



Sharing of experiences of Indigenous Peoples at ASEAN

Asia Indigenous Peoples Pact (AIPP)





Case 1 HAGL rubber company in Ratanakiri province



Photo credit: Patrick Brown/Panos for Oxfam



Photo credit: Global witness

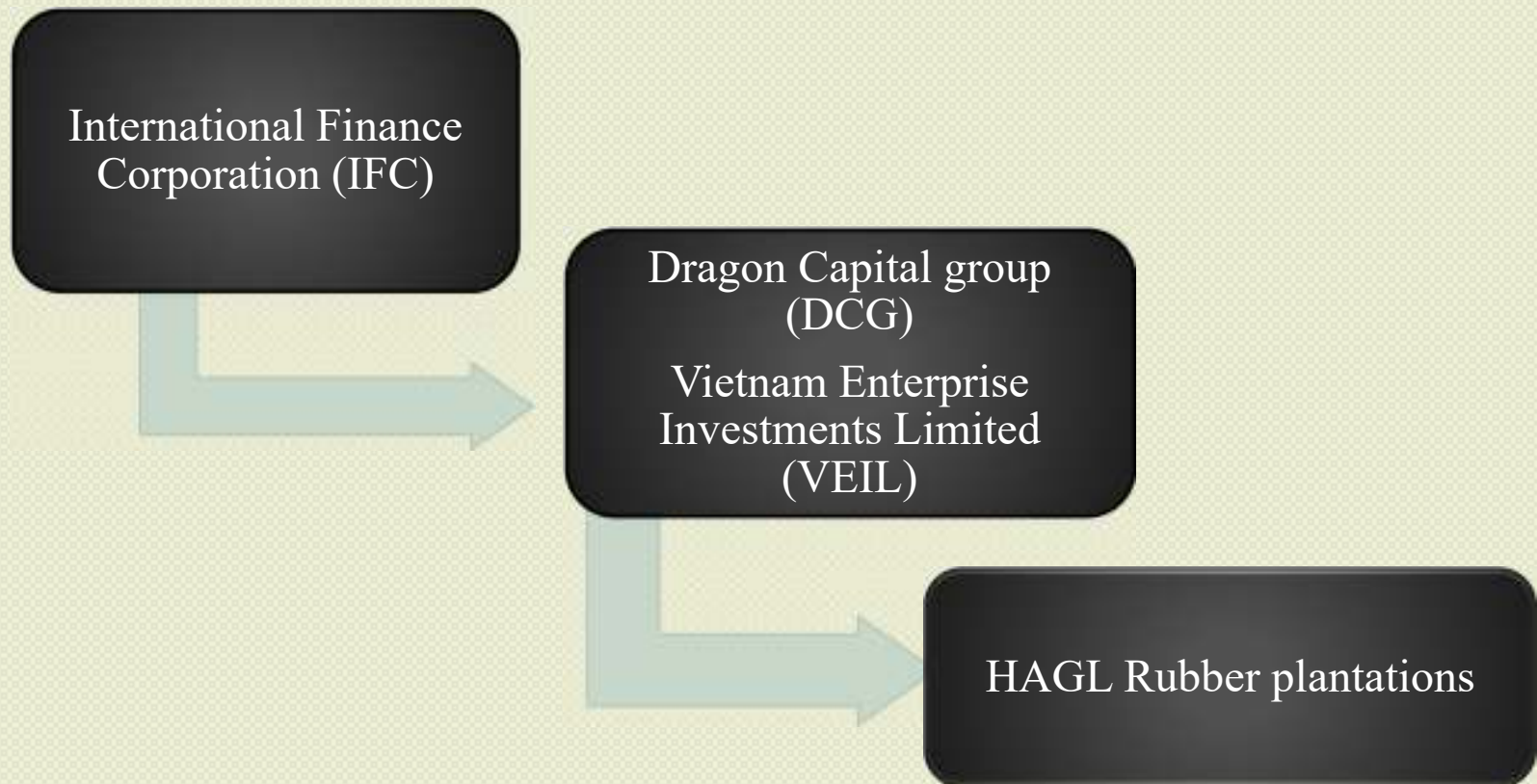
Year 2014: 17 Communities filed complaint to Compliance Advisor Ombudsman (CAO) against HAGL

CAO : Independent recourse mechanism for projects supported by the international finance corporation (IFC) and multilateral Investment Guarantee Agency (MIGA)





Investment Chain





KEY RESULTS

Following CAO- facilitated meetings, in July 2017, HAGL committed to:

- Return 19 spirit mountains to the 11 affected villages, located within the concession, pending approval from government
- Restore 7 streams, located in 7 villages, which was filled by debris from land clearance
- Return 2 burial grounds and 2 Chrobs, located in 4 villages
- In Jan 2018, communities with support from IPOs have demarcated 46 areas. But details of these areas are not yet open for sharing in public. It has to be discussed further with HAGL and communities first.





Case 2

Socfin: rubber plantation in Mondulkiri province



Photo credit: The Phnom Penh Post

- Socfin-KCD company have encroached on the lands of 6 villages in Bu Sra commune in Mondulkiri province, affecting 788 families
- Socfin-KCD is a merger company of the European company, Socfinasia, and local company, Khaou Chuly Group. They are operating two ELCs totaling to 6,978 hectares of land
- A civil action against Socfin was launched in a French court in July 2015, after failed response from complaints forwarded to local authorities as well as international bodies



KEY UPDATES

- In 2014, more than 83 families have submitted a complaint to French court with support from lawyers in Cambodia and France through strong coordination from CIYA (Cambodia Indigenous Youth Association)
- Community representatives are being identified to present their story at the French court; hearing scheduled in Nov 2018
- Gathering more evidence and currently collecting testimonies
- Some community representatives withdrew their complaint; legal support will be probing their reasons for doing this





CASE 3

Hengfu Company in Prame Kuy commune Preah Vihear province, Cambodia

- Hengfu is composed of 5 subsidiary Chinese companies, focused on sugarcane plantation: received ELC of around 44,000 hectares of land from the government of Cambodia, without following the principles of Free, Prior and Informed Consent (FPIC)
- Kuy indigenous people make up a large portion of the population in communities that are affected. The indigenous communities had submitted a request to register their communal land to the provincial governor, but the companies came and their lands were grabbed
- April 2012: companies bulldozed their houses to clear the land affecting 500 families





KEY UPDATES

Submission to UN WG on BHR

- Communication was sent in August 2017
- Received response from WG to provide information
- Yet to provide the information; communication is ongoing, case in process

Other Actions

- Hengfu supplies raw and processes sugar to the EU, China and India:
 - Track their particular buyers and plan advocacy strategy to provide added pressure to the government of Cambodia and the Hengfu Co.





CASE 4: Vietnamese owned rubber company at LAO P.D.R



In July 2017, thirteen (13) Katou ethnic people of Yeup village, Thataeng district, Sekong province were arrested (three of them under the age of fifteen (15) and one of them is a girl from lower secondary school



CASE 4: Vietnamese owned rubber company at LAO P.D.R

- The community resorted to a stronger campaign and chopping down rubber trees grown on their land by a Vietnamese owned rubber company
- It has been a decade (2006), since 30 families lost their land to the company through economic land concession that government of Laos issues.
- No support from concerned authorities regarding their appeal to a better resettlement area that is more conducive to farming





KEY UPDATES

- One of the issues documented on the submission to the “call for input of the UN Special Rapporteur on the Rights of Indigenous Peoples (UNSRRIP) report on “Criminalization and attacks to indigenous peoples defending their rights: proposals for action to prevent and protect”
- Further information is not available for public sharing and it will be forwarded to UNSRRIP confidentially





MAIN CHALLENGES

- Lack of transparency of companies information e.g investors, owners etc.
- Lack of more community sensitive and accessible grievance mechanism
- Documentation from and of communities involved in resource intensive task, i.e. human, financial and time
- Lack of political will and action of States; more often than not, States have the final say on the decision or recommendations from such judicial or non-judicial institutions
- Lack of enabling environment to prevent and provide remedy to human rights violations, specifically lack of legal recognition to indigenous peoples, and increasing concern of shrinking democratic space





THANK YOU





The Asia Indigenous Peoples Pact (AIPP), founded in 1988, is a regional organization of indigenous movements committed to strengthen their cooperation and solidarity to promote and defend indigenous peoples rights, sustainable development and protect the environment. It has 47 member-organization from 13 countries.

www.aippnet.org
www.ccmin.aippnet.org
www.iphrdefenders.net

