

Review

# Contested Land Restitution Processes in Cambodia

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**Abstract:** Cambodia has experienced rapid economic growth due partly to excessive natural resource extraction. Land conflicts have been pervasive between local communities and companies that invest in land and other natural resources. Despite substantial research into land conflict resolution, knowledge about how land is returned to wronged parties and what happens to the returned land is fragmented. This review aims to provide a holistic understanding of land restitution in Cambodia by examining different types of land conflict, actors involved, and restitution processes. It provides both a macro perspective on land restitution and conflict-specific perspectives regarding how actors engage in different processes that produce various outcomes for disputants. We find both complications and ambivalence of the actors involved, particularly concerning their roles and influences in resolution processes. Specifically, we find contentious and ambivalent roles that non-governmental organisations (NGOs), donor agencies, and government authorities played in mixed results of resolution mechanisms in the cases that have yielded outcomes in terms of land restitution. Our review also suggests that the neoliberal policy that favours commoditisation of resources and the authoritarian patronage state disguised in a hybrid democracy allowed some grassroots resistance, civil society space, and responses from other concerned economic and political actors in the resolution processes. However, the state controlled and manipulated their engagement to benefit and maintain its economic and political bases, and it never allowed any transformative approach that could tackle the root causes of the problems. This understanding of complexities in land restitution is crucial to achieving land tenure security, particularly for local communities.



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## 1. Introduction

In Cambodia, land distribution is highly unequal, which has caused rampant conflicts between large-scale investors (particularly concessionaires), migrants, and local communities. As of 2017, the government had granted 1.8 million hectares to agro-industrial concessions and 0.8 million hectares to mining concessions by both domestic and foreign investors [1]. Yet, in 2011, 29% of rural households did not have agricultural land and 47% had less than one hectare to cultivate [2]. Since the enactment of the Land Law 2001 [3], which provides a legal framework for economic land concessions (ELCs), social land concessions (SLCs), and communal land titling (CLT), the government has employed a political rhetoric of making land distribution more inclusive and equitable. However, SLCs, which are intended to benefit the landless and land-poor, have been provided in remote and infertile areas with limited physical and social infrastructure [4]. Consequently, many beneficiaries have either abandoned or sold off their plots. As of June 2020, only 17,000 hectares of residential and agricultural land were allocated to more than 5,000 landless and land-poor families, and 3360 families had already received land titles [5]. Concerning CLTs, as of April 2020, out of 68 applications filed by indigenous communities (ICs), only 30 ICs received CLTs [6]. Meanwhile, ELCs are intended for enhancing agricultural productivity, creating jobs, and reducing rural poverty, and are they supposed to be granted in areas of idle and degraded forests. Yet, ELCs have been granted in biodiversity-rich forest areas

and are often in conflict with forested CLT areas [7] or with land used by villagers and communities before and after ELCs had been granted [8,9].

During the period 2000–2013, land conflicts and resulting evictions affected 770,000 people according to a Cambodian human rights organisation [10]. Consequently, land conflicts have become a predominant feature of natural resource governance and are a significant concern of the country's politics and economy. Land-related development is often linked to violations of human rights and the exercise of patron–client relations between the state and the private sector [11,12]. Politically, land rights have been a key condition for access to preferential trade agreements with Europe. Economically, despite the growth in manufacturing and services sectors, land-based agriculture remains significant in terms of employing the labour force [13]. However, land for agricultural expansion has become scarcer, and the need for land sought by unskilled labourers that the non-agricultural sectors cannot absorb is rising [13]. Hence, land disputes have posed critical challenges for agricultural growth, particularly among smallholder farmers, and for sustainable development in general. State and non-state actors alike have realised the severity of land conflicts and their socio-economic and political impacts and have tried different approaches to tackle them.

Land conflict resolution in Cambodia is addressed via various mechanisms. For instance, Cadastral Commissions established under the Land Law 2001 are an authority that solves disputes over untitled land, while courts settle conflicts over inheritance and titled land [14]. Cadastral Commissions, which are at district, provincial, and national levels, are overloaded with cases and often dismiss cases that concern powerful elite and private companies [14]. Another mechanism is the National Authority for Land Dispute Resolution (NALDR), which is a body with ministers as members and chaired by the Prime Minister. NALDR investigates cases that the courts and Cadastral Commissions cannot settle [14,15]. Recently, an inter-ministerial committee based within the Ministry of Land Management, Urban Planning, and Construction was established to address land conflicts nationwide [16]. Yet, these mechanisms are seen as politically biased and usually unaffordable for farmers [17–19]. Further to institutionalised mechanisms, ad hoc initiatives are at times established by politicians to solve land disputes. In 2012, the Prime Minister halted the granting of new ELCs and launched Order 01, which was a campaign run with the help of thousands of student volunteers to solve land conflicts between local communities and ELCs by measuring and titling farmers' land in dispute [9,20]. However, as will be shown, Order 01 reinforced the existing unequal tenure arrangements and legitimised ELCs' encroachments upon communities' land, although the campaign provided some land titles to smallholder farmers [20–22].

In this article, we review various types of land conflicts and different resolution processes that have led to a range of restitution outcomes. We discuss the contexts, actors, and processes that shaped the outcome of land restitution processes, specifically showing conditions that enabled or disabled local communities to demand land back or ask for compensation from corporate investors involved in conflicts. This review challenges the assumptions of general roles of stakeholders in restitution processes by unpacking their ambivalent and contentious actions and interactions. Our main argument is that actors' roles in resistance and restitution processes should not be homogenised but need to be carefully scrutinised based on their engagement over space and time, and in the changing settings of wider socio-political power dynamics.

This review ties in with the wider international literature on land restitution processes. While there is a substantive body of literature on post-colonial (e.g., [23–26]), post-conflict (e.g., [27–29]), and post-socialist (e.g., [30–32]) land restitution processes, Cambodia is one of the few countries where multiple studies have been conducted to examine contested land restitution processes following the 21st century global land rush. This warrants a closer examination of this sizeable body of literature to identify common themes across the various case studies.

## 2. Material and Methods

A literature search using “Google Scholar” and key words “land conflict in Cambodia” was conducted in July–December 2019. Publications were confined to English-language ones, and the publication period was limited to 2000–2019. The search yielded 162 pieces of material, including books, book chapters, journal articles, conference papers, working papers, discussion papers, research reports, and theses. Then, the publications were screened and categorised into peer-reviewed and non-peer-reviewed material, resulting in 142 peer-reviewed pieces and 18 non-peer-reviewed pieces. Non-peer-reviewed studies were excluded from the review, as the rigour of their analysis and the quality of their findings could not be ascertained. The next step involved reading the abstracts of the peer-reviewed articles to determine their relevance regarding conflict, resolution and restitution. We define ‘conflict’ as a disagreement or contestation over land access, use, or control between two or more parties. ‘Resolution’ could be any action or process attempted to solve the conflict. ‘Restitution’ is primarily defined as the partial or complete return of land lost or encroached upon in the conflict. However, in some cases, cash or house compensation was paid instead of land or in addition to land. Hence, we did not restrict ‘restitution’ to only land. In addition, we examined ‘land’ in a broad context that also concerned forest and water, such as community forests, fishery lots, hydropower dams, and mining concessions. Articles that contained some elements of ‘conflict’, ‘resolution’, and ‘restitution’ in the abstracts were fully read to confirm their relevance. When a case was examined in more than one study, attempts were made to trace its trajectories and discuss it holistically. Cambodian cases discussed in conjunction with those of other countries in the same studies were extracted and examined separately. Finally, 42 articles were selected for the review, and 29 cases were analysed in-depth (see a summary of the reviewed cases in the Appendix A). We looked at both successful and unsuccessful cases and discussed common and distinct factors that influenced the various levels of restitution. We focused the review on the types, contexts, actors, resolution processes, and outcomes of conflicts. For some cases, we updated the outcomes from local and international news media that reported on the conflicts, which were not covered in the reviewed studies.

The majority of the reviewed studies was qualitative and process-oriented in nature and examined single cases. A small number of studies investigated multiple cases and compared processes and outcomes, with a few employing a mixed-methods approach to scrutinise the cases. While some studies established links to previous cases, others examined cases in isolation without considering the earlier background of the cases. This review provides a holistic analysis by connecting related cases examined by different authors and comprehensively discussing a wide range of cases involving different types of actors in various settings.

Our review identified five salient themes: (1) ambivalent roles of NGOs, (2) controversial roles of international donors, (3) ambivalent role of mediation, (4) neo-patrimonial relations and windows of political opportunity, and (5) heterogenous state responses at different levels of government. These are examined in further detail in the next section.

## 3. Findings and Discussion

The mainstream literature on land conflict transformations in Cambodia seems to project two contrasting camps: local communities, NGOs and international donors vs. the government and corporate sector. Notwithstanding, our review reveals both complications and ambivalence of the actors involved, particularly concerning their roles and influences in resolution processes. Specifically, we identified ambivalent and often contentious roles that NGOs, donor agencies, and government authorities played in resolution mechanisms that have yielded mixed outcomes of land restitution. In this section, we present these complexities and reveal the nuances of resolution processes that varied and became complicated in different contexts.

### 3.1. Ambivalent Roles of NGOs

The roles of NGOs have been ambivalent in effecting solutions that led to land restitution. In those cases where NGOs' engagement led to some success in terms of land restitution and/or some form of compensation (such as cash and housing), these NGOs advocated for communities such as helping them file a complaint with local and national authorities as well as with donor agencies and investor governments through national, regional, and international advocacy networks. These NGOs were the main channels that were accessible by local communities for making a complaint, doing action research and advocacy, and receiving legal aid. Without them, disputes would not have reached formal resolution mechanisms (such as donor agencies' accountability arms, government authorities, and national and international courts). In addition, due to NGOs' advocacy, companies and donor agencies rectified their action by properly following their own policy guidelines and accountability mechanisms. In some instances, owing to NGOs' pressures, donor agencies influenced the national government to engage in a resolution process and compromise for the benefits of local communities. Prominent cases influenced by NGOs concerned sugarcane and rubber ELCs [8,12,33–39], concessionnaires involved in REDD+ or reforestation programmes [40,41], and urban development companies [42–45] (see Table 1). REDD+ stands for "Reducing Emissions from Deforestation and Forest Degradation," which is a program aimed at enhancing sustainable forest management and conserving forest stocks for carbon credits as part of international climate change mitigation strategies. Concessionnaires may take advantage of REDD+ projects as a form of 'green grabbing'.

Another way that NGOs got involved in resolution processes was helping communities engage in negotiations or mediation with investors and donor agencies. In such cases, they entered a sphere characterised by significant power imbalances, with the frequent effect that processes were delayed and communities further marginalised. As the disputes in question were depoliticised by the companies and donor agencies as a 'financial and administrative' issue, compensation or restitution often remained incomplete or was unacceptable for the communities. This technicalisation of the problem attempted to ignore conflicts and disagreements among communities and was couched in 'post-political and consensus-driven policies' implemented in the guise participatory and representative processes. The treatment of communities as homogenous led to the marginalisation of less vocal or weaker members. It missed the fact that community members could be co-opted into shifting their loyalty to work with the company or government authorities against their peers. This consequently caused fragmentation among communities and made those with weaker voices vulnerable to exclusion. Such processes were particularly pronounced in the cases of the Prey Lang Network [46] and Borei Keila [44] whereby some community members were bribed by the companies to work against their own community interests. Similarly, some members of the Boeung Kak Lake community were bribed by the authorities to spy on their peers [42].

Moreover, engaged in the companies' and donor agencies' resolution processes, affected communities that were outside the ambit of the formal mechanisms or policies were excluded. This exclusion through the rigidity of the formal processes resulted in the lack of alternative options and left behind some segments of communities that were impacted by conflicts but were neither financially compensated nor had their land returned. For instance, this was the case of communities living along the railway split by the "Corridor of Impact" policy of an ADB-supported infrastructure project in Poipet town and Pursat province [47]. Those with tenure insecurity (since they were considered illegal squatters) were excluded from the compensation since they were not within the corridor albeit affected by the railway project. Another example was land users that were excluded from the resolution processes with ELCs since they could not prove the length of land use required by law, although the concessionnaires were willing to respect their claims [48]. This was similar to the Borei Keila case where villagers who could not produce formally recognised documents of residence were not considered in the compensation scheme [44].

**Table 1.** Examples of cases with involvement from NGOs.

Sugar Concession (Diepart et al., 2019 [8])	A sugar cane plantation in Oddar Meanchey province managed by the Thai sugar giant Mitr Phol acted as an important sugar supplier to a multinational soft drink company under the duty-free Everything But Arms mechanism. This company also obtained its sugar cane supply from three Cambodian concessionnaires that covered 33,846 ha of land and was connected to a prominent tycoon and ruling party senator in Cambodia. The plantation affected five villages whose main population was the indigenous Kuoy people. Local and international NGOs assisted the villagers to file complaints to the National Human Rights Commission of Thailand and the European Commission. Partial compensation and return of land were achieved.
Rubber Concession (Thuon, 2019 [34])	A rubber concessionaire case in which NGOs got involved was a Vietnamese rubber company, Hoang Anh Gia Lai (HAGL), which operates concessions of over 47,000 ha in Ratanakiri province and has been in dispute with 17 indigenous villages. HAGL's investors include the International Finance Corporation (IFC) of the World Bank and other international and Vietnamese banks. In 2014, the villagers filed a complaint against the company with the office of the Compliance Advisor/Ombudsman (CAO), which is the independent accountability mechanism of the IFC. The villagers, supported by five international and local NGOs, alleged that HAGL operations had encroached on their access to water, fish, forests, and agricultural land, and areas of indigenous cultural significance. Yet, this process abruptly ended in 2019 after HAGL had withdrawn from the mediation process.
Climate Change-Related Concession (Work et al., 2019 [40])	With support from the Korean Forest Agency, the Korean firm Think Biotech Cambodia, Co. Ltd. invested in a 34,007 hectare tree plantation under a forest-based climate change initiative called 'Clean Development Mechanisms' in Kratie and Stung Treng provinces. The aim of the project was to restore 'degraded forests' with tree plantation in order to improve biodiversity conservation and mitigate climate change effects. In fact, this investment area overlapped with indigenous communities' traditional forests and limited their access to shifting cultivation land and forest products upon which their livelihoods relied. The project went against its EIA that highlighted adverse impacts to social and environmental dynamics that would negatively modify local communities' livelihoods. Villagers protested, seized company trucks, and with help from NGOs petitioned the Korean embassy in an attempt to demand their forests back. Consequently, the company returned 2,000 hectares of its investment area to the communities, yet 400 hectares of the disputed land remained inside the company boundaries. Despite ongoing negotiations about demarcations with the company, the boundary markers were still on the returned land, which made villagers feel insecure about its tenure. Worse, the company continued to clear the forest in conflict to plant acacia trees for their reforestation project. This case finds that the investor (together with the donor institution and the government) legitimised the deforestation and land grabbing through climate change discourses and did not fully honour the agreement of restitution.
Urban Development-Related Concession (Kent, 2016 [42]; Brickell, 2016 [43])	Boeung Kak Lake in the capital Phnom Penh was a case that involved a politically-linked company run by a ruling party senator and urban poor dwellers that were supposed to be included in a systematic land titling programme sponsored by the World Bank. These urban poor were deemed as illegal squatters on state land, excluded from the programme, subsequently evicted, and relocated to resettlement areas in the urban fringes of the capital. In fact, in 2007, the government secretly leased a 133-ha area of the lake and its surroundings to the company and its Chinese partner for 99 years to construct luxury villas, hotels, and shopping malls. Local and international NGOs advocated with the World Bank and the government to include the poor in the programme yet failed in their endeavours. In 2011, the government was opposed to any further World Bank involvement in the issue, and consequently, the World Bank blocked all further loans to Cambodia until the dispute was resolved. Some families accepted cash compensation or a house in the resettlement area. Meanwhile, other Boeung Kak residents, mostly women, declined the offer and continued their protests, which were met with violent crackdowns by government security forces, with several protest leaders sentenced to extended prison terms.

### 3.2. Controversial Roles of International Donors

Donor agencies also played ambivalent roles in resolution processes. In some cases, donors placed political and economic pressures on the government to settle the conflicts. These were donor agencies that attached political conditions (such as the respect for human rights and the rule of law) to economic preferences (such as concessional loans, Everything But Arms (EBA) and General Preference System (GPS)). The EU's EBA scheme allows Cambodia to export duty-free goods, including agricultural produce, to EU markets, yet with conditions for the promotion and respect of human and labour rights. The GPS, which is offered by the USA, provides a similar access to the USA market and states similar conditions, albeit mainly for garment products. However, in other cases, donors ignored or violated their own safeguard and investment policies and guidelines and colluded with the government to legitimise the disputed projects. These were donor agencies that funded controversial projects of climate change and clean development without consultation with affected communities. In either case, NGOs performed an advocacy role to assist communities to pressure donor agencies to rectify their actions. Such examples of donor influences included the cases of sugarcane and rubber plantations involving the EU's EBA scheme [8,12,33–35,38,39] and the Boeung Kak Lake evictions concerning the World Bank's land titling programme [42–44]. For instance, in the case of the sugarcane ELC in Oddar Meanchey province, Diepart et al. [8] found that under pressure from NGOs, the EU conducted an investigation into the abuses and monitored the compensation process. Despite frequent pushback by the government, some compensation and return of land to affected villagers were achieved. Similarly, in the case of Boeung Kak Lake, Kent [42] stated that to some extent, the World Bank's pressure (specifically the suspension of loans) resulted in the halt of evictions and better compensation for some families.

Donor-funded schemes that negatively impacted communities, despite their rhetoric of climate improvements, included an irrigation project funded by the Japan International Cooperation Agency (JICA) and a deforestation project sponsored by the Korea Forest Agency [40,41]. These projects did not adhere to their own social and environmental safeguard guidelines, particularly in terms of community consultation prior to the start of the projects. For example, Work et al. [41] found that instead of planting trees the Korean concessionaire Think Biotech engaged in deforestation in community forests, which negatively affected villagers' access to NTFPs and ultimately their livelihoods.

Neef et al. [49] reported about a case in Kratie Province where the Cambodian government had dispossessed several communities to provide land to domestic and foreign investors in the form of large-scale economic land concessions. At the same time, a social land concession with technical and financial assistance from the German Agency of International Development (GIZ) and the World Bank provided small amounts of land for landless and land-poor villagers, some of which had been previously dispossessed by investors. The authors argued that rather than being a genuine form of 'land restitution', the foreign aid project was instrumentalised by the Cambodian government to suppress local resistance to state and corporate land grabbing [49].

### 3.3. Ambivalent Role of Mediation

As mentioned above, mediation could be used as a tactic by the government and companies to offset tensions and confrontation or prolong the conflict in order to decrease its momentum. Further, internal conflict and community fragmentation occurred during the mediation processes, making marginalised groups lose out on their land or compensation. This was particularly the case when mediation was conducted in a setting of power imbalances and used as a tool to depoliticise the conflict or attenuate dissent among communities [35,44].

Peaceful mediation was at times compared with violent or 'non-institutional' protests that were successful in some cases after peaceful protests and petitions had failed. In the case of the Vietnamese company HAGL mentioned above, partial success was achieved through protests before the mediation was initiated [35]. Yet, violent protests seemed to

work against companies that had weak political ties [22,33,38,39]. As we will show later, concessionnaires with strong political patrons were not bent by violent protests but instead were protected by the government that cracked down on them.

However, in some cases, mediation yielded positive results for local communities. This was particularly due to the political will of local and national authorities involved in the disputes. While it was unclear what spurred the engagement by government authorities, the cases involved seemed small-scale and insignificant in terms of impact on local communities [50]. Although the mediation settled the disputes, it did not tackle the root causes of the conflicts or the structural inequalities (such as laws and policies) that caused the conflicts from the start. Such lack of community consultation and consent and the absence of environmental and social impact assessment (ESIA) prior to ELC granting still persisted.

### *3.4. Neo-Patrimonial Relations and Windows of Political Opportunity*

Neo-patrimonial relations between politicians and investors were another key determinant of the success or failure of the resolution processes. Companies that had weak political ties with the ruling elite were forced to give in and accept resolutions that favoured communities, while those with strong political links and vested interests were protected by the ruling patrons [22,38,39,51]. This particularly occurred when the ruling party needed to restore and strengthen their political support in the wake of a major blow to their political base. Young [39] shows that before the national election in 2013, indigenous communities in Mondulkiri province succeeded in making their demands met by a rubber ELC whose local partner did not hold a strong political affiliation. In contrast, a sugarcane ELC in Koh Kong province that had an entrenched patronage link was able to protect their interests despite numerous protests by the affected communities [39].

Another opportunity that gave rise to a positive resolution for affected communities was when the central patron felt his power was challenged by his subordinates. This was the case of Krasaing community in Kratie province, which had been in dispute with ELCs and had received survey receipts of their land during the Order 01 campaign initiated by the Prime Minister but was not recognised for titling by local authorities [22]. However, after several protests and an order to the provincial authorities to settle the conflicts (and a threat to remove the governor if he failed to do so) from the Prime Minister, the community succeeded in obtaining legal titles for their land.

Neo-patrimonial relations at times presented windows of political opportunity that played a vital role in enabling communities to advance their cases with politicians, particularly before a local or national election. This tactic of politicisation or taking advantage of a political event worked to some extent but did not solve the whole dispute. To benefit from such windows of opportunity, affected communities staged protests in front of implicated ministries or the Prime Minister's residence, holding his and his wife's portraits. In some cases, communities directly approached both ruling and opposition politicians for interventions in their favour. For example, Baird [33] shows that villagers' promise for political allegiance with the ruling party before an election, coupled with violent protests staged earlier, completely halted the operations of an ELC that encroached upon their land. Diepart et al. [8] present evidence that by tapping into the political opportunities prior to a commune election, local communities engaged local and national authorities in measuring their disputed land.

As mentioned earlier, Order 01 was another ad hoc approach used by the Prime Minister to solve conflicts and re-allocate land to poor farmers. It was a landmark 'political opportunity structure' that resulted in excising significant portions of land from ELCs and returning it to dispossessed rural villagers. Launched before the commune election in 2012, this populist initiative placed a moratorium on granting new ELCs and employed student volunteers to measure and title villagers' land in dispute with ELCs. Order 01 aimed to solve land conflicts between ELCs and villagers and to redistribute and title over one million hectares of land to small farmers within one year [22]. From August

2012 to November 2013, about 190,000 hectares were excised from ELCs and returned to dispossessed rural households [8,13]. By May 2013, 226,525 land titles were distributed to Order 01 beneficiaries [9].

Although a large number of villagers received their land back with secure titles through this campaign, those with weak social capital were marginalised by local elites (local authorities and politically linked actors) in the process. Beban et al. [12] show that in Srai Tom commune, Kampong Chhnang province, where community networks were weak, poor households were excluded from the Order 01 process because they lacked political and financial capitals to convince surveyors to measure their land. In contrast, in Prey Klaa commune in the same province, where community NGO-connected networks were strong, the land registration and distribution during the Order 01 process was more inclusive and equitable [12]. This was because the community networks informed members about the process, helped them with document preparation, and monitored the measurement of their land.

### 3.5. Heterogeneous State Responses at Different Levels of Government

Despite the neo-patrimonialism inherent in Cambodia's political system, there was space for local authorities to manoeuvre and support affected communities. This was evident in some cases where government authorities at different levels acted in support of villagers, and their actions helped with the resolution processes to some extent. This reflects that 'the state' is a heterogeneous, polymorphous entity, composed of agencies with different levels of authority that at times exercise 'contingent' rules influenced by political opportunity structures and in favour of communities [8,12,46]. Such an example included village heads who supported indigenous Kuy communities in their protests, patrols, and advocacy to protect their Prey Lang forest [46]. Another instance was reported in Prey Klaa commune, Kampong Chhnang province, where local authorities worked with villagers to prepare for documentation and measurement of land in conflict with ELCs during the Prime Minister's Order 01 campaign [12]. Local authorities at various levels intervened in the conflicts between villagers and the ELC in Khseum commune, Kratie province, during the Order 01 campaign before the national election in 2013 [8]. This was a case of the application of contingent rules by local authorities in the context of political opportunity structures since the villagers had occupied state land.

In sum, this systematic literature review finds that actors' roles and performances in land restitution processes varied according to the mechanisms and strategies employed as well as specific socio-political conditions that enhanced or inhibited resolutions. The specificity and complexity of individual cases determined how actors engaged in the processes and influenced the outcomes. Each resolution strategy had its own enabling and disabling features that shaped its respective outcomes (see Table 2).

**Table 2.** Key factors influencing the outcomes of resolution strategies employed in land restitution processes in Cambodia.

Resolution Strategy	What Has Worked?	What Has Not Worked?
Advocacy	Advocacy through international networks and local authorities favouring local communities' interests	Advocacy against companies with strong political ties at the national level
Mediation	Mediation in small-scale, less significant cases with support from local authorities	Mediation in cases involving significant power and resource imbalances, with intent to silencing dissent rather than to solve problems; depoliticisation and focus on technicalities
Use of political opportunities	Using windows of political opportunity prior to local and national elections	Political opportunity structures lacking support from local authorities
Protest	Protests against companies with weak political ties, particularly when patrons need political support or restoration of political base	Protests against companies with strong political ties and whose projects are deemed to be of significant national interest

#### 4. Conclusion

Land conflicts in Cambodia have taken various forms, but the key disputing actors have been large-scale investors and local communities. The common causes of conflicts have been the impunity and opacity underlying the allocation of economic land concessions, the lack of consultation and consent with affected communities, and the absence of government-agreed ownership or occupation documents. Different types of responses have emerged with various actors being involved. However, the resolution processes that have yielded some levels of restitution have been complex and contingent on the economic and political conditions related to the cases. Economic and political sanctions or threats imposed by donor agencies worked in some cases, but to a large extent, the outcomes were determined by the depth of the business–politics patronage or the windows of political opportunity in the cases. Despite some successes, there have been no transformative ways to address the structural causes of the conflicts or proactive approaches for preventing the conflicts from occurring in the first place. The restitution outcomes were often compromised regardless of the nature of the responses or the resolution processes. This demonstrates that the neoliberal policy that favours the commodification of resources and the authoritarian patronage state disguised in a hybrid democracy allowed some degree of grassroots resistance, civil society space, and interventions by other economic and political actors in the resolution processes. However, the Cambodian government controlled and manipulated their engagement for its own benefit and to maintain its economic and political bases, and it never allowed any transformative approach that could tackle the root causes of the problems.

This review reveals that the role and performance of actors involved in land restitution processes were shaped by a complex network of rules, institutions, and expectations. Interactions between these actors vary over space and time, depending on their particular interests, resources, and powers. At times, these interactions induce changes in rules and institutions to suit actors' political and economic interests. The reviewed studies suggest that land restitution processes comprise constellations of actors that perform in accordance with temporal and spatial complexities. Hence, their roles should not be assumed to be premised on their generic mandates and convictions but rather on their actual—often ambivalent and controversial—performance in specific cases.

As stated in the methodology section, the findings of this article are based on peer-reviewed studies published in English in the review period. Non-peer-reviewed research and studies published in the Cambodian language Khmer, which were excluded from the review, might provide different interpretations of land restitution processes and outcomes. Therefore, the perspectives and interpretations discussed here should be treated with this caveat.

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## Appendix A. Summary of Reviewed Cases

No	Case	Location of Conflict	Key Actors	Solution Processes	Outcome
1	Hoang Anh Gia Lai, Ratanakiri province (Bugalski and Thuon, 2015 [52]; Baird, 2017 [33]; Thuon, 2018 [34]; Park, 2018 [53]; Kay-Reid, 2019 [54]; Bourdier, 2019 [35])	Rural	Foreign firm Indigenous communities Local and international NGOs World Bank	Protest Mediation	Partial restitution
2	S.K. Plantation (Cambodia) Pte., Ratanakiri province (Baird, 2017 [33])	Rural	Indigenous communities Local firm	Peaceful and violent protests Advocacy	Ceased plantation (encroachment)
3	Prey Lang Forest, Kampong Thom, Preah Vihear, Kratie and Steung Treng provinces (Parnell, 2015 [55]; Verkoren and Ngin, 2017 [46]; Scheidel and Work, 2018 [41]; Work et al., 2019 [40])	Rural	Indigenous communities Local and foreign firms	Protest Advocacy Identity politics	Partial land returned and protected
4	Prey Klaa* and Srai Tom* communes, Kampong Chhnang province (Beban et al., 2017 [12])	Rural	Khmer communities Local firms	Protest Advocacy Politics	Land measured and titled
5	Pheapimex, Pursat province (Beban and Work, 2014 [56])	Rural	Khmer communities Local firm	Spiritual appeasement	Land returned
6	Beoung Kak Lake, Phnom Penh (Brickell, 2014 [57]; Kent, 2016 [42]; Rose-Jensen, 2017 [58]; Hennings, 2019 [45])	Urban	Khmer communities Local firm	Protests Advocacy	Partial land returned and compensated
7	Binh Phuoc Rubber 2 Company, Kratie province (Lamb et al., 2018 [59]; Diepart et al., 2019 [8])	Rural	Khmer communities Foreign firm Local NGO	Petitions Protests Advocacy	Partial land returned
8	Angkor Gold Company, Ratanakiri province (Diepart et al., 2019 [8])	Rural	Indigenous communities Foreign firm	Non-cooperation in negotiations	Ceased exploration (encroachment)
9	Borei Keila, Phnom Penh (Talocci and Boano, 2018 [44]; McBeth, 2015 [60])	Urban	Khmer communities Local firm Local and international NGOs	Petitions Negotiations Protests Advocacy	Partial restitution
10	Mitr Phol Company, Oddar Meanchey province (Diepart et al., 2019 [8])	Rural	Khmer communities Foreign firm Local and international NGOs	Petitions Negotiations Protests Advocacy	Ceased plantations Partial restitution and compensation
11	Socfin-KCD Company, Mondulkiri province (Young, 2016 [38], 2019 [39])	Rural	Indigenous communities Local and foreign firms	Petitions Protests Advocacy	Partial restitution
12	Green Island Agricultural Development (Cambodia) Co Ltd., Global Agricultural Development (Cambodia) Co Ltd., and Asia World Agricultural Development (Cambodia) Co Ltd., Kratie province (Neef et al., 2013 [49]; Neef and Touch, 2018 [36])	Rural	Khmer communities Foreign firms Local and international NGOs	Violent protests Advocacy	Partial restitution of villagers' rice fields; no restitution of swidden farmland and communal land resources (such as pastures and community forests)
13	Union Development Group, Koh Kong province (Neef et al., 2013 [49]; Neef and Touch, 2018 [36])	Rural	Khmer communities Foreign firm Local and foreign NGOs UNHCR	Peaceful and violent protests Petitions Advocacy	Some cash compensation and some land in new location
14	Mining concession, Sambo district, Kratie province (Spiegel, 2014 [61], 2016 [62])	Rural	Khmer communities Foreign firm		Partial restitution

No	Case	Location of Conflict	Key Actors	Solution Processes	Outcome
15	Cambodian Railway Project, Phnom Penh, Poipet and Pursat province (Connell, 2015 [47]; Connell and Connell, 2016 [63])	Urban and Rural	Khmer communities Cambodian and Australian governments Asian Development Bank	Petitions Protests Advocacy	Partial restitution
16	Rubber plantation, Kampong Thom province (Dhiaulhaq et al., 2015 [50])	Rural	Khmer communities Local firm	Mediation	Land returned Forest reserved
17	Lum Hach irrigation dam, Kampong Chhnang province (Work et al., 2019 [40])	Rural	Khmer communities Japan International Cooperation Agency	Petitions Advocacy	Partial restitution and compensation
18	Think Biotech Cambodia, Co. Ltd., Kratie and Steung Treng provinces (Work et al., 2019 [40])	Rural	Indigenous communities Foreign firm	Petitions Protest Advocacy	Partial restitution
19	Rock mining company, Kampong Speu province (Dhiaulhaq et al., 2015 [50])	Rural	Khmer communities Local firm	Mediation	Land returned Forest reserved
20	Koh Kong Sugar Company, Koh Kong province (Young, 2017 [64], 2019 [39])	Rural	Khmer communities Local firm	Petitions Protests Advocacy	Partial restitution
21	Mong Reththy Investment Cambodia Oil Palm (MRICOP) Company, Preah Sihanouk province (Dwyer et al., 2016 [48]; Beban et al., 2017 [12])	Rural	Khmer communities Local firm	Petitions Advocacy	Land returned
22	Rock mining company, Kampong Speu province (Dhiaulhaq et al., 2015 [50])	Rural	Khmer communities Local firm	Mediation	Land returned Forest reserved
23	Grandis Timber Company, Kampong Speu province (Dwyer et al., 2016 [48]; Beban et al., 2017 [12])	Rural	Khmer communities Foreign firm	Petitions Advocacy	Partial restitution
24	Pheapimex Company, Kampong Chhnang and Pursat provinces (Work, 2015 [51]; Hunsberger et al., 2018 [65])	Rural	Khmer communities Local firm	Petitions Protests	Partial restitution
25	Growest Company, Kratie province (Schoenberger, 2017 [22])	Rural	Khmer communities Local firm	Petitions Protests Advocacy	Partial return
26	Mining concession, Phnom Pang, Ratanakiri province (Spiegel, 2014 [61], 2016 [62])	Rural	Khmer communities Foreign firm		Partial restitution
27	Areng Valley dam company, Koh Kong province (Rose-Jensen, 2017 [58])	Rural	Khmer and indigenous communities Foreign firm Local NGOs	Petitions Protests Advocacy	Ceased construction
28	Sovann Reachsey Company Ltd., Mondulkiri province (Hak et al., 2018 [7])	Rural	Indigenous communities Local firm Local and international NGOs	Patrols Protests Publicisation Negotiations	Partial restitution
29	Binh Phuoc Kratie Rubber 1 Company Ltd., Mondulkiri province (Hak et al., 2018 [7])	Rural	Khmer communities Local firm Local and international NGOs	Patrols Publicisation Negotiations	Partial return

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