



Land Governance in an Interconnected World

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 19-23, 2018



Land and Poverty Conference 2018 Masterclass on

13-03 | Alternative Land Conflict Transformation: Lessons from Cambodia

Friday, March 23, 2018 | 11:00am – 12:30pm | MC 6-860, World Bank

INSTRUCTORS

Sophorn Poch, Director, IMG

Brian Serrano Garcia, Grants Facility Manager, MRLG

Summary:

Since the 2005 Sub-Decree on Economic Land Concession (ELC), the Royal Government of Cambodia (RGC) has granted many ELCs to foreign and local investors. In the process, there has been a general lack of meaningful consultation with affected people before ELCs were granted. Affected people such as Indigenous People Communities (IPCs) or Khmer communities living in areas targeted by large ELC projects are generally denied access to appropriate remedies. IPCs are among the most vulnerable groups in Cambodia as they are particularly dependent on access to their customary land and natural resources for their entire way of life.

The particular land dispute case is best described as a chronic dispute that first erupted in 2008. Existing land dispute resolution mechanisms have proven to be insufficient to address the ongoing land conflicts affecting IPCs in the area. Despite the fact that both the company and the communities with support from local authorities have tried to resolve their dispute many times, e.g. through the establishment of a tri-partite committee and through compensation payments to household claimants, the dispute is still unresolved.

In this context, the Mekong Region Land Governance is supporting the Cambodia-based Independent Mediation Group (IMG) to develop neutral mediation as an alternative and innovative approach to conflict resolution. IMG is a young Cambodian organization working to promote land conflict resolution through mediation. Since its inception in December 2016, key activities were conducted to finalize the pre-mediation and assessment stage. The results of this first stage are legitimate to the parties involved as both the company and the communities in two villages have agreed to pursue the process with IMG through mediation. IMG will begin the first mediation negotiations in November 2017.

Masterclass Content:

The masterclass will start by a brief introduction of IMG's work and objectives and followed by the concept of standard mediation approach. The class will go through steps of the mediation process, yet focus on pre-mediation research because it is essential for conflict analysis. The conflict analysis focuses on three aspects of the conflict, namely: key characteristics of the conflicts, Root-causes of the conflicts and Actor (conflict) mapping. Based on the analysis, the strategies for mediation were proposed. The strategies are used to guide the development of key tools and activities that will be implemented.



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Pre-mediation and assessment was a very important step in the land dispute transformation between six communities in a northeastern province of Cambodia and a foreign rubber plantation company. We will contextualize conflict mediation approach into the reality of this case. This involves conflict analysis, verify overlapping land claims; clarify issues and concerns raised by communities and company; identify the parties' interests in the disputes and preferences to address the dispute and the agreement of the involved stakeholders agree on ground rules and confidentiality agreement for negotiation.

Objective of the Masterclass:

Through the master class, the participants will be familiarized with:

- The pre-mediation and assessment stage for community-company land conflict transformation (based on the real-life example).
- Various strategies and tools used by the IMG's team to produce concrete results and gain trust from all parties involved.

Methodology of Masterclass:

On the basis of one land conflict case in Northeast Cambodia, the master class aims to engage participants in a role play of land conflict pre-mediation and assessment processes, which form a preparatory step prior to mediation and negotiation stages. Then, we will first bring the participants through steps to make sure the context of the conflict is clear to them. This includes the content of the conflict per say as well as the mediation rules and roles of each parties. Then we will organize a role play and assign participants into different groups involved in the mediation process: communities, companies, CSOs, local authorities and mediators. Then a reflection on land conflicts analysis tools such as actors mapping.

Targeted audience: Mediators, practitioners, researchers, academia, etc.

Actions required: (downloading software in advance, guides, previous experience, etc.)

Masterclass program:

Time	Activity	Person In charge
	Introduction by participants	All Participants
		Brian Serrano Garcia
	Standard mediation approach	Brian Serrano Garcia
	Role play and/or group exercise to develop the Actor (Conflict) mapping	Sophorn Poch
	Pre-mediation and assessment	Brian Serrano Garcia
	Role play in mediation process	Sophorn Poch
	Debriefing with all participants and closing	