commune elections are approaching in 2017.

21% of households still lack relevant residential documentation provided by local authorities, and in 16% of households, at least one member of the family lacks a birth certificate, and in 46% of households at least one family member lacks an ID card. 27% of families lack a family book.

Thirty-four families (14%) said that they are considering leaving the SLC site, which given the scarcity of water, food and other challenges in the area, is reasonably low and perhaps indicates better alternative options are hard to find. Suggestions on how to improve living standards on the SLC site focused on infrastructure such as roads (64%), access to clean water (47%), providing electricity (16%), improving irrigation systems (50%), and constructing more toilets and improving sanitation; but suggestions were also raised on a number of other issues including better provision of food, seeds and training on agricultural techniques, clearly demonstrating a desire to improve cultivation yields, household income and food security, which is seen as a priority for many.

Annex Three: Survey Data from Sre Leu Sen Chey, Chom Krovoen Commune, Memot District, Tboung Khmum Province SLC

Key Findings

- *Despite receiving additional support from development partners through the LASED programme, the SLC lacks basic facilities, living conditions are poor, and beneficiary families continue to face a range of problems such as lack of access to clean water, food insecurity, no electricity and limited income generation.*
- *Construction of basic infrastructure reportedly took place in 2011/12, three years after beneficiary families moved to the SLC site.*
- *All families surveyed have received a land title.*
- *Average annual income generated through agricultural cultivation is higher than average. However, household debt is also high, standing at an average of USD 1,072 per family.*
- *Identification and planning of the SLC site appears to have been conducted in accordance with the Sub-Decree on SLCs, and the vast majority of beneficiary families believe the process undertaken to distribute land was fair. However, a local NGO representative stated that the application process had been corrupted and that families who already had other plots of land were selected as beneficiaries.*
- *86% of families claimed that their new residence is either better than their previous house; however, all beneficiaries families had to construct their own houses. The SLC programme has contributed to an improved standard of housing through the provision of land and other support provided by development partners.*
- *However, land disputes remain unsolved and include a case where a poor family who lost 4.5 hectares of agricultural land when SLC plots were allocated have been repeatedly denied access to justice.*

110 households were interviewed at the Tboung Khmum SLC site. The SLC was registered in August 2007 and occupies a total of 863.65 ha of land. The deadline for land recipient applications was July 2007 and land distribution (through a lottery system) was in February 2009. Beneficiaries were selected from 17 local villages within Chom Krovoeun commune. Local officials provided differing answers on the total number of beneficiary families (either 250 or 285) and the total number of people (1,297 or 1,394) living on the site (the site was initially designed for 250 families and was subsequently increased). They also provided different answers when asked whether the SLC was issued at the national or commune level, whether the land was originally state public or private land, and what date the land was registered as an SLC, indicating limited knowledge of the SLC process and results.

This site was part of the donor-funded LASED programme. SLC implementation under this programme received substantial additional support from donors, including GIZ, who provided assistance and support to the MLMUPC, relevant technical line departments at sub national level and commune council for technical implementation. In the fields of land identification, beneficiary selection and integrated rural development;⁷⁷ and the World Bank, which provided funding for (A) Commune Based Social Land Concession Planning and Land Allocation; (B) Rural Development Services and Investments; (C) Sustainable and Transparent Program Development; and (D) Project Administration.⁷⁸ 76% of survey respondents were female, although only 35% of respondents declared that the head of the household was female. 84% stated that they are married or in a domestic relationship, whilst 15% are widowed or divorced. The (mean) average age of respondents

⁷⁷ Lessons Learned. Experiences from the Implementation of Social Land Concessions in Cambodia. GIZ. Iris Richter. January 2016.

⁷⁸ World Bank. 2015. Cambodia - Land Allocation for Social and Economic Development Project. Washington, D.C.: World Bank Group.

is 46 years old. The average family living at the SLC has 5.01 people within the household, with an average of 2.3 children living in the household (not all family members live onsite permanently, as outlined below). All respondents described themselves as being of Khmer ethnicity.

The average amount of time living in the SLC was 72 months – meaning that residents should have received land titles (60 months being the threshold for receiving a formal land certificate as set out in the Sub-Decree on Social Land Concessions). All families surveyed now have received a land title, however it is not clear whether this was provided at the 60-month mark. Half of residents had also received additional documentation relating to possession or ownership (contracts, lottery papers or NGO documentation).

Asked why they were granted land in the SLC, 72% of respondents replied that it was because they were landless, with 89% citing poverty. Only one family claimed that they were relocated to make way for a public infrastructure project. 11% stated that they moved because of work opportunities connected to an ELC plantation. There is overlap here where respondents gave multiple answers justifying the receipt of land. Asked why other families in the SLC site received land, the answers largely corresponded with those above – landlessness and poverty. Employment opportunities may not have been the only driver in choosing to apply for an SLC plot, but may well have contributed. So long as assessment of eligibility is fair and transparent and distribution is equitable, having various motivations for moving should not be problematic. Having a good understanding of what employment opportunities legitimately exist is important however; a family who moves but then fails to find employment may be pushed further into poverty.

A small majority of families (58%) possess ID Poor cards (through the Identification of Poor Households Programme). All recipients of SLC land allocated land after the 2011 Sub-Decree on the Identification of Poor Households (other than demobilised soldiers), should initially have possessed ID Poor Cards - this is the central means by which poverty levels are assessed and eligible applicants and land recipients identified.⁷⁹ The lack of ID Poor cards for the remaining 42% of families could be because they are no longer living in poverty, or that other means were used to assess poverty levels when the SLC was established. Local authorities stated that families from the District of Memot were given priority during the application process, and that ID Poor Cards were the primary means for assessing eligibility, along with family books and resident certificates. One of the local officials interviewed claimed that the eligibility criteria was not publicly displayed prior to the application process. Awareness raising and public notification of selection processes and criteria are important for ensuring the credibility of the process and an appropriate amount of transparency throughout the process. A lack of public notifications may have disadvantaged certain families who were unaware of the processes or criteria and subsequently may have skewed the impacts of the SLC.

The vast majority (93%) of households claimed to have been involved in the identification and planning of the SLC site, with 96% of residents stating that local authorities explained why they were selected as beneficiaries. A similar proportion (92%) stated that authorities explained the selection and allocation process and the use of the lottery system to distribute land. All respondents have received documentation relating to the allocation of land in the SLC, and 81% of respondents stated that they were actively involved in selecting the plots. Furthermore, 84% of families have signed an agreement with authorities relating to rights and duties within the SLC.

This indicates a relatively high level of engagement by local authorities with the beneficiary community in planning and initially developing the site. A corresponding number, 96% of residents believe the process undertaken to distribute land was fair. This is significantly above the average of

⁷⁹ Article 10 of the Sub Decree on Social Land Concessions (No. 19 ANK/BK/ March 19, 2003) sets out that beneficiaries should meet the financial criteria established by the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation, based on the comments of the National Social Land Concession Committee. The income guidelines shall take into consideration family size and age and health conditions of family members. The guidelines may be varied from region to region and from time to time in accordance with economic conditions and living standards.

67% across all SLC sites surveyed. One of the respondents stated that they paid money towards the allocation process, and claimed to have paid 1 million riel (approx. USD 250).

A local NGO representative stated that the application process had been corrupted and that middle class families who already had other plots of land were selected as SLC beneficiaries. They alleged that these beneficiaries had paid local authorities. Beneficiaries who had paid money and would otherwise have been deemed ineligible would be unlikely to highlight payments or inequitable distribution of land in survey responses. The NGO representative stated that the process for the selection of beneficiaries was also not fair, and that land distribution had subsequently been corrupted, with those unwilling or unable to pay local authorities being given plots of land that were least fertile and furthest away from services and infrastructure.

86% of respondents have access to the SLC plan. The commune council should initiate the local social land concession program by preparing a social land concession plan in accordance with the requirements set out in the Sub Decree on Social Land Concessions. Beneficiaries must be 'ready, willing and able to participate in the social land concession program, in accordance with the approved social land concession plan.'⁸⁰ A majority (72%) of respondents claimed to have been asked to participate in actively improving conditions at the SLC. This indicates a relatively high level of planning and active engagement by local authorities with the community in further developing the site.

Local authorities stated that they conducted consultations with communities in the surrounding areas, but that the SLC itself was not populated prior to the SLC being created. Despite this claim, a commune official stated that four families had to be evicted as a consequence of the SLC process. The families were accused of clearing forest land illegally on the SLC site, and were not compensated when evicted.

Almost all respondents (98%) stated that they had complained to authorities about living conditions at the site. The most common complaints related to a lack of available drinking water (44%), a lack of available food (62%), limited employment opportunities (11%), the quality of roads (18%), a lack of electricity, and a lack of sanitation (14%). 61% of residents stated that authorities had responded to complaints (this could be interpreted as either having addressed the concern or merely acknowledging the issue). Although response rates of local authorities in Tboung Khmum may not be high, they are better than the average across all SLC's (42%) in comparison. It is not clear whether responses were satisfactory and whether local authorities were able to meet the needs of local residents. Survey information suggests that authorities responded by acknowledging the complaint and following up with engagement.

Almost all respondents (92%) stated that local authorities actively monitor conditions at the site. Local authorities are clearly aware of the conditions having received complaints and engaged in monitoring and outreach, even if authorities lack the capacity or resources to address all of these problems. Respondents stated that village meetings (83%) were the primary means through which complaints were submitted, and a further 48% are visited at home, suggesting a high level of engagement by local authorities.

46% of residents stated that evaluations are conducted at least every month, and a further 28% said every three months. 17% of respondents stated that evaluations or meetings are only taken annually however. Authorities enquire about income levels, food security, agricultural production, income levels, education and other issues. This demonstrates a commendably active approach is taken by local authorities in evaluating the standard of living and trying to determine where problems may be developing. A majority of families (89%) have undertaken initiatives to improve living conditions within the SLC themselves, with efforts focusing on improving roads, schools, pagodas, the local market and more.

⁸⁰ Article 10 of the Sub Decree on Social Land Concessions (No. 19 ANK/BK/ March 19, 2003)

Suitability of land

All families surveyed were provided with both residential and agricultural land. 56% of respondents stated that none of their agricultural farming land was 'cleared' and ready for farming when they acquired it – just 2% said all of the land and the remaining families stated that some of it was cleared. Almost all (95%) families have now cleared their arable land. 49% of households paid labourers to assist in clearing it. The significant proportion of residents (35%) intend to grow mangoes in the future, 34% vegetables and 46% cassava. 87% suggested that they intend to grow a mix of cashews, rubbers, beans, peppers, ginger, bananas, rambutans, sesames, mandiocas, chan Kreusna trees, or sugarcane.

The average sized plot of residential land is 1,000 metres sq, which is smaller than the average sized plot across all surveyed SLC's (1,420m sq). All but one respondent claimed that they received the same sized plot as their neighbours, indicating equitable distribution across the whole SLC site. Local authorities interviewed stated that the average residential plot was also 1,000 metres sq. OHCHR interviews recorded that the size of plots initially allocated increased in line with the size of the beneficiary family (1.5ha for a family of two, 2 ha for a family of four, and 2.5ha for a family of five or more). A significant proportion of residents (40%) had sold or donated parts of their land since being awarded the plots which accounts for the difference in initial allocation and current average size plots.

The NGO representative surveyed suggested that the planning, identification, mapping and classification was not conducted in accordance with the sub decree. This was because the amount of agricultural land was insufficient to enable to families to grow and cultivate enough food for the site to become sustainable.

The average sized house is 33 metres sq, larger than the average across all SLC sites (28 m sq). All houses were constructed by the families, and in some cases with assistance from neighbours. Families were able to construct their house on average three months after being allocated SLC plots. A vast *majority* of respondents (86%) claim that their new residence is either better or significantly better than their previous houses. Only one family claimed it is *worse* than their previous house, with the remainder stating it is about the same. Although this might in part be due to perception, it is a crucial indicator as to the success of the SLC project; whether or not poor or landless families being provided land and adequate housing that meets their basic needs. In this instance, the majority of houses were constructed by the families themselves; however the land was provided by the state, and additional support through the LASED programme, with the result that SLC programme has contributed to the improved standard of housing for a significant proportion of families.

48% of respondents stated that they do not feel safe in their current house however due to damage by wind/rain (70%) or theft (21%). A further 4% think their house as a structure is not secure. It is not clear how many families have suffered from actual damage caused by weather or have been victims of theft.

The average sized agricultural plot of land is 2.21 ha. 17% of residents stated that their neighbours received larger sized plots of agricultural land. All respondents stated that the land around their house is now being cultivated, and most (97%) generate monthly household income through cultivation. Local authorities stated that larger plots were provided to bigger families, and that this was a factor in distributing land. They also highlighted this as a challenge in addressing and justifying different sized plots being distributed.

The average annual income generated through agricultural cultivation is \$987. This is significantly higher than the average across other SLC sites surveyed. For 79% of respondents, this is more than what they earned from agricultural production in previous places of residence. Given that 82% of residents stated that they were awarded land in the SLC because they were land poor, with a further 36% citing poverty, these statistics suggests that moving to the SLC has contributed to significantly increasing household income (and therefore wealth and, most likely, standard of living), amongst a

group of families deemed to be living in poverty prior to moving. 14% of households earn less from agricultural production per month than they used to.

Local authorities stated that beneficiaries had been provided with rice, agricultural materials (hoes, knives, and zinc), wood for house building, and that an NGO also helped construct wells, and provided radios and solar panels. It was not suggested that assistance was regular however. OHCHR staff who visited the site stated that this was the most densely populated and also the active of the SLC's in terms of daily livelihood activities. Beneficiaries informed OHCHR that there was no irrigation system for farming, and that as a result, agricultural activities largely took place in rainy season. They also stated that they had not been provided with significant support or technical advice from local authorities. This indicates that income generation through agricultural production could be significantly improved through improved irrigation and technical knowledge. A significant proportion of residents (40%) had sold or donated parts of their land. Given the length of ownership (average around six years), and that families are therefore legally entitled to sell the land after more than five years of possession, this figure suggests that the majority of families may be able to support themselves sufficiently whilst being able to sell parts of their land. It could also indicate however that families were forced to sell parcels in order to generate income. Varying types of assistance has been provided to 84% of families in utilising agricultural, 91% of those families who did receive assistance have received equipment and 56% received seeds, mostly from NGOs rather than government agencies.

The majority (90%) of residents claimed not to have had agricultural skills prior to moving to the site, although 88% of these say they have improved their skills relating to agricultural production, indicating that support and training has been provided and that it has been very effective.

Land Disputes

Only two (2%) of the beneficiary households stated that they are currently involved in land dispute over their household land – both with local residents. 12% of respondents had experienced encroachment on their land however by a local resident. Five of these families claim to have allegedly suffered from harassment or threats in relation to their land, again by other residents.

Local authorities stated that SLC land was farmed by other local families prior to the land being re-classified, and that disputes had arisen with these farmers. They were described as 'illegally clearing forest land'.

During a focus group discussion, ten local families reporting having lost land when the SLC was created. Most received all or most of their land back or additional land in compensation, however three families did not. One⁸¹ of those reported losing 6ha and only receiving 1.5ha in return, claiming they are still owed 4.5ha by the local authorities who took possession of it in 2005. A family member complained to local district and provincial authorities who were unable or unwilling to assist. No legal aid or NGO support was provided to the family to submit the complaint. The case remains unresolved. A road is currently being constructed across the remaining 1.5ha of land to improve infrastructure for the SLC. She has submitted a complaint to the village chief but is too afraid to take further action.

Access to water and sanitation

Residents reported to OHCHR that when they initially moved to the SLC in 2009, there were no wells. In 2011, LASED staff apparently conducted an assessment of the site and initiated the construction of 10 wells as well as other infrastructure. 45% of families interviewed still do not consider themselves to have access to drinking water however. Of this group, 88% of families' source water from open wells and 10% from public boreholes. Many residents dug their own wells due to the lack of assistance from authorities, development partners or NGO's. Only 56% of residents treat their water before drinking it, by either boiling it (62%), or using filters (38%). 12% of respondents reported odd colour, taste and/or

⁸¹ Land loss and other challenges faced by this family were recorded by OHCHR who interviewed the victims as part of a case study on families affected by Social Land Concession projects.

smell to their drinking water and only 0.9% of families stated that their water is chlorinated. 16% of interviewees rated their access to water as *worse or significantly worse* than in their previous residents. However, 50% stated access to water had improved. This suggests that the problem of access to water is still problematic in Tbound Khmum even though it is less severe than in other SLC sites. Local authorities cited a shortage of water (as well as diseases affecting potato crops) as the biggest barrier to families wanting to cultivate their land.

There is no sewage disposal system in place for 96% of the surveyed residents, and 66% of households do not have any form of sanitation. However, of the 34% that do, families have either a flush toilet leading to a pit latrine, piped sanitation, or a ventilated pit latrine. Many residents were provided with materials for constructing a latrine as part of LASED project assistance. Some of these families have successfully constructed a latrine, however others reported that they lacked the labour skills and/or money to build the toilet, or sold the materials to buy rice to feed themselves. Other residents either defecate in the forest (40%) or dig a hole (55%) somewhere else. 67% of respondents stated that they do not feel safe when venturing out of the house to defecate. Only 3% of respondents rated sanitation conditions as worse or much worse when compared to previous circumstances, whilst 55% said it had improved. The remainder stated that it had not changed. This suggests that in terms of sanitation, the SLC in Tbound Khmum is both better than other SLC sites and has provided an improvement for the majority of families, most likely because of the LASED project support. However, much work remains to be done to ensure all families at the SLC have access to water and sanitation.

Health

It takes residents, on average, only four minutes to travel to the nearest health centre, but 60 minutes to travel to the nearest hospital. 30% of residents claim that they are ill more often when compared to previous living conditions. Typhoid is reported as prevalent, as is malaria. Dengue fever is also present. Fevers or colds and stomach pains are also particularly common. 58% of respondents stated that access to health care is better or much better when compared to their previous situation. Only 14% stated that access to health care was worse than at previous places of residence.

Education

There is a primary but no secondary school in the area; children travel an average of just four minutes by moto-dup to get to the local primary school and 32 minutes to get to the nearest secondary school. 29% of the respondents stated that at least some of their school-age children (aged between 6-17 years old) in the household do not attend school of any type which is deeply concerning. This is attributed to a range of reasons including affordability (34%), distance (28%), because they are needed at home (13%), and because the child or children do not want to go (22%). 21% of families said *fewer* of their children now attend school since moving to the SLC which is also deeply problematic, although 44% of respondents said *more* of their children attended. In a separate interview given to OHCHR, residents claimed that there were too few teachers at the school, which is likely to contribute to parents decisions not to send their children. This can in part be attributed to poverty and therefore indicates that greater support must urgently be provided to poorer families to develop additional sources of household income so that all children can attend school. It also suggests more information should be provided to families on why school education is mandatory..

On average, approximately 59% of families are planning for their male children to receive *at least* 12 years of education, but this figure falls to 53% for girls indicating gender discrimination is an issue in access to education. Note, this is not an indication of how much education is actually provided, more a reflection of the intentions of households and the relative importance attached to education.

Asked to rate access to education at the SLC site, a majority (54%) of respondents stated that it had improved. By contrast, 17% stated that access had worsened.

Infrastructure and Electricity

No residents surveyed have access to electricity at the SLC site. Note, the survey question asked about 'state provided' electricity through main connections. It does not necessarily mean that there are no generators or other sources of power.

Almost all residents have access to mobile phone connection (99%), and many (64%) respondents stated that they have access to a telephone and the internet. Only 46% of the respondents stated that access to transport (road networks) and communication (telephone and internet) has improved, whereas 16% stated that it had actually deteriorated since moving to the SLC site, despite roads having been built in the area. The roads were constructed with the support of NGO's according to residents.

Food security

87% of respondents said they had at least once in the past month, feared that they would not be able to provide enough food for their family, with 44% stating that this was a regular occurrence. 61% of families claimed to have limited diets (no meat or fish for instance) at certain points over the last month because of a lack of money, and 86% have resorted to eating wild tuber or very poor quality meat due for the same reason. 34% of respondents claimed that they had missed meals in the last month, and 30% of respondents claimed there were days in the last month where they had no food at all to eat due to lack of affordable food and no food available from their own land. Access to affordable food and food poverty is particularly acute in Tboung Khmum. Despite this, only 11% of households claim that access to food has worsened since moving to the SLC, and for 60% it has improved. Nutrition is likely to be a significant problem for households within the SLC – especially for children who lack access to basic food stuffs containing protein.

Revenues and Employment

Nearly all households (99%) surveyed have at least one family member employed, and approximately 86% of households have two or more persons employed, with some households having up to six different people in employment. In response to being asked what type of employment they engage in, 93% of respondents work as farm labourers, 84% engage in other types of labour-intensive work, and 20% included self-employment. The average monthly household income from employment is USD 460 per month. The majority of this comes from farm work, labour/factory work and from self-employment through selling products themselves directly. Prior to moving to the SLC, the respondents average monthly income was lower USD 391 per household. Average current household expenditure is USD 246 per month, which has risen sharply from USD 162 prior to moving to the SLC site. The highest costs are attributed to food (from USD 77 to USD 92) and religious ceremonies (from USD 21 to USD 71). Monthly healthcare costs have actually reduced slightly. Average monthly earnings appear to have risen significantly more than monthly household spending in Tboung Khmum.

Only 41% of families have household savings, although these have risen on average since moving to the SLC and now stand at a mean figure of \$194. 89% of families have incurred household debt, and the levels of debt have risen substantially. Households owe an average of USD 1,072 each, which has risen from USD 193 prior to moving to the SLC site. This suggests that households took on significant extra debt when moving or after moving to the SLC site.

In roughly two-thirds of households (62%), all members of the family living at the SLC site permanently. The vast majority of family member type living away from the site are children of survey respondents, highlighting a preference amongst the younger generation to migrating away from the family home for work (81% of first and 82% of second children not living permanently at the SLC site have left for employment reasons for instance, most others for education).

As an indicator of wealth, 31% of families own a television, although 86% own a motorcycle. 85% have a mobile phone.

Social Structure

Only 20% of households believe collective decisions within the SLC are taken through a democratic process, with 74% stating that it is the village chief who takes decisions.

67% of respondents stated that they feel stressed, with 17% reporting this as being particularly acute. This is attributed primarily to a lack of food and low incomes.

Almost all (99%) respondents stated that they were aware of alcohol abuse occurring in the community, and a further 14% believe there is a drug problem in the SLC. 26% of households reported that they were working with an NGO who provide support (the majority – 73% could not remember which NGO). 20% of the surveyed households think there is more crime in the community in comparison to their situation before moving to the SLC site. 40% of respondents cited awareness of violence against women or girls, and 21% believe the GBV is actually more prevalent than in previous communities. These findings do not provide a definitive calculation of the prevalence of gender-based violence or alcohol abuse. Note this is a reflection of community perceptions only and must be read as such, with the understanding that the survey team did not ask directly whether for example alcohol abuse was a problem within the household.

70% of respondents said that they were aware of children working to supplement the family income. The majority of this work was farm work (71%) and other types of labour (69%). 12% of households send a child family member to work in a factory.

A local NGO representative suggested that the standard of living for families inside the SLC site was better than they had enjoyed previously, despite problems with access to services and the limited amount of land provided to families. The NGO was not conducting monitoring and evaluation of living standards in order to measure the impact of the SLC on beneficiary families. They did not know if there had been adverse impacts on other local communities.

Only 13% of residents are allegedly not registered to vote, which is significantly below the average across other SLC's (29%) and a sign of successful efforts by the community and local authorities in engendering political engagement (less common in other SLC sites surveyed).

29% of households still lack relevant residential documentation provided by local authorities. In 54% of households, at least one member of the family lacks a birth certificate, and in 59% of households at least one family member lacks an ID card. 15% of families lack a family book.

Twenty-one families (19%) said that they are considering leaving the SLC site, which given the scarcity of water, food and other challenges in the area, is reasonably low and perhaps indicates general contentment with the quality of life for most, or that better, alternative options are hard to find. Suggestions on how to improve living standards on the SLC site focused on infrastructure such as roads (32%), access to clean water (36%), providing electricity (42%), the lack of a marketplace (30%), building a secondary school (25%), building a pagoda (50%) and constructing more toilets and improving sanitation (20%). Suggestions were also raised on a number of other issues too.

Local authorities believe that living conditions have improved for beneficiaries, with some able to buy motor vehicles or build bigger houses. They also stated that other families had chosen to sell parts of their land and were subsequently struggling to support themselves. Asked about particularly problems, they cited infertility of soil and crop diseases reducing incomes and food security. Local authorities stated that a number of families have sold their land and have chosen to work on rubber ELC's, or to move closer to their children who are living elsewhere to work or study.

Annex Four: Survey Data from the SLC in BoengKhnor Village, BoengLvear Commune, Santouk District, Kampong Thom Province

Key findings

- *95% of residents surveyed moved to the SLC as a consequence of them losing their homes and land due to erosion of land alongside the Mekong River. This is the only SLC surveyed where the majority of beneficiaries did not state that they received land primarily because they were poor.*
- *OHCHR understands that only 24 of 253 beneficiary families who were originally selected are living permanently at the SLC site. This indicates that access to basic services and income or employment opportunities are insufficient, and that the SLC is unsustainable without significant further investment.*
- *Only 59% of households claimed to have been involved in the identification and planning processes, and only 68% stated that local authorities had explained the selection and allocation process. Consultation with residents took place but looks to have been limited; however 86% of respondents believe the process undertaken to distribute land was fair.*
- *Four of the respondents (18%) stated that they paid money towards the allocation process.*
- *A group of families in Or Bram village, Boeng Khnor commune claimed to have lived and farmed on the SLC site for approximately 10 years prior to its creation. They claim that to have been forcibly evicted without proper consultation and with minimal or no compensation.*
- *None of the families stated that they have received a land title, although the average of months living in the SLC was just 35 at the time of the interviews (below the 5-year threshold).*
- *The average annual income generated through agricultural cultivation is significantly lower than the average across other SLC sites surveyed, although two-thirds of families claim to earn more or substantially more than they used to in previous places of residence.*
- *95% of families interviewed stated that do not have access to clean drinking water. Three-quarters of families interviewed rated their access to water as significantly worse than in their previous residences. This suggests that the problem of access to water is particularly acute in Kampong Thom and that insufficient resources have been allocated to providing clean water. There is no sewage disposal system in place for the surveyed residents, and none of the households have any form of sanitation.*
- *Access to other basic services such as education is also problematic. Food insecurity is a major issue. No residents surveyed have access to electricity.*
- *Household debt has risen sharply compared to pre-SLC levels. Debt in Kampong Thom is much higher than the average across other SLC's.*

22 households were interviewed at the Kampong Thom SLC site. Local authorities stated that 253 families had been provided plots of land within the SLC in total. They did not have information on the total number of people living at the site. Through interviews and site visits, OHCHR estimated that only 24 families live on site permanently. Many other beneficiary families have apparently sold their plots either to other SLC residents or to other individuals. Feedback provided to OHCHR set out that poor infrastructure (access roads) and a lack of access to clean water were to of the principal reasons families were choosing not to move to the area.

The SLC was apparently initiated due to erosion of land along the Mekong River in Peam Khnong and Peam Krao villages, in Peam Koh Sna Commune in Steung Trang Province. A community member appealed to local officials to assist in creating an SLC for families who had lost their homes following the collapse of land along the river bank. After receiving the support of Provincial authorities, the Prime Minister reportedly reviewed and approved the request and asked the MLMUPC to find a solution for the landless families in January 2012. In November 2012, the MLMUPC and Ministry of

Economy and Finance approved the SLC Plan. It was reported to OHCHR that (an unspecified number of) families had already sold plots granted to them.

73% of respondents were female, although only 27% of respondents declared that the head of the household was female. 82% stated that they are married or in a domestic relationship. 14% are widowed or divorced. The (mean) average age of respondents is 44 years old. The average household at the SLC has 3.41 people regularly living within the household; on average there are 1.18 children living within the household. All respondents described themselves as being of Khmer ethnicity.

Local authorities provided differing answers when asked whether SLC land was formerly state public or state private land, and when the SLC was formerly registered, indicating limited understanding of SLC processes and procedures. They claimed the SLC site was formerly forest land. The majority of applicants for SLC plots were from Pem Knorng and Pem Krov villages, Pem Kors Sna commune, Steng Torng district, in Kampong Cham.

Asked why they were granted land in the SLC, only 41% of respondents replied that it was because they were landless, with 96% stating that it was because they were relocated due to a natural disaster. There is overlap here where respondents gave multiple answers justifying the receipt of land. Only 4 families stated poverty. Asked why other families in the SLC site received land, the answers corresponded with those above – landlessness and natural disasters being the cause.

Only 50% of beneficiaries possess and ID Poor cards. Most beneficiaries moved because they lost land and their homes as a result of erosion of land alongside the Mekong River. This explains why they may not have possessed, or needed, ID Poor cards in order to have been allocated land.

Only 59% of households claimed to have been involved in the identification and planning of the SLC site, with just 68% of residents stating that local authorities had explained the selection and allocation process including the allocation of land through lottery. 64% of respondents stated that they were involved in selecting plots of land. Consultation with residents took place but looks to have been limited, with approximately one third of households not included. Despite this, 86% of residents believe the process undertaken to distribute land was fair. This is significantly above the average of 67% across all SLC sites surveyed. Four of the respondents (18%) stated that they paid money towards the allocation process, paying on average approx. USD31.4.

86% of households within the SLC had not received relevant documentation relating to allocation of land which is problematic. Without land titles, families should possess documentation to evidence the planning and allocation process as a means to protect possession and ownership rights. 64% of families have signed an agreement with authorities relating to rights and duties within the SLC.

73% of respondents have access to the SLC plan. The commune council should initiate the local social land concession program by preparing a social land concession plan in accordance with the requirements set out in the Sub Decree on Social Land Concessions. Beneficiaries must be 'ready, willing and able to participate in the social land concession program, in accordance with the approved social land concession plan.'⁸² Only 5% of respondents claimed to have been asked to participate in improving conditions at the SLC however. This indicates a relatively low level of engagement by local authorities with the community in developing the site.

All respondents stated that they had complained to authorities about living conditions at the site. The most common complaints related to a lack of available clean water (82%), a lack of available food (22%), access to health centres (41%), distance to the local school (18%), the quality of roads (36%) and electricity (23%). Other complaints included a lack of teachers at the local school, no pagoda close to homes, and poor security in the neighbourhood. Only 23% of residents stated that authorities were able to respond to their complaints. This is despite the fact that 50% claim that local authorities

⁸² Article 10 of the Sub Decree on Social Land Concessions (No. 19 ANK/BK/ March 19, 2003)

actively monitor conditions at the site. Local authorities are clearly aware of the conditions having received complaints and engaged in monitoring and outreach. They either lack the will, capacity or resources to address these problems. Respondents stated that village meetings (63%) were the primary means through which complaints were submitted, suggesting a reasonably high level of engagement by local authorities. 64% of residents stated that complaints are received or evidence taken on either a monthly basis or every 3 months.

All households stated that the community undertake initiatives to improve living conditions within the SLC. The focus of these efforts is on improving, building or maintaining roads (50%), improving access to healthcare services (50%), the local pagoda (80%), access to water (55%) and local schools (50%).

Suitability of land

20 of the families (91%) were provided with both residential and agricultural land. The remaining two families questioned were only allocated residential land. These two families may have other means by which to support themselves. The Sub-Decree states that plots may be granted to *provide land for residential purposes to poor homeless families, or, to provide land to poor families for family farming*. In the absence of ID Poor cards, it is particularly important that local authorities are able to accurately gauge poverty levels and the needs of individual beneficiary families by other reliable means.

All respondents stated that at least some of their agricultural farming land was 'cleared' and ready for farming when they acquired it – 36% said all of the land and the remaining 64% stated that some of it was cleared. A minority of these families (21%) still haven't cleared it, saying that they cannot afford to do so, suggesting it is not being utilised for its original intended purpose of cultivation. The majority of residents (82%) intend to grow cassava, and a further 32% mangoes. Local authorities stated that they were unable to provide equipment or support to new beneficiary families as was done in other SLC sites.

None of the families stated that they have received a land title. The (mean) average of months living in the SLC was 35 at the time of the interviews. Under the Sub-Decree, beneficiaries must comply with the criteria of the SLC programme for five years before they are entitled to receive legal land titles. The majority of respondents (64%) *had not* been told when they are due to receive a title. The majority of residents (86%) had received some form of documentation relating to possession or ownership (90%) papers related land allocation lottery, and one family (5%) a contract or agreement relating to the SLC), providing them with a limited form of tenure security in the interim. This is not ideal – all residents should have documentation and a contract relating to the SLC. It is significantly higher than the average across all SLC sites (53%) however.

In comparison, 56% of the total respondents across all SLC sites had received land titles, although the average number of months living on site across all SLC's was significantly higher at 82. All families should be informed when they are due to receive land titles, and all should be provided with documentation evidencing possession rights and providing tenure security until the five-year period is concluded and titles are distributed.

The average sized plot of residential land is 1132 metres sq, which is smaller than the average sized plot across all surveyed SLC's (1420m sq). Only two respondents claimed that they received a smaller plot than their neighbours.

The average sized house is 22 metres sq, again smaller than the average across all SLC sites (28 m sq). Only two of the houses were constructed prior to families moving to the SLC site; all others were constructed by families and neighbours. Families were able to construct their house on average six months after being allocated SLC plots. A *minority* of respondents (23%) claim that their new residence is either *better* or *significantly better* than their previous houses. Ten families (45%) claimed it is *worse* or *much worse* than their previous house. Although this might in part be due to perception, it is a crucial indicator as to the success of the SLC project; poor or landless families being provided

adequate housing that meets their basic needs. In this instance, it would appear as if the SLC is failing.

55% of respondents stated that they do not feel safe in their current house due to risk of theft (17%) and due to damage by wind/rain (49%). It is not clear how many families have suffered from either theft or damage caused by weather.

The average sized agricultural plot of land is 1.82 ha, a larger than the average across all SLC sites surveyed (1.17ha). Two residents stated that their neighbours received larger sized plots of land with the remainder stating that the plots were of equal size. 91% of respondents stated that the land around their house is now being cultivated, although a substantial number (48%) do not generate household income through this; i.e. the majority consume rather than sell the produce. The average annual income generated through cultivation is \$271. This is significantly lower than the average across other SLC sites surveyed. 27% of respondents stated that they earned less money at the SLC site that they did in previous places of residence. 64% earn more or substantially more than they used to by contrast.

No current, existing residents surveyed claimed to have sold or donated parts of their land. A small proportion of residents had received some form of assistance in order to cultivate their land during their time at the SLC (24%). None of the residents claimed to have had agricultural skills prior to moving to the site, and 43% of these say they have not really improved their skills relating to agricultural production, indicating that support and training has been inadequate to date. This also suggests that alternative forms of employment or income generating opportunities are required, and that training and support on agricultural practices is also needed at SLC sites such as this. This would also require an assessment of skills and knowledge during the planning phase of the SLC in order to identify the needs of residents, to plan potential interventions and to allocate scarce resources most effectively.

Land Disputes

Only one of the respondents interviewed stated that they are currently involved in land dispute over their household land - with a former resident. Three had experienced encroachment on their land however.

An external focus group discussion was conducted with a group of 33 families in Or Bram village, Boeng Khnor commune who claimed to have lived and farmed on the site designated as an SLC for approximately 10 years, and prior to the creation of the SLC. They claim that they were evicted without proper consultation to make way for new residents. Some of these former residents claimed that they have been provided with minimal amounts of compensation or land in another location, however others stated that they had received nothing and that their complaints to local authorities had not been assessed properly. The survey team did not evaluate claims to land, but interviewed complainants and documented that they claimed to have been excluded from planning processes and were forcibly evicted off their land without due process.

Local authorities claimed that 65 families resided on SLC land prior to its creation. Previous residents were informed about the SLC process. Families were allegedly evicted or relocated, with some but not all apparently receiving replacement land elsewhere. It is not clear whether previous residents consented or what the process involved in terms of relocation.

Access to water and Sanitation

96% of families interviewed do not have access to clean drinking water. Families source water from public boreholes (46%) or rivers or canals (46%). 82% of residents treat their water before drinking it by boiling it. None of the respondents use filters. 50% of respondents reported odd colour, taste and/or smell to their drinking water. None of families stated that their water is chlorinated. Fully 77% of interviewees rated their access to water as *significantly worse* than in their previous residents, and

a further 14% described it as worse. This suggests that the problem of access to water is particularly acute in Kampong Thom and that insufficient resources have been allocated to providing clean water.

There is no sewage disposal system in place for the surveyed residents, and none of the households have any form of sanitation. Residents either defecate in the forest or dig a hole. 77% of respondents rated sanitation conditions as worse or much worse when compared to previous circumstances.

No residents surveyed have access to electricity at the SLC site. Note the survey question asked about 'state provided' electricity through mains connections. It does not necessarily mean that there are no generators or other sources of power.

Health

It takes residents, on average, 93 minutes to travel to the nearest health centre, and 106 minutes to travel to the nearest hospital. 32% of residents claim that they are ill more often when compared to previous living conditions. Fevers or colds and stomach pains are particularly common. 68% of respondents stated that access to health care is much worse when compared to their previous situation, and a further 9% said it was worse.

Education

91% of residents stated that there is no secondary school in the area; children travel an average of 76 minutes by moto-dup to get to the nearest secondary school. All respondents stated that there is a primary school within the SLC site. It takes children an average of 6 minutes to travel to the nearest primary school by moto-dup. 27% of the respondents stated that at least some of their school-age children (aged between 6-17 years old) in the household *do not* attend school of any type which is deeply concerning. This is attributed to a range of reasons including affordability, because they are needed at home and because the school is too far away. 50% of respondents stated that this is because of a lack of teachers at the school. 41% of families said fewer of their children now attend school since moving to the SLC which is also deeply problematic. Note, this is not an indication of how much education is actually provided, more a reflection of the intentions of households and the relative importance attached to education.

Asked to rate access to education at the SLC site, no respondents stated that it had improved. By contrast, 73% stated that access had worsened.

Infrastructure and Electricity

All residents have access to mobile phone connection, and 41% of respondents have access to a landline and the internet. None of the respondents stated that access to transport (road networks) and communication (telephone and internet access) had improved, despite roads having been built in the SLC site. 96% said that their overall access to transport and communication had deteriorated since moving.

Food security

73% of respondents said they had at least once in the past month, feared that they would not be able to provide enough food for their family, with 44% stating that this was a regular occurrence. 36% of families claimed to have limited diets (no meat or fish for instance) at certain points over the last month because of a lack of money, and 73% have resorted to eating wild tuber or very poor quality meat due for the same reason. 23% of respondents claimed that they had missed meals in the last month, and 18% of respondents claimed there were days in the last month where they had no food at all to eat due to lack of affordable food and no food available from their own land. 68% of households claim that access to food has worsened since moving to the SLC, although for 9% it has improved. Nutrition is likely to be a significant problem for households within the SLC – especially for children who lack access to basic food stuffs containing protein, and where families have been unable to clear agricultural land.

Revenues and Employment

All households surveyed have at least one family member employed, and 73% of households have two persons employed. In response to being asked what type of employment do they engage in, 91% work as farm labourers, 77% engage in other types of labour-intensive work, and 27% also include self-employment. The average monthly household income is now USD 258 per month. Prior to moving to the SLC, the respondents' average monthly income was significantly higher at USD 546 per household. This is largely a reflection of the fact that SLC beneficiaries were not originally poor, landless families; they were granted plots due to their previous place of residence having been destroyed and becoming landless as a result. Respondents stated that previously they had multiple sources of income such as fishing and had good incomes, but when they lost their homes their incomes declined rapidly. Despite the fall in monthly household incomes, residents earn more than the average across all six SLC sites (approx. \$230 per month), and average monthly earnings are higher than expenditure. Average current household expenditure is USD 229 per month, which has risen from USD 204 prior to moving to the SLC site. The majority of this is spent on food and healthcare costs. Average monthly earnings have fallen sharply and daily household spending has increased. This might indicate that the SLC has had a negative impact on rural livelihoods in terms of income levels. However, due to the context around which the SLC was created, success should not be judged on falling income, but rather on whether the beneficiary families who were affected by the collapsing river banks and had to be relocated, now enjoy an adequate standard of living that is sustainable.

Only around one third of families have household savings (36%). 68% of families have incurred household debt, and the levels of debt have risen substantially. Households owe an average of USD 2,245, which has risen from USD 887 prior to moving to the SLC site. This suggests that households took on significant extra debt when moving or after moving to the SLC site – although the exact cause of the debt was not determined.

As an indicator of wealth, 36% of families own a television, although 86% own a motorcycle. 86% have a mobile phone. In only one thirds of households (36%) are all members of the family living at the SLC site permanently. The majority of family member type living away from the site are children of survey respondents, highlighting a preference amongst the younger generation of migrating away from the family home for work (36%) and/or study (57%).

Social Structure

55% of respondents stated that they feel stressed, although only two reported this as being particularly acute. 96% of respondents stated that they were *aware* of alcohol abuse occurring in the community. None of the surveyed households think there is more crime in the community in comparison to their situation before moving to the SLC site. Only one respondent cited awareness of violence against women or girls, and a majority believe that gender base violence is less prevalent than in previous communities. This is the lowest figure across all SLC sites and so further consultation could be considered with local authorities to better understand how they are successfully reducing gender base violence and mitigating risks for women and girls. These findings do not provide a definitive calculation of the prevalence of gender-based violence or alcohol abuse. They are a reflection of community perceptions only and must be read as such, with the understanding that the survey team did not ask directly whether for example alcohol abuse was a problem within the household.

50% of respondents said that they were aware of children working to supplement the family income (children were defined as 15 years or younger). The majority of this work was farm work (82%) and other types of labour (64%). Two households send a child family member to work in a factory.

96% of residents are allegedly *not* registered to vote. This is disproportionately high given that the average household has been resident there for almost three years, and commune elections are approaching in 2017.

64% of households' lack relevant residential documentation provided by local authorities, and in 23% of households, at least one member of the family lacks a birth certificate, and in 18% of households at least one family member lacks an ID card. 14% of families lack a family book.

Only three families (14%) said that they are considering leaving the SLC site, which given the scarcity of water and other challenges in the area, is remarkably low. Suggestions on how to improve living standards on the SLC site focused on infrastructure such as roads (50%), access to clean water (82%), and improving provision of health care facilities (73%); but suggestions were also raised on a number of other issues including housing, electricity, work and provision of latrines. Local authorities interviewed believe that the SLC has had a very positive impact on families lives, particularly given that most beneficiaries were victims of natural disasters, and that the SLC scheme has allowed them to rebuild their lives.

Annex Five: Survey Data from SLC in Pou Lu Village, Bousra commune, Pechrada district, Mondulkiri Province

Key findings

- *Indigenous and other communities appear to have been forcibly evicted off land to make way for the SLC. It is unclear whether a social or environmental impact assessment was carried out prior to the SLC being granted. However, local communities were not included in any such process. The SLC was not issued in accordance with the conditions set out in the Sub-Decree.*
- *Beneficiary families claim to have paid bribes in order to be allocated plots within the SLC. The allocation system appears to have been corrupted allowing families to receive multiple plots.*
- *Less than half of respondents claimed to have been involved in the identification and planning of the SLC site.*
- *Access to clean water, sanitation, education and health services is particularly problematic, as is food insecurity. There are no primary or secondary schools or health centers on site. Residents do not have access to electricity.*
- *The majority of beneficiary families claim to be earning more than they were prior to moving, and income levels are above average in comparison to other SLC sites.*
- *Beneficiary families appear to be better off as a result of having being allocated land within the SLC. Local communities appear to be substantially worse off, primarily as a consequence of being evicted off land to make way for the SLC. Land disputes persist and indigenous and other communities have reportedly not been able to access dispute resolution mechanisms and have been denied access to justice. Their claims to land have not been properly assessed by relevant authorities or the judicial system.*

A total of 31 individuals were interviewed making it one of the smaller SLC data sets. Local authorities stated that a total of 50 families and 190 people had received land within the SLC. The SLC was initiated by an individual from Kampong Cham of Cham ethnicity. OHCHR interviewed the individual who initiated the SLC. She claimed to have submitted her proposal to local authorities in Kampong Cham in 2008. She requested 3,000 ha for 200 families that she claimed were poor and landless. She alleged that she had to pay local authorities in Kampong Cham and Mondulkiri to process the request, which was finally approved in 2012. She claimed 107 families now live on the site, however OHCHR staff questioned whether that many families lived there permanently.⁸³

The survey results suggest that the community appears to be evenly divided in terms of ethnicity of residents, with a small majority of respondents belonging to the Cham Muslim community (52%), and Khmers making up the remainder (48%) (This should not necessarily be assumed to be representative of the entire community. Whilst figures relating to access to basic services or payments to local authorities should serve as reliable evidence of likely characteristics, living standards or behavioural patterns etc, this statistic demonstrates that there is ethnic diversity and a significant Cham Muslim community within the population, rather than 50% of the entire SLC community necessarily being Cham Muslim). Only 38% of respondents were male. 87% of respondents say that a male is the head of the household, with 81% either married or in a domestic partnership/relationship.

⁸³ On 26 December 2016, the Mondulkiri provincial authority issued a letter to MLMUPC to request the allocation of SLC plots to 521 families (322 families from Kampong Cham and Thbong Khmum, and 199 families from Mondulkiri) across 2,400 hectares in Bousra commune, Pechreada district. This request was made after the provincial working group conducted a visit to assess the actual number of families living in the site demarked for the SLC. The letter sets out that during 2013, the provincial authority had consented to 521 families clearing land at the site for temporary house construction and to wait for formal land allocation process from the competent authority.

Two thirds of respondents (68%) stated that they received SLC plots as a consequence of being landless. None of the respondents claimed to have been displaced by public infrastructure projects. Three respondents claimed to have been provided land because they are working for ELC plantations. Twenty-four respondents (77%) cited poverty as a reason for being granted land. One respondent stated that his family received the plot due to service in the armed forces whilst another family stated that they were displaced by a natural disaster.

There is clear overlap where respondents provided multiple answers justifying the award of land. This is likely to be, in part, due to local officials explaining that poor, landless families received priority during the allocation process. Multiple answers were permitted in this section of the questionnaire. Local authorities interviewed stated that the land provided was not suitable for poor and landless families.

The 2003 Sub Decree on Social Land Concessions sets out that land may be provided to 'facilitate economic land concessions by providing land to workers of large plantations (chamkar) for residential purposes or family farming'. In feedback provided to OHCHR by residents living around the SLC site prior to interviews being conducted, claims have been made that allocation of land within this SLC may have disproportionality favoured those connected to ELC holders or workers in some respect. Three respondents (10%) stated that allocation was related to employment within an ELC. However, when questioned as to why *other* families had been given plots of land within the SLC, respondents cited landlessness (52%) and poverty (71%) as the main justification, with only one respondent claiming allocation was linked to ELC work. This indicates that within the Mondulkiri SLC, there is little suspicion of misallocation of plots amongst beneficiaries of land favouring those who moved to the area to work on ELCs. This may not reflect opinions amongst non-beneficiary groups.

Over 80% of beneficiaries do not possess ID Poor cards (provided through the Identification of Poor Households Programme). Only six (19%) of the respondents did in Bousra, compared to 72% across all SLC's surveyed. All recipients of SLC land allocated land after the 2011 Sub-Decree on the Identification of Poor Households (other than demobilised soldiers), should initially have possessed ID Poor Cards - this is the central means by which poverty levels are assessed and eligible applicants and land recipients identified. The lack of ID Poor cards suggests other means were used to assess poverty levels and to identify eligible beneficiaries.

Less than half of respondents (48%) claimed to have been involved in the identification and planning of the SLC site. Whilst inclusion in the participatory land use planning (PLUP) process at commune level is set out as a right of all beneficiaries under the 2003 Sub Decree on Social Land Concessions, inclusion in the *identification* of the land is not. This should be viewed as good practice by the Provincial or Municipal Land Use and Allocation Committee and strongly encouraged if beneficiary groups have been identified in advance of the creation of an SLC. Consultation will lead to a more inclusive process, more equitable distribution of land and other resources, and a better planned SLC that takes into account the needs and rights of beneficiary families.

The SLC is located within the Phnom Namlear wildlife sanctuary.⁸⁴ Local authorities claimed to have conducted an environmental and social impact assessment which revealed that indigenous Bunong communities were residing on the proposed SLC site. Ancestral burial and forest land was also identified on the site. Local communities including indigenous groups were not consulted during the land identification or planning process. Consultations allegedly took place after the SLC had been

⁸⁴ The 2008 Protected Areas Law sets conditions for the establishment or modification of any protected area and states that adjustments must be implemented by a specific sub-decree changing the status of the land. According to the Special Rapporteur on the Situation on Human Rights in Cambodia, many ELCs have been granted within protected areas. The Government granted land concessions to at least 109 companies in 16 out of the 23 protected areas established by the Royal Decree (1993) on the Protection of Natural Areas, most of them sub-decrees signed for agro-industry and eco-tourism purposes. The Ministry of Environment affirmed that some land concessions had been granted in protected areas under the Ministry's administration and management, but only in the buffer areas of the protected areas (or in sustainable use zones) in order to prevent the further destruction of the forest and natural resources in the core and conservation zones. See A human rights analysis of economic and other land concessions in Cambodia. Human Rights Council. A/HRC/21/63/Add.1. 2012

registered and beneficiaries began moving on to the land. Indigenous communities look to have been excluded from consultations and were not involved in the initial planning phase.

Local authorities were not aware of the term Free, Prior, Informed Consent and had limited knowledge of how to include or work with people from indigenous backgrounds. Local officials may not have been provided information or training on such issues. Clearly, the initial planning processes were not conducted effectively enough and were not inclusive or transparent. Local authority respondents stated that the land was occupied by approximately 25 families or 125 people prior to the SLC being created. OHCHR has identified two indigenous communities in Pu Lu village and in Varoyaung, plus an additional 6 communities in Bousra commune affected by the SLC, so the true number appears to be significantly higher. Local officials knew that indigenous families lived in the area and were either not involved in the planning processes themselves or what not able to willing to prevent the SLC being created on indigenous land.

Indigenous families do not appear to have been consulted, did not consent to the SLC being created over land they possessed, used and relied on, and the disputes have not been solved. A local official described the indigenous community as having been repressed. The same local officials did not know where the SLC beneficiaries had originated from, and had very limited knowledge of how information was publicised, how applicants were selected or how land was distributed. They seem to have been excluded from the process. They suggested that beneficiaries were selected from and in Kampong Cham and that they, as local officials, played no role. They questioned whether a lottery draw had taken place to select beneficiaries.

SLC applications by individuals should initiated with the commune council in which the social concession land is located, and must be prepared in accordance with the Sub-Decree on Social Land Concessions. This requires, amongst other things, a social and environmental impact assessment.⁸⁵ However, local authorities claimed that the SLC was approved at the national level without consultation with local communities and with no social and environmental impact assessment.

Only half of respondents (52%) claim that local authorities actually explained why they were allocated land within the SLC site. Over one third (39%) stated that they were not informed about the lottery system used to allocate specific plots, and a majority of respondents (58%) replied that they were not involved in choosing the specific plots of land through the lottery or other means. This may be because they were excluded from such processes, or down to a lack of communication on the part of local authorities. Both of these scenarios present a problematic view of the allocation process.

Only 58% of respondents believe the allocation system was fair. 65% of those surveyed stated that they had to pay fees / contribute financially to the application process. This suggests that authorities may have extracted money from poor or landless families in exchange for applying, the allocation of land or for particular plots within the SLC. The average amount paid in Bousra is KH 5,660,000 which amounts to approx. USD 1,380.

A higher proportion of respondents stated that they paid money towards the application process than those who stated that distribution was fair; i.e. not all those who paid thought the process was unfair. This suggests that those who extracted the money may have explained to the land beneficiaries that this was a formal part of the application process. Residents also claimed that some families own multiple plots.

97% of respondents stated that they did not sign any form of agreement setting out rights or duties relating to land allocation or use, although all recipients of land have received documentation demonstrating allocation. This is not necessarily a formal land title.

⁸⁵Sub Decree On Social Land Concessions⁸⁵ (No. 19 ANK/BK/ March 19, 2003). Article 9

Approximately half of respondents do not have access to the SLC plan. The commune council should initiate the local social land concession program by preparing a social land concession plan in accordance with the requirements set out in the Sub Decree on Social Land Concessions. Beneficiaries must be 'ready, willing and able to participate in the social land concession program, in accordance with the approved social land concession plan'⁸⁶. Only 26% of respondents have been asked to participate in actively improving conditions at the SLC. This indicates a low level of engagement by local authorities with the community, both at consultation level and in planning further development of the site.

All respondents stated that they had complained to authorities about living conditions at the site. The most common complaints related to a lack of available clean water (94%), followed by lack of access to health centres (42%), a lack of electricity (42%), schools being too far away (23%), poor roads and infrastructure (23%) and a lack of sanitation (16%). 80% of respondents stated that the relevant authorities had not responded to complaints. This is despite the fact that 87% claim that local authorities actively monitor conditions at the site. Local authorities are clearly aware of the conditions having received complaints and engaged in monitoring and outreach. They either lack the will, capacity or resources to address these problems. The lack of responses to complaints suggests it may be all of the above. Respondents overwhelmingly stated that village meetings were the means through which complaints were submitted. Neither home visits, interviews or surveys are utilised by local authorities.

The vast majority of residents (97%) live in wooden houses with tin roofs. Local authorities stated that 253 families had been provided plots of land within the SLC in total. They did not have information on the total number of people living at the site.

Village meetings appear to occur regularly; 44% of respondents participating every one to three months, and a further 26% participating every 6 months. During village meetings, authorities enquired about living conditions with 30% of respondents, followed by agricultural progress (26%) and education (11%). They do not appear to enquire about income or food security which are fundamental to an adequate standard of living. This would indicate that local authorities are not monitoring or reporting on key issues.

The community undertake initiatives to improve living conditions within the SLC. The focus of these efforts is on improving the local school (70% of respondents claimed), building or maintaining wells (63%), maintaining the local pagoda (59%), improving health care facilities (33%), constructing roads (19%) and improving irrigation in rural areas (19%). Considerable effort appears to be made to improve local facilities and services, although it is not clear what assistance, if any, local authorities provide in this endeavour.

Land suitability

Twenty-eight respondents (90%) of respondents were provided with both residential and agricultural land. The remaining three families questioned were only allocated residential land. Although this is significantly lower than the average in other surveyed SLC's, it is nonetheless concerning if families are unable to support themselves. These families may have other means by which to support themselves. The Sub-Decree states that plots may be granted to *provide land for residential purposes to poor homeless families, or, to provide land to poor families for family farming*. In the absence of ID Poor cards, it is particularly important that local authorities are able to accurately gauge poverty levels and the needs of individual beneficiary families.

Twenty-six families (84%) stated that the agricultural farming land they received was not 'cleared' or suitable for farming when they acquired it. The majority of those families still have not cleared it, suggesting it is not being utilised for its original intended purpose of cultivation. Five of the

⁸⁶ Article 10 of the Sub Decree on Social Land Concession (No. 19 ANK/BK/March 19, 2003)

respondents stated that they had complained to local authorities about a lack of food, yet the vast majority of beneficiaries are unable to grow crops, with 68% of respondents claiming that they cannot afford to clear their agricultural land. None of the respondents stated that the land is too infertile to utilise, which has been a common complaint in other SLC sites. Assistance is clearly required to enable families to begin or to further develop agricultural farming practices. No families reported having received assistance from local authorities, NGO's or other external actors in clearing land. Those that did receive help were aided by fellow community members. The majority of respondents (74%) intend to grow cassava once the land is cleared, with 23% planning to grow mangoes. OHCHR staff observed during a visit that a number of pepper farms were being developed.

Thirty of the families (97%) stated that they have not yet received a land title. The (mean) average of time living in the SLC was 47 months at the time of the interviews. Under the Sub-Decree, beneficiaries must comply with the criteria of the SLC programme for five years before they are entitled to receive legal land titles. However, the vast majority of respondents (93%) did not know when they are due to receive a title, and none of the residents had received documentation providing them with tenure security in the interim. This potentially leaves residents vulnerable to eviction or land grabbing. In comparison, 56% of the total respondents across all SLC sites had received land titles, although the average number of months living on site across all SLC's was significantly higher at 82. All families should be informed when they are due to receive land titles, and all should be provided with documentation evidencing possession rights and providing tenure security until the five-year period is concluded and titles are distributed. Local officials stated that they did not know themselves when families might receive land titles.

The average sized plot of residential land is 1752 metres sq (approx. 0.175 ha), which is larger than the average sized plot across all surveyed SLC's. Only one respondent claimed that they received a smaller plot than their neighbours, with all other respondents stating that plots are equal in size.

The average sized house is 51 metres sq. None of the houses were constructed prior to families moving to the SLC site and no houses were actually provided; all were constructed by families and neighbours. Families were able to construct their house on average 17 months after being allocated SLC plots. The majority of respondents (58%) claim that their new residence is *significantly better* than previous houses. Three families claimed it is worse or much worse than previous houses.

26% of respondents stated that they do not feel safe in their current house due to risk of theft (38%) and due to damage by wind/rain (63%). It is not clear how many families have suffered from either theft or damage caused by weather.

The average sized agricultural plot of land is 4.36 ha. Thirty of the thirty-one respondents stated that their land is now being cultivated, and that the average annual income generated through agricultural cultivation is \$966. This is significantly higher than the average across other SLC sites.

Only one respondent claimed that they earned less than before moving to the SLC. 48% stated that they earned *a little more* income and 40% *a lot more*. Those who were unable to generate income from agricultural land stated that crops had not yet grown, indicating that in time they will also be able to generate income eventually. No respondents claimed the soil was infertile or that they lacked the necessary skills.

Land Disputes

Three of the thirty-one respondents interviewed (10%) stated that they are currently involved in land dispute over their household land. Two of these disputes are with former residents; none are with private companies or government institutions. Seven of the respondents (23%) have experienced encroachment on their land, and three have been threatened.

Bunong indigenous communities claim to have been forcibly evicted from SLC land without provision of compensation. Local officials claim to have had knowledge about their presence, but were unable

to stop or slow down the SLC process or to resolve the dispute. During focus group discussions held with the interviewers, complaints were made that when SLC was being measured, indigenous and other families raised concerns that their land was being encroached on. Some families were compensated with plots of land outside of the SLC area, whereas others claimed to have been provided nothing. It is alleged that local authorities knew of the indigenous community's presence and claims to SLC land but proceeded with implementation without obtaining consent or respecting competing claims for this land (i.e. knowingly forcibly evicted families from traditional indigenous land of significant cultural importance). Participants from focus group discussions alleged that wealthy families ("who own Lexus SUV's" for instance) were provided plots inside the SLC site.

In addition to families being provided land that was previously used by indigenous communities, a private company has allegedly been granted land for development inside the SLC site. District and provincial officials allegedly orchestrated and managed the SLC process without commune officials.

Access to water and Sanitation

Twenty-six of the respondents (84%) do not have access to clean drinking water. The majority (52%) collect water from a river or stream, and 32% from wells that are either public or on their land. 81% of respondents stated that they treat boil drinking water – the remainder do not treat their water at all. 29% of respondents reported odd colour, taste and/or smell of their drinking water. None of it is chlorinated. Tellingly, 52% of interviewees rated their access to water as significantly worse than in their previous residents, and an additional 16% rated it as worse. Only 16% rated access as improved since moving to the SLC site. This is significantly higher than in other SLC sites, suggesting the problem is particularly acute in Bousra commune. Clearly, insufficient resources have been allocated to providing clean water.

Families have no sewage disposal system of any kind. 87% of respondents have no sanitation (toilet) facilities. Residents either defecate in the forest or dig a hole. 81% of respondents rated sanitation conditions as worse when compared to previous places of residence.

Health

It takes residents, on average, 47 minutes to travel to the nearest health centre, and 103 minutes to travel to the nearest hospital. 29% of residents claim that they are ill more often when compared to previous living conditions. Malaria is the most common cause of illness in the village (as stated by 71% of respondents), followed by 'fever' (55%), stomach pains (29%) and typhoid (29%). 67% of respondents stated that access to health care is worse when compared to previous places of residence.

Education

There is no secondary school in the area; children travel an average of 50 minutes to get to the nearest secondary school. 90% of respondents stated that there is no primary on the SLC site. It takes children an average of 30 minutes to travel to the nearest primary school. Three (10%) of the respondents stated that at least some of their school-age children (aged between 6-17 years old) do not attend school of any type; two because the school is too far away. 11 respondents (36%) said fewer of their children now attend school since moving to the SLC. This indicates that amongst families in the SLC, many of them now send some but not all of their children to school. Asked to rate access to education at the SLC site, 67% of respondents stated that it had worsened since moving.

Infrastructure and Electricity

84% of respondents stated that access to transport (road networks) and communication (telephone and internet access) has deteriorated and was worse than in previous places of residence. None of the residents are connected to the national grid for electricity supplies.

Food security

71% of respondents said they recently and regularly feared that they would not be able to provide enough food for their family. 74% have been unable to eat good quality rice or meat in the past four weeks. 58% stated that they had eaten significantly less than normal in recent meals due to lack of money and lack of opportunity to grow food, and 19% claim they have had to miss meals for similar reasons. Two respondents said that they had spent entire days without food in recent weeks. Overall, access to food was considered worse than in previous situations prior to moving to the SLC by 58% of respondents.

Employment

All households surveyed have at least one family member employed. 55% have two persons employed. In response to being asked what type of employment they engage in, 90% work as farm labourers, 81% engage in other types of labour-intensive work, and 42% stated they are also self-employed. The average monthly household income is USD389.6 per month. Prior to moving to the SLC, the respondents average monthly income was USD276 per household. This is a significant raise, although it is not certain whether the same number of employed adults were living in the family home prior to the move. Average current household expenditure is USD326, which has risen from USD258 prior to moving to the SLC site. The majority of this is spent on food, followed by healthcare and transportation. The lack of infrastructure and poor road network is costing residents' substantial sums each month. Whilst earnings have risen at the SLC site, so too have daily household costs. Healthcare costs have seen the biggest increase for families moving to the SLC. Reported spending on religious ceremonies has decreased significantly by contrast.

Approximately half of families have managed to save money since moving to the SLC (48%). 68% of families have incurred household debt, although the levels of debt have fallen on average for respondents. 33% of respondents stated that they feel stressed due to a drop in earnings. 42% of respondents said that they were aware of children working to supplement the household income (defined as 15 years or younger). The majority of this work was farm work (85%) and other types of labour (31%).

As an indicator of wealth, 26% of families own a television, although 90% own a motorcycle. 97% have a mobile phone.

Social Structure

52% of households believe collective decisions within the SLC are taken through a democratic process, with 23% stating that there is no collective decision making.

52% of respondents stated that they feel stressed, with 29% reporting this as being particularly acute. This is primarily attributed to a lack of food and low incomes.

87% respondents stated that they were aware of alcohol abuse occurring in the community. No respondents claimed to be aware of drug abuse in the SLC. None of the households reported that they were working with an NGO to improve the development of the SLC site. 77% of the surveyed households think there is less crime in the community in comparison to their situation before moving to the SLC site, and a further 19% believe the situation to be similar to before. Three families (approx 10% of respondents) cited awareness of violence against women or girls, whilst 62% believe there GBV is less prevalent than in previous communities. These findings do not provide a definitive calculation of the prevalence of gender-based violence or alcohol abuse. They are a reflection of community perceptions only and must be read as such, with the understanding that the survey team did not ask directly whether for example alcohol abuse was a problem within the household.

42% of respondents said that they were aware of children working to supplement the family income. The majority of this work was farm work (85%) and other types of labour (31%).

84% of residents are allegedly *not* registered to vote. This is disproportionately high given that the average household has been resident there for almost four years, and commune elections are approaching in 2017.

58% of households lack relevant residential documentation provided by local authorities. In 29% of households, at least one member of the family lacks a birth certificate, and in 45% of households at least one family member lacks an ID card. 16% of families lack a family book.

Only three families (10%) said that they are considering leaving the SLC site, which given the scarcity of water, food and other challenges in the area, is remarkably low. Suggestions on how to improve living standards on the SLC site focused on infrastructure such as roads (48%), access to clean water (87%), building a secondary school in the SLC site (65%) and improving provision of health care facilities (87%); but suggestions were also raised on a number of other issues including housing, electricity, work and provision of latrines.

Annex Six: Survey Data from SLC in Trapaing Plaing Commune, Chouk District, Kampot Province

Key Findings

- *Beneficiary families have allegedly been pressured and coerced into selling plots of SLC land to a local wealthy individual. A number of families were reportedly threatened and have subsequently left the SLC, whilst others have accepted payment for land (some against their will). Victims who have filed legal complaints have reportedly been blocked from pursuing such complaints through the court system.*
- *Approximately 1,000 ha of forest in the Veal Cheur Trav area has also been allegedly cleared by the perpetrator who is acquiring large tracts of SLC land through various different means.*
- *A majority (87%) of households also claimed to have been involved in the identification and planning of the SLC site, and 83% of respondents stated that they were involved in selecting plots. Three quarters of families have access to the SLC plan. Almost 90% of residents believe the process undertaken to distribute land was fair. This is significantly above the average across all SLC sites surveyed.*
- *No households have received a land title or relevant documentation relating to allocation of land.*
- *Three-quarters of respondents claim that their new residence is either better or significantly better than their previous houses, whereas six families (13%) claimed it is worse or much worse than their previous house. In this instance, it would appear as if the SLC has facilitated an improvement in the standard of housing for the majority of remaining families but not all.*
- *Average annual income from agricultural development is very low compared to other SLC sites, indicating that further support is urgently required to assist families in generating household income from agricultural plots in order to support their families and cover rising monthly household expenditure. Household income has risen on average for most families. This was attributed to family members working in nearby factories.*
- *80% of respondents said that they were aware of children working to supplement the family income. The majority of this work was farm work (and other types of labour). Some households send a child family member to work in a nearby factory.*
- *Four fifths of residents interviewed do not have access to clean drinking water. There is no sewage disposal system in place, and none of the households have any form of sanitation.*

47 households were interviewed at the Kampot SLC site. SLC plots were granted to a total of 101 families, 40 families from Steung Keo commune and 61 families from Trapaing Plaing commune. Local authorities stated that a total of 101 families and 704 people were living on the SLC site, and that the SLC was formally registered in October 2011.

76% of respondents were female, although only 37% of respondents declared that the head of the household was female. 72% stated that they are married or in a domestic relationship. 5% are widowed or divorced. The (mean) average age of respondents is 45 years old. The average family living at the SLC has 4.85 people within the household, with 2.2 children. Not all live onsite permanently, as outlined below. All respondents described themselves as being of Khmer ethnicity.

Asked why they were granted land in the SLC, 72% of respondents replied that it was because they were landless, with 91% citing poverty. Two families (4%) were relocated due to a natural disaster, with one moved to make way for a public infrastructure project. There is overlap here where respondents gave multiple answers justifying the receipt of land. Asked why other families in the SLC site received land, the answers largely corresponded with those above – landlessness and poverty.

The majority of families (87%) possess ID Poor cards (through the Identification of Poor Households Programme). All recipients of SLC land allocated after the 2011 Sub-Decree on the Identification of

Poor Households was issued (other than demobilised soldiers), should initially have possessed ID Poor Cards - this is the central means by which poverty levels are assessed and eligible applicants and land recipients identified.⁸⁷ The lack of ID Poor cards for the remaining 13% of families suggests other means were used to assess poverty levels.

A majority (87%) of households also claimed to have been involved in the identification and planning of the SLC site, with 91% of residents stating that local authorities had explained the selection and allocation process including the allocation of land through lottery. 83% of respondents stated that they were involved in selecting plots of land. Consultations with residents took place but were not fully inclusive. A corresponding number, 89% of residents believe the process undertaken to distribute land was fair. This is significantly above the average of 67% across all SLC sites surveyed. One of the respondents stated that they paid money towards the allocation process, but paid just 2,000 riel (less than USD1).

No households had received relevant documentation relating to allocation of land which is problematic. Without land titles, families should possess documentation to evidence the planning and allocation process as a means to protect possession and ownership rights. 39% of families have signed an agreement with authorities relating to rights and duties within the SLC.

74% of respondents have access to the SLC plan. The commune council should initiate the local social land concession program by preparing a social land concession plan in accordance with the requirements set out in the Sub Decree on Social Land Concessions. Beneficiaries must be 'ready, willing and able to participate in the social land concession program, in accordance with the approved social land concession plan.'⁸⁸ The same proportion (74%) of respondents claimed to have been asked to participate in improving conditions at the SLC however. This indicates a relatively high level of engagement by local authorities with the community in developing the site.

All respondents stated that they had complained to authorities about living conditions at the site. The most common complaints related to a lack of available clean water (85%), a lack of available food (50%), access to health centres (74%), distance to the local school (74%), the quality of roads (35%) and electricity (20%). Only 37% of residents stated that authorities were able to respond to complaints. This is despite the fact that 41% claim that local authorities actively monitor conditions at the site. Local authorities are clearly aware of the conditions having received complaints and engaged in monitoring and outreach, even if monitoring is disappointingly inconsistent and not carried out across the whole SLC site. Authorities either lack the will, capacity or resources to address these problems. Respondents stated that village meetings (68%) were the primary means through which complaints were submitted, suggesting a reasonably high level of engagement by local authorities through this medium. A further 32% of families are visited at home by local authorities. Only 42% of residents stated that complaints are received or evidence taken at least every 3 months. 32% of respondents stated that evaluations or meetings are only taken annually, with a further 21% stating that this has only occurred once since they moved to the SLC. A large majority of families (85%) have taken action themselves to address problems, with efforts focusing on improving the local school, welfare centre and roads.

A large majority (85%) of households stated that the community undertake initiatives to improve living conditions within the SLC. The focus of these efforts is on improving, building or maintaining roads (36%), improving access to healthcare services (59%), access to water / building wells (64%) and local schools (90%).

Suitability of land

⁸⁷ Article 10 of the Sub Decree on Social Land Concessions (No. 19 ANK/BK/ March 19, 2003) sets out that beneficiaries should meet the financial criteria established by the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation, based on the comments of the National Social Land Concession Committee. The income guidelines shall take into consideration family size and age and health conditions of family members. The guidelines may be varied from region to region and from time to time in accordance with economic conditions and living standards.

⁸⁸ Article 10 of the Sub Decree On Social Land Concessions (No. 19 ANK/BK/ March 19, 2003)

41 of the families (89%) were provided with both residential and agricultural land. Four of the remaining families questioned were only allocated residential land, with one claiming only to have received farm land. These four families may have other means by which to support themselves. The Sub-Decree states that plots may be granted to *provide land for residential purposes to poor homeless families, or, to provide land to poor families for family farming*. In the absence of ID Poor cards, it is particularly important that local authorities are able to accurately gauge poverty levels and the needs of individual beneficiary families.

Most respondents stated that none of their agricultural farming land was 'cleared' and ready for farming when they acquired it – just one family (2%) said all of the land and the remaining 11% stated that some of it was cleared. A majority of these families (51%) still have not cleared all of it, most saying that they cannot afford to do so and do not have time, suggesting it is not being utilised for its original intended purpose of cultivation. The majority of residents (72%) intend to grow cassava, and a further 52% mangoes.

None of the families stated that they have received a land title. The (mean) average of months living in the SLC was 57 at the time of the interviews. Under the Sub-Decree, beneficiaries must comply with the criteria of the SLC programme for five years before they are entitled to receive legal land titles. The majority of respondents (83%) *had not* been told when they are due to receive a title. The majority of residents (80%) had received some form of documentation relating to possession or ownership (100% of those that had received documentation had papers related to the land allocation lottery, and one family a contract or agreement relating to the SLC), providing them with a limited form of tenure security in the interim. This is not ideal – all residents should have documentation and a contract relating to the SLC. It is significantly higher than the average across all SLC sites (53%) however.

In comparison, 56% of the total respondents across all SLC sites had received land titles, although the average number of months living on site across all SLC's was significantly higher at 82. All families should be informed when they are due to receive land titles, and all should be provided with documentation evidencing possession rights and providing tenure security until the five-year period is concluded and titles are distributed.

The average sized plot of residential land is 1740 metres sq, which is larger than the average sized plot across all surveyed SLC's (1420m sq). Only two respondents claimed that they received a smaller plot than their neighbours.

The average sized house is 20 metres sq, again smaller than the average across all SLC sites (28 m sq). None of the houses were constructed prior to families moving to the SLC site; all were constructed by families and neighbours. Families were able to construct their house on average two months after being allocated SLC plots. A *majority* of respondents (67%) claim that their new residence is either better or significantly better than their previous houses. Six families (13%) claimed it is *worse* or *much worse* than their previous house, with the remainder stating it is about the same. Although this might in part be due to perception, it is a crucial indicator as to the success of the SLC project; poor or landless families being provided agricultural and residential land for housing. In this instance, it would appear as if the SLC has not improved the standard of living for many families.

59% of respondents stated that they do not feel safe in their current house due to damage by wind/rain (74%). It is not clear how many families have suffered from damage caused by weather.

The average sized agricultural plot of land is 1.24 ha, slightly larger than the average across all SLC sites surveyed (1.17ha). Six residents stated that their neighbours received larger sized plots of land, one respondent stated that neighbours' plots were smaller than theirs, with the remainder stating that the plots were of equal size. 70% of respondents stated that the land around their house is now being cultivated, although a substantial number (51%) do not generate household income through this; i.e. the majority consume rather than sell the produce (only one family does not cultivate the land

around their house at all). The average annual income generated through cultivation is just \$89. This is the lowest of all SLC sites surveyed, and significantly lower than average earnings in Cambodia. This level of household income would not be sufficient to support a family without supplementary incomes. Recipients engage in other forms of employment as set out below. Despite low returns from agricultural development, only 32% of respondents stated that they earned less money at the SLC site than they did in previous places of residence. 68% earn more or substantially more than they used to by contrast. 57% of residents stated that they are waiting for crops to grow and so the household income from crops should rise accordingly.

16% of residents had sold or donated parts of their land. This is possibly a result of low levels of income and high debt, and/or an inability to cultivate and generate income from acquired land. Only two households interviewed had received assistance in utilising their land during their time at the SLC.

The vast majority (91%) of residents claimed not to have had agricultural skills prior to moving to the site, and 62% of these say they have not improved their skills relating to agricultural production, indicating that support and training has been inadequate to date. This also suggests that alternative forms of employment or income generating opportunities are required, and that training and support on agricultural practices is also needed at SLC sites such as this. This would also require an assessment of skills and knowledge during the planning phase of the SLC in order to identify the needs of residents, to plan potential interventions and to allocate scarce resources most effectively.

Land Disputes

Two of the respondents interviewed stated that they are currently involved in land disputes over household land with a private company. 24% of respondents had experienced encroachment on their land however, either by a private company or wealthy individual. Ten of these 11 families claim to have suffered from harassment or threats in relation to their land.

In April 2014, a well-connected individual allegedly approached some of the beneficiary families and pressured them into selling SLC land and has begun constructing buildings on the land. SLC beneficiaries claimed that they were offered \$300 each and threatened with forced eviction if they did not accept. Complaints were filed to the Provincial Governor, however families claimed that he was unwilling or unable to take any action. Beneficiaries also claimed that they were threatened if they organised a protest or submitted a complaint. Approximately 1,000 ha of forest in the Veal Cheur Trav area has also been allegedly cleared by the perpetrator to further develop the land.

An OHCHR investigation recorded 30 out of the 40 families from Steung Keo commune left the SLC after refusing compensation and after having been threatened, whilst 10 families from the same commune accepted compensation and ended up working for the company owned by the alleged perpetrator and are working to clear the forest. Out of the 61 families from Trapeang Plaing commune, 41 families refused compensation and left the SLC site after having been threatened, whilst 20 families accepted compensation and now work for the company owned by the alleged perpetrator and are working to clear the forest.

Mr. Heng Soeun, a representative of the affected families, was allegedly beaten by security guards whilst collecting thumb prints in order to file a petition. Due to the threats made against his life, he left the SLC site. After receiving requests for support from evicted and threatened community members, ADHOC filed a complaint against the alleged perpetrator with the prosecutor of Kampot Provincial Court for land rights violations (illegal logging of forest land) and for physically attacking individuals. The prosecutor summoned Heng Soeun on 3 April 2015. Ten other villagers were summoned for questioning, however no one has yet been arrested.

The vast majority of the 101 beneficiary families have been prevented from accessing parts of or all of their farm land. Families living adjacent to the SLC site have also been evicted. Authorities have failed to protect families, investigate the allegations or provide any form of redress. Additional attacks and allegations of forced evictions and burning down of houses have been reported to OHCHR in 2016.

Access to water and Sanitation

80% of families interviewed do not have access to clean drinking water. Families source water from open wells (48%), public boreholes (11%) or rivers or canals (39%). 44% of residents treat their water before drinking it by boiling it. None of the respondents use filters. 30% of respondents reported odd colour, taste and/or smell to their drinking water. None of families stated that their water is chlorinated. 54% of interviewees rated their access to water as *worse or significantly worse* than in their previous residents. Only 22% stated access to water had improved. This suggests that the problem of access to water is particularly acute in Kampot and that insufficient resources have been allocated to providing clean water.

There is no sewage disposal system in place for the surveyed residents, and none of the households have any form of sanitation. Residents either defecate in the forest or dig a hole. 72% of respondents stated that they do not feel safe when venturing out of the house to defecate. 22% of respondents rated sanitation conditions as worse or much worse when compared to previous circumstances, whilst 11% said it had improved. The remainder stated that it had not changed.

Infrastructure and Electricity

No residents surveyed have access to electricity at the SLC site. Note the survey question asked about 'state provided' electricity through mains connections. It does not necessarily mean that there are no generators or other sources of power.

All residents have access to mobile phone connection, and 26% of respondents have access to a landline and the internet. Only 21% of the respondents stated that access to transport (road networks) and communication (telephone and internet access) had improved at the SLC compared to previous places of residence, despite roads having been built in the SLC site. 31% said that their overall access to transport and communication had deteriorated since moving.

Health

It takes residents, on average, 62 minutes to travel to the nearest health centre, and 111 minutes to travel to the nearest hospital. 37% of residents claim that they are ill more often when compared to previous living conditions. Malaria is reported as prevalent, as is Dengue Fever and typhoid. Fevers or colds and stomach pains are also particularly common. 37% of respondents stated that access to health care is *much worse* when compared to their previous situation, and a further 7% said it was worse. Only 20% stated that it had improved at the new SLC site.

Education

There is no secondary school in the area; children travel an average of 64 minutes by moto-dup to get to the nearest secondary school. 74% respondents stated that there is a primary within the SLC site. It takes children an average of 15 minutes to travel to the nearest primary school by moto-dup. 35% of the respondents stated that at least some of their school-age children (aged between 6-17 years old) in the household *do not* attend school of any type which is deeply concerning. This is attributed to a range of reasons including affordability, because they are needed at home and because the school is too far away. 41% of families said fewer of their children now attend school since moving to the SLC which is also deeply problematic and a major failing of SLC planning. On average, 44% of respondents are planning for their male children to receive at least 12 years of education, but this figure falls to 37% for girls indicating gender discrimination in education is an issue. Note, this is not an indication of how much education is actually provided, more a reflection of the intentions of households and the relative importance attached to education.

Asked to rate access to education at the SLC site, only 17% of respondents stated that it had improved. By contrast, 52% stated that access had worsened.

Food security

96% of respondents said they had at least once in the past month, feared that they would not be able to provide enough food for their family, with 55% stating that this was a regular occurrence. 54% of families claimed to have limited diets (no meat or fish for instance) at certain points over the last month because of a lack of money, and 85% have resorted to eating wild tuber or very poor quality meat due for the same reason. 48% of respondents claimed that they had missed meals in the last month, and 41% of respondents claimed there were days in the last month where they had no food at all to eat due to lack of affordable food and no food available from their own land. Access to affordable food and food poverty is particularly acute in Kampot. Despite this, only 31% of households claim that access to food has worsened since moving to the SLC, and for 41% it has improved. Nutrition is likely to be a significant problem for households within the SLC – especially for children who lack access to basic food stuffs containing protein, and where families have been unable to clear agricultural land.

Employment

Nearly all households (94%) surveyed have at least one family member employed, and 58% of households have two or three persons employed, with some households having up to five people in employment. In response to being asked what type of employment do they engage in, 56% work as farm labourers, 79% engage in other types of labour-intensive work, and 40% also include self-employment. The average monthly household income from employment sources is USD 392 per month. The majority of this comes from labour/factory work and from self-employment through selling products themselves directly. Prior to moving to the SLC, the respondents average monthly income was lower USD 204 per household. Average current household expenditure is USD 262 per month, which has risen from USD 157 prior to moving to the SLC site. The highest costs are attributed to food and then healthcare costs. Average monthly earnings have risen as has daily household spending.

Less than one third of families have household savings (24%), although these have risen on average since moving to the SLC and now stand at a mean figure of \$44. 87% of families have incurred household debt, and the levels of debt have risen substantially. Household owe an average of USD 450, which has risen from USD 57 prior to moving to the SLC site. This suggests that households took on significant extra debt when moving or after moving to the SLC site.

As an indicator of wealth, only 13% of families own a television, although 41% own a motorcycle. 78% have a mobile phone.

In roughly half of households (57%) do all members of the family living at the SLC site permanently. The majority of family member type living away from the site are children (60%) of survey respondents, highlighting a preference amongst the younger generation of migrating away from the family home for work (85%).

Social Structure

Only 2% of households believe collective decisions within the SLC are taken through a democratic process, with 61% stating that it is the village chief who takes decisions.

65% of respondents stated that they feel stressed, with 24% reporting this as being particularly acute. This is attributed to a lack of food and a low income.

All respondents stated that they were aware of alcohol abuse occurring in the community, and a further 9% believe there is a drug problem in the SLC. Only one household reported that they were working with an NGO. 37% of the surveyed households think there is more crime in the community in comparison to their situation before moving to the SLC site. 44% of respondents cited awareness of violence against women or girls, and 28% believe there GBV is more prevalent than in previous communities. These findings do not provide a definitive calculation of the prevalence of gender-based violence or alcohol abuse. They are a reflection of community perceptions only and must be read as

such, with the understanding that the survey team did not ask directly whether for example alcohol abuse was a problem within the household.

80% of respondents said that they were aware of children working to supplement the family income. The majority of this work was farm work (70%) and other types of labour (62%). Five households send a child family member to work in a factory.

44% of residents are allegedly *not* registered to vote. This is disproportionately high given that the average household has been resident there for almost five years, and commune elections are approaching in 2017.

61% of households lack relevant residential documentation provided by local authorities, and in 76% of households, at least one member of the family lacks a birth certificate, and in 52% of households at least one family member lacks an ID card. 17% of families lack a family book.

Only two families (4%) said that they are considering leaving the SLC site, which given the scarcity of water, food and other challenges in the area, is remarkably low. Suggestions on how to improve living standards on the SLC site focused on infrastructure such as roads (56%), access to clean water (80%), building a secondary school in the SLC site (76%) and improving provision of health care facilities (80%); but suggestions were also raised on a number of other issues including housing, electricity, work and provision of latrines.