



អង្គការ សមធម៌កម្ពុជា
equitable cambodia

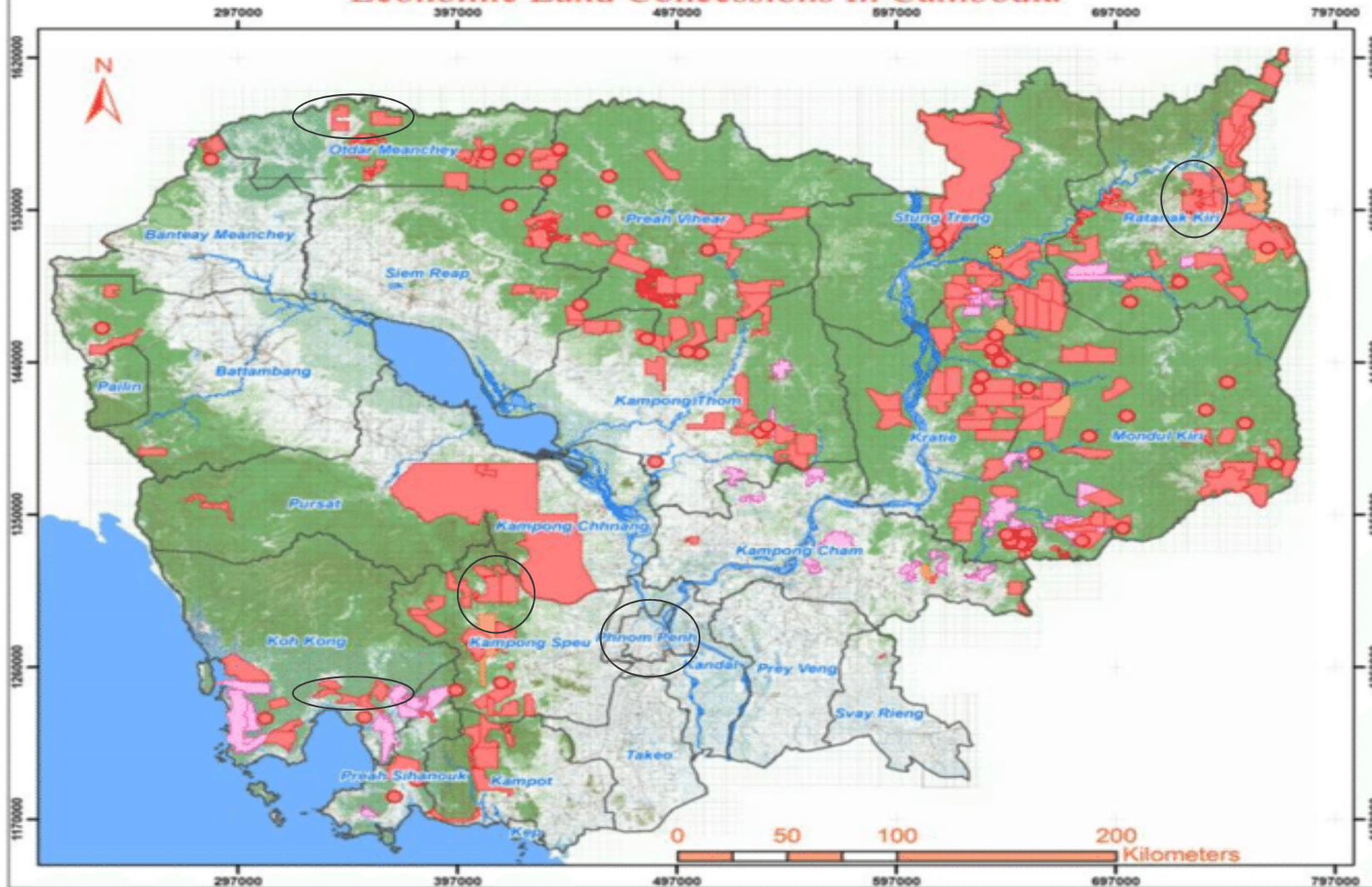
*Using modern innovative approaches in addressing
Human Rights Violations in relation to trans-
boundary investment*

Eang Vuthy, Executive Director

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Economic Land Concessions In Cambodia



Map Data Sources :
 - Topographical Map 1:100,000
 - Base Map 2011

ELC Data Sources :
 - Gazette (Sub Decree)
 - MAFF Website
 - Other Contract

Paper size : A4 Land Landscape
Projection UTM
Datum WGS 1984
Zone 48N
Scale 1 : 2,700,000

Legend

Data Classification

- Government data partial (117)
- Secondary data (1)
- Government data complete (190)
- Cancelled Economic Land Concessions (8)
- Other data (30)
- Province
- River

Updated :03 July 2014

Slide 2

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BACKGROUND AND GENERAL STRATEGY

- **Equitable Cambodia established** in response to widespread complaints of human rights violations associated with Land and Natural Resources Grabbing in Urban and Rural Cambodia
- **EC gathers information from local communities**
- **Limited ability of Cambodian legal system to provide redress for affected communities**, leaving communities to pursue “innovative strategies” for engagement with land and natural resource grabbers.
- **EC liaises with its partners** to identify and analyze various mechanisms to put pressure on public and private stakeholders to assist communities to obtain redress for the loss of land.

ONE OF OUR ADVOCACY STRATEGIES

- EC works with partners and affected communities to **identify/expose private sector actors** and **International Finance Institutions** who are involved in varying capacities in the development project, to put pressure on them to seriously address the human rights abuses



ADVOCACY STRATEGIES – CONT.

- Identify any **complaint mechanisms/grievance mechanisms, industry regulators, foreign national courts, or National Human Rights Commission** to whom a complaint can be lodged



ADB Asian Development Bank

ACCOUNTABILITY
MECHANISM



CASE STUDY – RUBBER PLANTATION IN RATANAKIRI PROVINCE

- Land Law 2001 **prohibits grant of more than 10,000** hectares to any one single or related party entities
- Land Law 2001 requires **community consultation, EIA production, development plan for rubber plantation**
- Sub-Decree #83, 2009 **protects Indigenous Customary Land Ownership**
- Forestry Law 2002 **prohibits logging in high-value forested areas.**
- **THESE LAWS AND REGULATIONS WERE ALL IGNORED UPON IMPLEMENTATION OF A RUBBER PLANTATION PROJECT GRANTED BY CAMBODIAN GOVERNMENT IN 2011.**

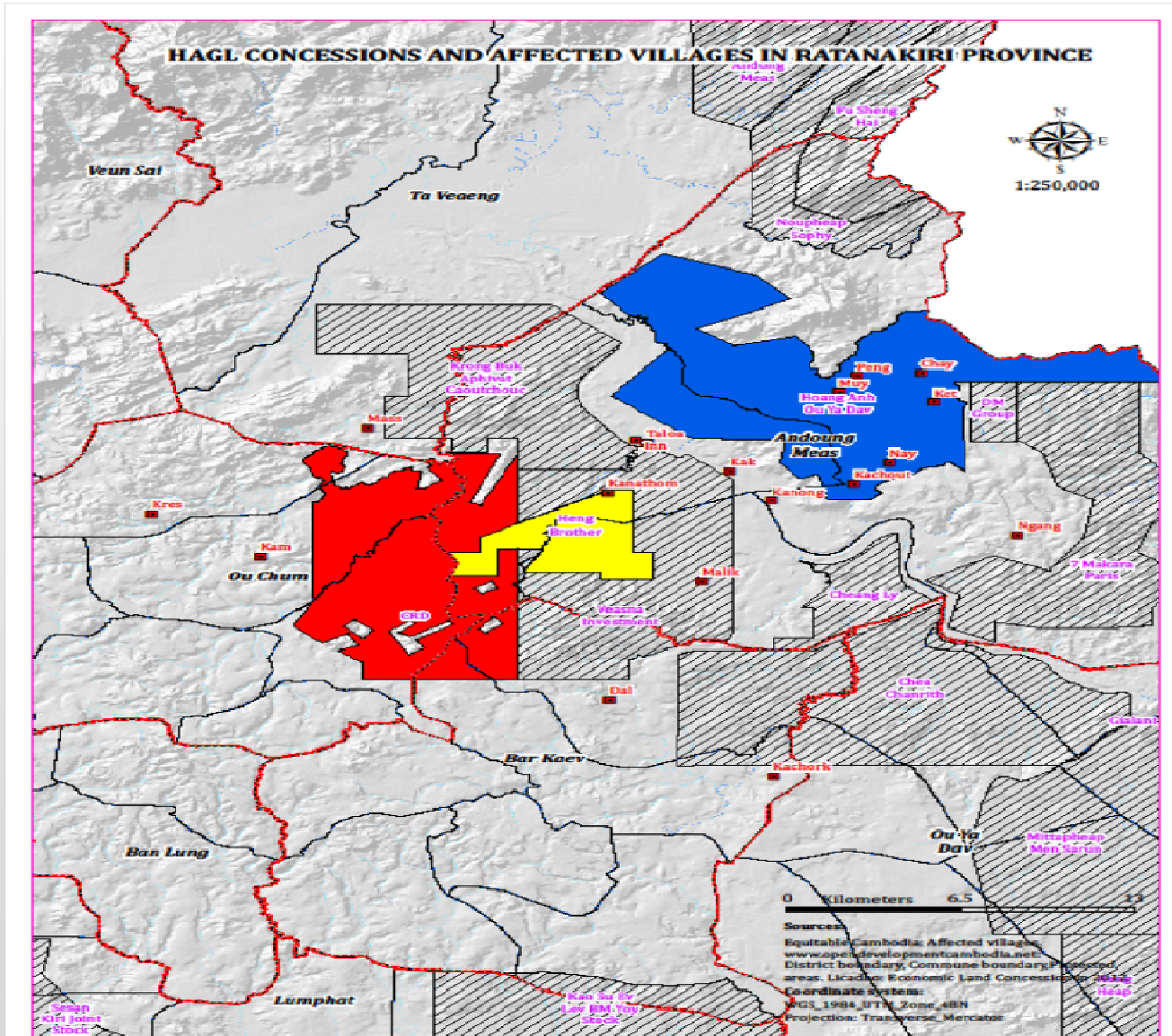
C.R.D = 7591 HA

HENG BROTHER= 2361 HA

**HOANG ANH O YA
DAV = 9000 HA**

Total land granted to
HAGL Group:

18952 hectares



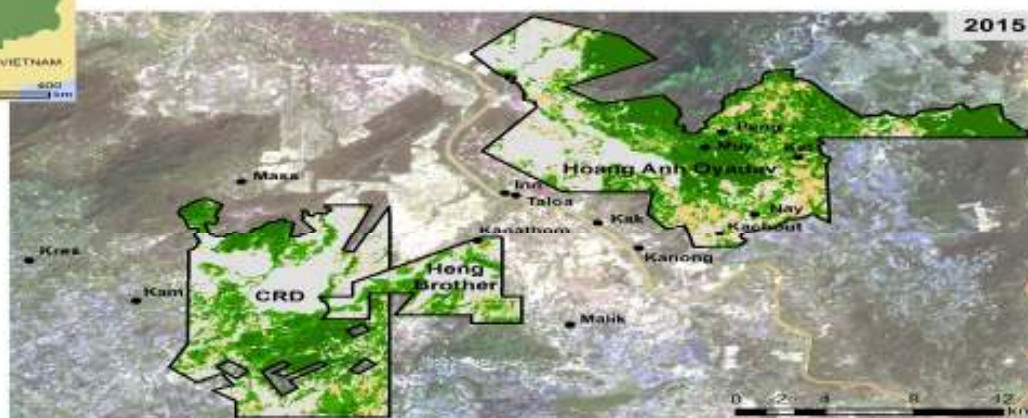
Comparison of landcover change within the HAGL concession boundaries

2009 and 2015: Rötânökiri, NE Cambodia.



Landsat 7 imagery courtesy of NASA Goddard Space Flight Center and U.S. Geological Survey, Image date: Jan 11th 2009

- Affected villages
- ELC boundaries
- Closed canopy forest
- Degraded forest
- Clearance
- Agriculture / urban
- Inland water



Landsat 8 imagery courtesy of NASA Goddard Space Flight Center and U.S. Geological Survey, Image date: Jan 8th 2015

- Affected villages
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IMPLEMENTATION OF ADVOCACY STRATEGY – COMMUNITY RESEARCH AND LOCAL ADVOCACY

- Indigenous Communities from 17 Villages held several protests in 2011/2012 at Government Provincial Offices complaining that forest land and agricultural land vital to the economic livelihood, cultural and spiritual identity of the community was being cleared by outsiders. **NO RESPONSE FROM GOVERNMENT STAKEHOLDERS**
- **EC Researchers and local NGOs speak to community members** to understand their loss of land and livelihood situation
- **EC begins to identify and analyze potential PRESSURE POINTS** in order to prevent the company from doing any further damage.
- **AND WE FOUND ONE OF A FEW IMPORTANT ACTORS IN THIS DISPUTE!**

\$\$\$ INVESTMENT CHAIN ANALYSIS \$\$\$



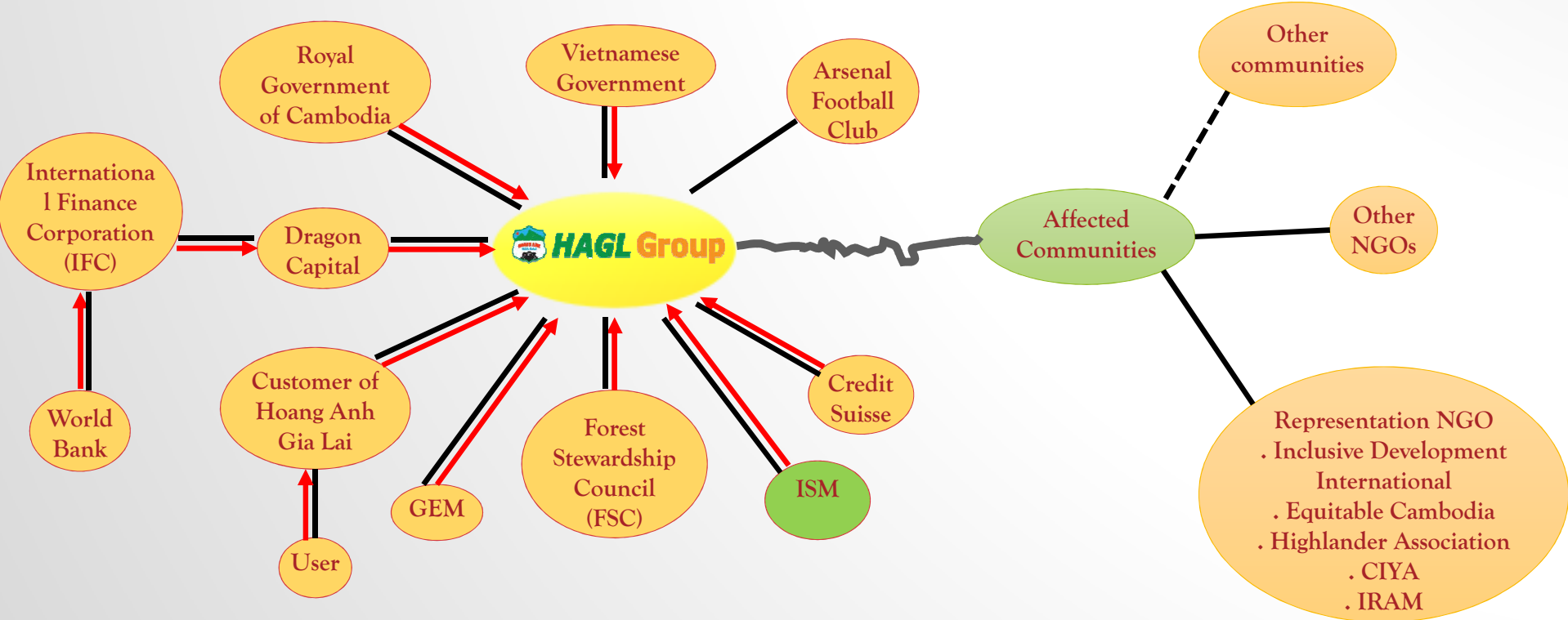
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PARTIES



IMPLEMENTATION OF ADVOCACY STRATEGY – CONT.

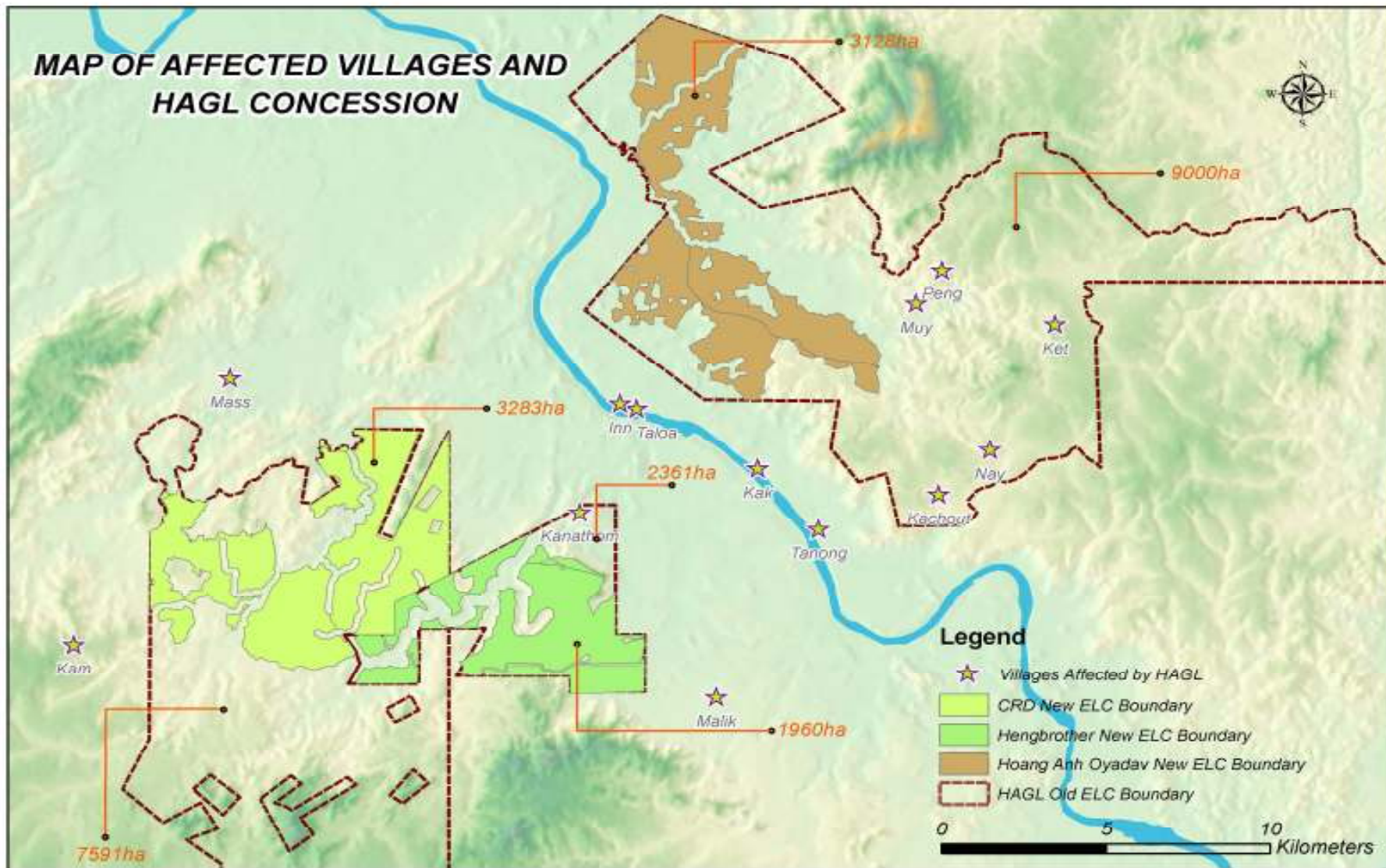
- **EC works with community representatives to design a complaint** to submit to the Compliance Advisor Ombudsman, alleging gross human rights violations on IFC supported project in February 2014
- Complaint Document available at <http://www.cao-ombudsman.org/cases/document-links/documents/ComplainttoCAOreDragonCapital-HAGL.pdf>



IMPLEMENTATION OF ADVOCACY – CONT.

- Complaint also sent to Dragon Capital, HAGL Group and other investors
- **HAGL recognize potential for serious corporate public relations problems and take action...**

MAP OF AFFECTED VILLAGES AND HAGL CONCESSION



IMPLEMENTATION OF ADVOCACY STRATEGY - CONT.

- CAO appoint mediator to assist the community and the company to engage in **a voluntary alternative dispute resolution (ADR) mechanism process**. Begins in early 2015

- **SIEM REAP AGREEMENT** available at: http://www.cao-ombudsman.org/cases/document-links/documents/JointStatement-VillagesGroup1-July292015-Eng_Kh2.pdf

- **“Hiccups” along the way to dispute resolution?**



IMPLEMENTATION OF ADVOCACY STRATEGY – CONT.

- Negotiations are ongoing, key achievements/company commitments to date:
 1. **Massive Reduction in Company Concession** in 2014
 2. **Land, Agreement to return land if found** to be community land, **or provide compensation** in 2015
 3. **Additional 800 hectares of important land**, (SMs, Burial Grounds, Chrops (Plant areas))
 4. **HAGL following commitment to continue to engage** in negotiations

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ADVOCACY STRATEGIES - CHALLENGES

