



Term of Reference

A Study on Land Disputes in Four Provinces of Cambodia: Mapping, Impact, and Possible Solution

1-Background

The majority of Cambodians are living in rural areas, depending on land and natural resources to subsistence their livelihoods. Most rural family depends on agriculture for their livelihoods, however no less than 20 percent of them are landless (Levitan, 2014). Land is more than just important for rural livelihoods, but also deeply connected to the cultural and spiritual life of indigenous and non-indigenous communities (UN, 2007). Although people valued land, but larger part of land and housing sales are not officially documented at the provincial level. Most deals are recorded unofficially, or at the village or community levels. Without official documents, land ownership can be easily disputed and leaving Cambodians vulnerable to land grabbing and forced eviction (CESR, n.d).

The rapid economic growth since the early 1990s has caused the land in rural areas to increase in value and attract the private sector investment. The attempt to rapidly introduce a modern legal system, particularly land law 2001, caused confusion and misunderstanding about how legal rights to land could be obtained, leading to numerous disputes (Sekiguchi & Hatsukano, 2013). Likewise, land and property rights are the most fundamental human rights to protect the economic benefit of communities who generate primary income from land. Confusing land policies, weak practices of law, lack of real political will has promoted an increase of conflicts between companies and local communities (CCHR, 2012).

Land disputes have seen as a big challenge for Cambodian, including indigenous peoples. Some cases have led to the loss of access to land and natural resources. In 2012, the number of new land disputes were higher compared to previous years, while it simply slowed down during 2013. The total number of land disputes in 2013 is 311 cases where 80 cases caused by ELCs. It was note that the total land disputes affect 65867 households and different type of land such as agriculture land, residential land, and forest land, where the highest number occurred in Phnom Penh, Ratanakiri, and Kampong Speu. Seventy seven percent of the total land disputes recoded have not been solved as of 2013. Main driving forces of land disputes are: infrastructure development projects, economic land concessions, other land concessions, and individuals land grabbing (NGOF, 2014). Similarly, Life With Dignity (LWD) organization has recently conducted a preliminary rapid assessment on land disputes at their target areas and found that the disputes are causing by community members, Cambodia private companies, foreign private companies, local authorities, soldier, and gendarmeries. Remarkably, Land dispute and land grabbing have been occurred largely at northeastern of Cambodia by economic and mineral concessions. The impacts were not just on the ecological concerns, but also the traditional culture and livelihoods of indigenous groups (Men, 2011).

There are many actors involved in land disputes. However, it is a challenge for poor families since they find hard to file formal complain at the courts. Poor families are frequently not being able to make the complains trialed while the fees to access the judicial system is beyond their afford. As a result of the feeble institutional framework for the resolution of land disputes, it is additionally risky for individual families to take part in a formal complaint (SNEC, 2007).

2-Problem Statement

Current situation of land dispute in Cambodia is very critical. There are many factors have caused the disputes including conflict setting, land history and political condition which make it exceptionally hard to solve. Moreover, land disputes are widespread and are seen as a serious issue for stability and wellbeing of the country; however due to the many factors and interests involved they are not being easily solved. Concerns about land disputes have been raised for the country in general as local and international medias have covered. Although it is an emergency issue to overcome, it takes much time and effort to gradually solve with the mission to find out the differences measures and approaches to deal with (Schwedersky, 2010). There is different number of land disputes in Cambodia as different institutions/NGOs claimed different figure due to the different methodologies. Numerous disputes never reach the courts, since they are settled by local authorities or the Cadastral Commission, or for the reason that the families concerned in the disputes lack the knowledge and resources to take their complaints to the court (SNEC, 2007).

To contribute to the resolution of land disputes, LWD and NGOF are planning to conduct a study on land dispute in selected operation areas of LWD to gain insight into the legal framework and existing legislations on land tenure, land acquisition and land dispute resolution in particularly at the rural level. These NGOs along with their network members will continue to play a prominent role in combating the problem, assisting people in claiming their rights to land, and improving the capacities for both communities and authorities after the report produced. Nonetheless, there might be an increased need to merge the efforts and approaches of human rights and development NGOs in order to achieve better coordination and outcome of projects.

3-Goal and Objectives

The overall goal of this research is to map out the land disputes occurred in the target area of LWD and determine the implementation of existing alternative dispute resolution mechanism. Additionally, this research is also to understand the impacts of land disputes on local communities' livelihoods, especially on women.

Specific objectives:

This research aim at addressing the following objective:

- 1) To conduct land dispute mapping in the target areas of LWD (Battambang, Pursat, Kompong Chhnange, and Kompong Spue)
- 2) To understand the solutions provided to settle the land disputes and its status
- 3) To understand the impacts of land disputes on local communities' livelihoods, especially on women
- 4) To document the case studies on the successful cases on land disputes advocacy

4-Research Questions

- 1) What are the main drivers of land disputes?
- 2) Who involve in the disputes and how the disputes have been solved?
- 3) What is the involvement of stakeholders and role of women in the resolution of land disputes?
- 4) What are the impacts made by land disputes on local livelihood?
- 5) What factors has caused the failure of the land dispute solution?
- 6) What are the recommendations for stakeholders involved in the resolution process on how to duplicate, increase and roll out the successful resolution of land disputes?

5-Research Scope and Limitation

The study will cover only four provinces of Cambodia namely Battambang, Pursat, Kompong Chhnange, and Kompong Spue where land disputes involved 2 parties upwards and have not been solved yet. This study map out the land disputes and it impacts on local livelihoods in the selected provinces regardless new or old disputes. With this purposive selection of the provinces, the data and information will not represent the land disputes throughout the country. However, this study will illustrate the most important information for basic consideration to reflect the other cases for the future resolution and plan toward land disputes and local livelihoods.

6-Significance

Many documents written on land disputes in Cambodia, yet those documents are different from what this study is attempting to. For example, land disputes report of NGOF released 2014 aimed at showing statistic of land disputes throughout the country where 5 families involved in per case, but it did not give detail of what happen at the ground because of its methodology and limitation designed. However, this join study between NGOF and LWD will investigate on a broader level of the particular underlying drivers and real impacts of land disputes on the local community at the four target areas of LWD operation zones and its dispute resolutions. Moreover, this research will contribute to the evidence for advocating for the rights of the affected households and as well contribute to the enforcement of policy and law, and additionally bring the attention for the policymakers and government to take action for the improvement of community rights and reduce poverty via the launching workshop of research report and sharing key information to relevant government agencies, local communities, and relevant stakeholders. The finding from this research will likewise contribute to LWD's project design to increase the dialogue platforms on land dispute resolution for right holders and duty bearers in target area.

7-Methodology

This research will employ both qualitative and quantitative approach in order to meet all the objectives set. Using the mixed method approach is intentionally to draw both numeric and text data to complement each other for a better understanding of the context in the study. Following are some of the many approaches that are used for conducting this research:

-Desk review: Local and International documents related to the topic will be collected and reviewed to illustrate the relevance information. This task can help the researcher to map the field and position the research within the context.

-Interview: Both structured and unstructured interview will employ to explore a better understanding of the information. This will include household interview and key informant interview. Structure questionnaire will be designed for households interview, whereas unstructured or guide questions will be designed for the key informant interview. (382 Households will be selected for structure interview, while number of key informant interview will closely discuss with research consultant team in consultation with LWD)

-Focus group discussion: Local communities will be invited to participate in the focus group discussion to express their view and experience, as well as behavior toward the topic. This method is effectively use to collect in depth information from a group of people in a short period of time. Focus group discussion will be designed to have 5-7 participants in one group and participant should be ones whose know much about the specific issue in the topic or objectives. (At least 4 focus group discussions (FGDs) will be organized for this research)

-Case study: The last objective of the research is trying to draw the success advocacy case of solving land disputes. Hence, the case study is basically the best tool to investigate in depth information of a particular situation. (At least 4 case studies will be written for this research)

-Informal observation: It is one of the important tools that help researcher to understand the situation in the village by observing the location and people’s activities and conducting informal conversation with people, as well as record extra information to the notebook at the end of each day. Doing so, researcher will have much idea when writing up the report. (Daily observation and record is require for field level data collection)

-Target area, respondent, and sample size selection

The study will be conducted in the target area of LWD in the four provinces such as Kampong Speu, Kampong Chhnang, Battambang, and Pursat. As recently LWD has just conducted a rapid assessment to identify the locations of land disputes, this research will select those specific locations utilizing the information of target area identified by LWD as the below table. 50% of commune and 30% of village will be selected (11 communes and 26 villages) from the four target provinces, while the sample size should be **382** (The sample size calculation is based on the formula: $N=N/1+N(e)^2$). The below table is the target areas and number of total population; however, the detail sample for specific location will be discussed and selected with research consultant team contracted.

Province	Commune	Village	Affected HH
1-Kampong Speu			
Phnom Srouch	2	4	386
Aoral	5	27	2230
Thporng	4	21	2044
2-Kampong Chnang			
Samaki Meanchey	6	14	1406
3-Pursat			
Phnom Kravanh	5	11	811
4-Battambang			
Bavel	1	8	2019
Total	21	85	8896

In order to triangulate the information and make sure all stakeholders are involved in sharing information and experience about the land dispute cases, this targets respondents such as the community members, village chiefs, district councils, commune councils, district cadastral commission, and local and international NGOs.

8-Obligation Requirements

The recruited research consultant has to ensure that the set objectives are addressed and gender issue is included. The research consultant is required to produce both versions Khmer and English. It is also required that the consultant has to strictly comply with the set timeframe with NGOF and has to ensure the quality of information (data collection), report, and the translation version, as well as provide weekly update of the progress of research activities to NGOF.

9-Activities, Time Frame, and Responsible Person

Individual research consultant or research consultant team will carry out the task of research from February to July, 2015 as illustrated below:

Activities		Time Frame and Responsible Person					
		2015					
		Feb	Mar	Apr	May	Jun	Jul
1	Revise Research Proposal (including research design)	Research consultant					
2	Comment on Research Proposal	NGOF & LWD					
3	Desk Research	Research consultant					
4	Develop questionnaires & Pre-test	Research consultant					
5	Comment on questionnaires	NGOF & LWD					
6	Data collection or Field work	Research consultant	Research consultant				
7	Data processing		Research consultant				
8	Data analysis			Research consultant			
9	Develop and submit first draft*			Research consultant			
10	Comment on first draft				NGOF & LWD		
11	Review and submit second draft				Research consultant		
12	Comment on second draft				NGOF & LWD		
13	Finalize and Submit final report					Research consultant	
14	Check final report					NGOF & LWD	
15	Translate the document					Research consultant	
16	Check & comment on the translated version						NGOF & LWD
17	Prepare slide both Khmer & English and present to NGOF&LWD & Launching Date**	Research consultant					

Note:

*The research consultant is required to submit the first draft report on or before 30th April 2015.

** The research consultant is required to produce both English and Khmer slides and give presentation at launching date. (The proposed launching workshop is October 2015)

10. Partnership

This research is initiated by Life With Dignity under Finn Church Aid fund, in cooperation with the NGO Forum on Cambodia.

11. Consultancy Fee

The research consultant will receive a lump sum package of payment base on qualification and experience, as well as agreement with NGOF. As obligated, research consultant need to pay tax for their consultancy fee.