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for human rights in Cambodia

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Economic land concessions in Cambodia A human rights perspective

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Executive Summary

Over 943,069 hectares of land in rural Cambodia have been granted to private companies as economic land concessions, for the development of agro-industrial plantations. Thirty-six of these 59 concessions have been granted in favour of foreign business interests or prominent political and business figures. These statistics exclude smaller economic land concessions granted at the provincial level, for which information on numbers and ownership has not been disclosed.

Since 1996, successive Special Representatives of the Secretary-General for human rights in Cambodia have expressed concern about the impact of economic land concessions on the human rights and livelihoods of rural communities. The concerns raised over the past decade remain the same today.

At the root of these concerns is poor enforcement of and compliance with the requirements of the Land Law and Sub-Decree on Economic Land Concessions, which govern the grant and management of economic land concessions. Essential pre-conditions to the grant of concessions, such as the registration of land as state private land and conduct of public consultations and environmental and social impact assessments, have not been met. Likewise, restrictions on the size and ownership of economic land concessions have not been properly enforced. Individuals have used different companies to acquire interests in multiple concessions, contrary to the Land Law, and to obtain adjacent concessions for the same purposes, circumventing the 10,000 hectare size limit. Concessions have been granted over forested areas and former forest concessions, contrary to the Forestry Law and forestry regulations. Despite these breaches of the law, there has been no systematic review of concessions, as required by the Sub-Decree on Economic Land Concessions. Further, the judicial system has failed to uphold the rights of affected communities and respect for the law, and to hold companies accountable for their actions.

As a result, economic land concessions continue to impact negatively upon the human rights and livelihoods of rural communities, who depend upon land and forest resources for their survival. Commonly-cited concerns are encroachment on agricultural and grazing land, and loss of livelihoods; encroachment on forested areas and loss of access to non-timber forest products; impact on areas of cultural and spiritual significance; displacement; and environmental destruction. The report raises particular concerns about the impact of economic land and other concessions on indigenous communities, whose rights to collective ownership of land are protected under Cambodian law. The alienation of indigenous land through the grant of concessions is undermining the ability of indigenous communities to register their collective ownership of traditional lands, and enforce their rights to land under the Land Law.

Instead of promoting rural development and poverty reduction, economic land concessions have compromised the rights and livelihoods of rural communities in Cambodia. To promote the equitable and sustainable management of Cambodia's land and natural resources for the benefit of all Cambodians, the Special Representative has made a series of recommendations relating to the implementation of the Land Law and Sub-Decree on Economic Land Concessions; protection and implementation of indigenous rights to land; access to information on all economic land concessions and beneficiaries of these concessions; and legal enforcement and access to an effective remedy for affected communities. It is also recommended that alternative agricultural models be considered, prioritizing smallholder agriculture and community-based initiatives. The recommendations are set out in full at the end of the report.

1. Introduction

Cambodia is a predominantly agrarian society, and the vast majority of its citizens depend on land and natural resources, such as forests and fisheries, to sustain their livelihoods. In rural Cambodia, land is also deeply connected to the cultural and spiritual life of indigenous and non-indigenous communities.

Since the early 1990s, the Cambodian Government has conceded large tracts of land to private companies for investment in plantations and large-scale agriculture. These concessions have adversely affected the human rights and livelihoods of Cambodia's rural communities.

In November 2004, my predecessor issued a report which presented a human rights perspective on land concessions for economic purposes ("the 2004 report"). This report provides an update on key developments since the 2004 report, including the revised legal and regulatory framework for the grant and management of economic land concessions, and implementation of this framework. The impact of economic land concessions has continued to mirror patterns documented in the 2004 report, which found that concessions had been detrimental to the livelihoods of rural communities, who had drawn little benefit from these concessions and had no effective remedy or recourse when their rights were infringed or violated.

The 2004 report put forward a series of recommendations, including a recommendation that the concession system be reconsidered, and that alternatives for agricultural development be pursued for the benefit of Cambodia's rural populations. However, economic land concessions have continued to be seen as a vehicle for economic development in Cambodia, although their economic benefit to the country and its people is not evident.

The Sub-Decree on Economic Land Concessions, adopted in December 2005, is an important advance in establishing the legal and regulatory framework for the grant and management of concessions, including requirements to conduct public consultations and environmental and social impact assessments. However, these provisions have not been properly implemented and enforced; existing concessions have not been reviewed; and economic land concessions have continued to be granted over forested areas and indigenous land, in violation of the law.

Another welcome step forward has been the creation of a website to publish information on economic land concessions, and disclosure of the number and location of economic land concessions granted, and basic information on concessionaires. However, greater transparency and accountability in the management of state resources are still required. In particular, information is not available on economic land concessions granted by provincial authorities.

A key question is who benefits from economic land concessions, and the grant of Cambodia's land and natural resources. Information available on the Ministry of Agriculture, Forestry and Fisheries website shows that a large number of economic land concessions have been granted in favour of foreign business interests and prominent Cambodian political and business figures, including senators and *oknhas*.¹ Yet the benefits for rural communities are not apparent, nor is the contribution to state revenues.

As noted by the World Bank in its Poverty Assessment 2006, poverty is an overwhelmingly rural problem, with 91 per cent of the poor living in rural areas. Rural poverty risks becoming an even more serious problem in Cambodia if communities continue to be deprived of their land and sources of livelihoods. Urgent measures must be taken to ensure the sustainable management of Cambodia's land and natural resources, and equitable distribution of benefits from its economic growth.

¹ 'Oknha' is a title given to 'any generous person' who contributes \$100,000 to the State, either in cash or materials. The title is bestowed by the King, at the request of the Royal Government of Cambodia.

2. Legal framework for economic land concessions

The Royal Government of Cambodia is a party to key human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and International Convention on the Elimination of All Forms of Racial Discrimination. These treaties, together with the Universal Declaration on Human Rights, guarantee the rights to own property and not be arbitrarily deprived of property; to an adequate standard of living, including food and housing; to self-determination and not to be deprived of one's means of subsistence; to freedoms of expression and assembly; to equality before the law and equal protection of the law; and to an effective remedy.

The Constitution of the Kingdom of Cambodia incorporates into domestic law the human rights guarantees contained in the Universal Declaration of Human Rights and key human rights treaties, and specifically protects Cambodian citizens' right to own land, and freedoms of expression and assembly.

2.1. Land classification and ownership

According to Article 15 of the Land Law and the Sub-Decree on State Land Management, state public land is land with a public interest use, and includes property having a natural origin, such as forests. State private land is all land that is neither state public land nor legally privately or collectively owned or possessed under the Land Law. The Sub-Decree on State Land Management sets out the framework for state land identification, mapping, registration and classification, and notes where additional administrative guidelines are required.

Under the Land Law, any person who enjoyed peaceful, uncontested possession of land – but not state public land – for at least five years prior to the law's promulgation has the right to request a definitive title of ownership. Those who have enjoyed such possession for less than five years may obtain a definitive title of ownership after five years. However, as noted in the 2004 report, the majority of rural Cambodians do not have title documents recognizing their ownership of land, either because they have not seen the need to obtain titles, or cannot afford to do so.

2.2. Land Law and economic land concessions

The Land Law, promulgated on 30 August 2001, authorizes the grant of land concessions responding to either social or economic purposes.² The Land Law also envisages "other kinds of concessions", including mining, fishing, industrial development and port concessions, which do not fall within its scope. Land concessions must be based on a specific legal document, issued by the competent authority prior to the occupation of the land, and must be registered with the Ministry of Land Management, Urban Planning and Construction.

Economic land concessions can only be granted over state private land, for a maximum duration of 99 years. These concessions cannot establish ownership rights over land. However, apart from the right to alienate land, concessionaires are vested with all other rights associated with ownership during the term of the contract.

Economic land concessions shall not exceed 10,000 hectares, and concessions granted prior to the passage of the Land Law are to be reduced to comply with this limit, although an exemption may be granted if the reduction will compromise exploitation in progress.³ Article 59 further prohibits

² Social Land Concessions are a mechanism to grant state private land to poor landless families for residential and farming purposes. They are regulated by the Sub-Decree on Social Land Concessions.

³ The Sub-Decree on Economic Land Concessions authorizes the Council of Ministers to grant such an exemption, but specifies that clearing of land does not constitute exploitation in progress.

the grant of concessions in several locations, jointly exceeding the 10,000 hectare size limit, in favour of the same person(s) or different legal entities controlled by the same person(s).

Article 62 states that economic land concessions must be exploited within 12 months of being granted, or will be considered cancelled. Concessions granted prior to the Land Law must be exploited within 12 months of the law's entry into force, or shall be cancelled. Concessions may also be cancelled if not exploited for a period exceeding 12 months during the term of the contract, without proper justification. Any failure to fulfil the conditions of a concession shall be grounds for its withdrawal, and concessionaires are not entitled to seek compensation for any damage resulting from the withdrawal of a concession.

Article 18 of the Land Law states that land concessions that fail to comply with the above provisions are null and void, and cannot be made legal in any form. Article 55 provides that concessions may be revoked by the Government for non-compliance with legal requirements, and the concessionaire may appeal this decision. Further, a court may cancel the concession if a concessionaire does not comply with clauses specified in the contract.

2.3. Sub-Decree on Economic Land Concessions

The Sub-Decree on Economic Land Concessions, signed by the Prime Minister on 27 December 2005, determines the criteria, procedures, mechanisms and institutional arrangements for granting economic land concessions; monitoring the performance of economic land concession contracts; and reviewing the compliance with the Land Law of concessions granted prior to the effective date of the sub-decree.

Economic land concessions are defined as a mechanism to grant state private land for agricultural and industrial-agricultural exploitation. The purposes for which they may be granted include investment in agriculture, rural employment and diversification of livelihood opportunities, and the generation of state revenues.

An economic land concession may only be granted when all the following criteria have been met:

- (i) The land has been registered and classified as state private land, in accordance with the Sub-Decree on State Land Management and Sub-Decree on Procedures for Establishing Cadastral Maps and Land Register, or Sub-Decree on Sporadic Registration;
- (ii) A land use plan for the land has been adopted by the provincial or municipal state land management committee, and the land use is consistent with the plan;
- (iii) Environmental and social impact assessments have been completed with respect to the land use and development plan;
- (iv) There are solutions for resettlement issues, in accordance with the existing legal framework and procedures. There shall be no involuntary resettlement by lawful land holders and access to private land shall be respected; and
- (v) Public consultations have been conducted with territorial authorities and local residents, relating to economic land concessions projects or proposals.

Proposals for economic land concessions are to be evaluated against criteria that include the promotion of people's living standards, perpetual environmental protection and natural resource management, avoidance or minimization of adverse social impacts, creation of increased employment, and linkages and mutual support between social land concessions and economic land concessions.

The grant of economic land concessions may be initiated through solicited proposals, where the Government seeks expressions of interest in a project, or unsolicited proposals, where an investor proposes a project. However, competitive solicited proposals are the prioritized method for

granting concessions, and unsolicited proposals may only be considered in exceptional cases where an investor promises to provide outstanding advantages through the introduction of new technology, linkages between social land concessions and economic land concessions, or access to processing or export markets.

The Ministry of Agriculture, Forestry and Fisheries is authorized to grant economic land concessions that exceed 1,000 hectares or a total investment value of 10,000,000,000 riels (approximately \$2,500,000).⁴ Provincial and municipal governors are authorized to grant concessions below these limits. The responsibilities of contracting authorities include enforcing concession contracts, monitoring contract performance, and reporting to the Council of Ministers every six months.

Review of existing economic land concessions

The sub-decree creates a Technical Secretariat, to be composed of representatives of eight Ministries and Government institutions.⁵ Ninety days after their appointment, the Technical Secretariat is required to establish an Economic Land Concession Logbook and give a 30-day notice to contracting authorities and concession companies, requesting information and a copy of relevant documents on concessions granted prior to the sub-decree. The information and documents must be recorded in the logbook within six months of the notice being given.

Contracting authorities are required to review existing economic land concessions with the support of the Technical Secretariat, including a review of contractual compliance, land use fees and other revenue from contracts; a public consultation to solicit comments on concession activities within communes where concessions are located; a request for land regularization;⁶ and a request for the voluntary reduction of economic land concessions exceeding 10,000 hectares. If a concessionaire is unwilling to voluntarily reduce the size of its concession, the contracting authority shall initiate negotiations on the reduction of the concession, and report to the Council of Ministers for action if negotiations are not successfully completed within six months, or if the concessionaire fails to report for negotiations within 45 days.

The Technical Secretariat shall issue a review report, including recommendations on whether the contract is being fully operated, specific changes that should be made to the contract, whether the contract should be cancelled due to violation of its terms, and progress on voluntary or negotiated reduction of size. Review reports, recommendations of the Technical Secretariat, and the final result of the review shall be maintained as public documents at the Technical Secretariat, and at provincial and municipal state land management committees.

2.4. Interaction with other laws

There are other legal provisions and instruments that are relevant to the grant and management of economic land concessions.

Chapter 3 of the Land Law recognizes the right of indigenous communities to collective ownership of their lands, which gives rise to all the rights and protections of ownership enjoyed by private landowners.⁷ The lands of indigenous communities include residential and agricultural

⁴ Note that in the English translation of the sub-decree, the limit is incorrectly stated to be 10,000,000 riels (approximately \$2,500).

⁵ Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy and Finance, Council for the Development of Cambodia, Ministry of Land Management, Urban Planning and Construction, Ministry of Interior, Ministry of Environment, Ministry of Commerce and Council of Jurists.

⁶ This is the responsibility of the Ministry of Land Management, Urban Planning and Construction, and includes land parcel adjustments, adjudication of land rights of occupants of land parcels under review, and demarcation and registration of land through existing procedures.

⁷ However, communities cannot sell collectively-owned land that is classified as state public land.

land, and encompass land actually cultivated and land reserved for shifting cultivation. Article 23 of the Land Law states that indigenous communities shall continue to manage their communities and land according to traditional customs, pending the determination of their legal status. Once they are registered as legal entities, communities can apply for registration of collective title.

The Forestry Law authorizes the grant of forest concessions, however since January 2002, a moratorium on logging in forest concessions has been in place. The Sub-Decree on the Management of Forest Concessions states that cancelled or revoked forest concessions shall revert to natural forest protected areas, and cannot be converted into economic land concessions or awarded to other companies. Article 29 of the Forestry Law prohibits the harvest of trees that yield high-value resin or that local communities tap to extract resin for customary use. Chapter 9 of the law recognizes and ensures the traditional user rights of local communities to collect and use forest products and by-products. Traditional user rights include grazing for livestock and the sale of forest by-products, and do not require a permit. Chapter 9 also enables the allocation of any part of a permanent forest reserve as a community forest, granting a community living inside or near the forest rights to manage and utilize the forest resources in a sustainable manner.

The Law on Environmental Protection and Natural Resource Management requires environmental impact assessments to be carried out on all private and public projects and activities. Concerned ministries shall consult with the Ministry of Environment before issuing a decision or undertaking activities related to the preservation, development or management of natural resources. The Ministry of Environment, in collaboration with the concerned ministries, shall carry out a study to assess the environmental impacts on natural resources, and give recommendations to concerned ministries to ensure that the natural resources are preserved, developed and managed in a rational and sustainable manner.

3. Overview of economic land concessions in Cambodia

3.1. Number of economic land concessions granted

The 2004 report listed 64 economic land concessions that had been granted, or for which approval had been sought, in 13 provinces. According to information provided by the Ministry of Agriculture, Forestry and Fisheries in early 2007, from 1992 to 31 December 2006, the Royal Government of Cambodia granted 97 economic land concessions in 16 provinces and municipalities of Cambodia. Of this number, nine concessions had been agreed to in principle by the Council of Ministers, covering an area of 64,208 hectares, but contracts had not yet been signed. During this period, the Ministry stated that the contracts of 30 companies had been cancelled, covering an area of 265,230 hectares (see Annex 2). However, only five of these companies had in fact signed contracts with the Ministry, and others had merely received letters agreeing in principle to the grant of concessions.

As of 31 December 2006, 59 concessions remained,⁸ covering an area of 943,069 hectares in 15 provinces. This constitutes approximately 5.2% of the total land area in Cambodia, and 14.5% of all arable land in Cambodia.⁹ A list of all economic land concessions, with their full names and localities, is set out in Annex 1.

Stung Treng province has the greatest number of economic land concessions, with ten concessions covering 179,899 hectares. The provinces in which the greatest amount of land has been conceded are Kompong Chhnang and Pursat, where two companies have been granted

⁸ The information from the Ministry of Agriculture, Forestry and Fisheries lists 57 companies which have been granted concessions, but a total of 59 concessions have been granted, as Pheapimex and CJ Cambodia signed separate contracts for adjacent concessions in Kompong Chhnang, Pursat and Kompong Speu provinces.

⁹ See National Institute of Statistics, *General Population Census of Cambodia 1998*, cited in the 2004 report.

concessions covering 318,028 hectares: the Pheapimex concession alone spans both provinces and amounts to 315,025 hectares. Districts in which large amounts of land have been conceded are Sambo district in Kratie province, Stung Treng and Sesan districts in Stung Treng province, and Phnom Srouch district in Kompong Speu province.

Province	No. of companies	No. of concessions	Area covered (hectares)
Stung Treng	10	10	179,899
Kompong Speu	8	9	90,256
Kratie	7	7	64,373
Ratanakiri	5	5	53,747
Kompong Cham	5	5	12,070
Kompong Thom	4	4	35,561
Koh Kong	3	3	79,300
Kampot	3	3	36,200
Siem Reap	3	3	19,235
Mondulkiri	2	2	17,600
Oddar Meancheay	2	2	16,000
Sihanoukville	2	2	12,800
Pursat	2	2	141,963
Kompong Chhnang	1	1	176,065
Battambang	1	1	8,000
TOTAL	58	59	943,069

The figures and information provided by the Ministry of Agriculture, Forestry and Fisheries do not include economic land concessions not exceeding 1,000 hectares, which are granted by provincial authorities. The Ministry has said it is not in a position to provide information on these concessions, and consolidated information on their number and location is not available from Government sources. According to information received from other sources, economic land concessions not exceeding 1,000 hectares have been granted in Kompong Thom, Kratie, Mondulkiri, Oddar Meancheay and Ratanakiri provinces, and further proposals are under consideration. In late 2006, reliable information indicated that ten proposals for economic land concessions not exceeding 1,000 hectares had been submitted to provincial authorities in Mondulkiri province, and 22 proposals were under consideration in Kratie province.

3.2. Technical Secretariat on Economic Land Concessions

The eight members of the Technical Secretariat on Economic Land Concessions were appointed by the Prime Minister on 30 June 2006. On 1 August 2006, the Ministry of Agriculture, Forestry and Fisheries established an assistance team, comprised of Ministry officials, to assist the Technical Secretariat in carrying out its tasks. To date, the activities of the Technical Secretariat have focused on creating its functions and mandate, preparing new application forms and contracts for economic land concessions, and guiding companies in the preparation of environmental and social impact assessments.¹⁰

In August 2006, the Technical Secretariat sent out notices to contracting authorities, requesting information and documents relating to concessions granted prior to the Sub-Decree on Economic Land Concessions. In January 2007, the Ministry of Agriculture, Forestry and Fisheries advised that the Technical Secretariat was collecting data on concessions from the Ministry and provincial authorities, and that the Economic Land Concession Logbook would be established once this information was received. No further information on the status of the logbook has since been made available.

¹⁰ Presentation by Chay Sakun, Deputy Director of Planning and Statistics Department, Ministry of Agriculture, Forestry and Fisheries, to the Technical Working Group on Forestry and Environment, December 2006.

3.3. Review of existing economic land concessions

In December 2005, the Ministry of Agriculture, Forestry and Fisheries advised that ten active companies had been reviewed. Apart from the cancellations the Ministry advised of in early 2007, it is not clear whether a general review of existing concessions has commenced. The largest existing concessions, including the Pheapimex concession in Pursat and Kompong Chhnang provinces and the Green Sea concession covering 100,852 hectares in Stung Treng province, have not been reviewed.

3.4. Access to information and documents

A priority of the good governance ‘rectangle’ of the Government’s Rectangular Strategy for Growth, Employment, Equity and Efficiency is to “ensure full transparency and accountability in all government transactions, including disposal or lease of public assets”. It is important to know who is benefiting from economic land concessions, and from the grant of Cambodia’s land and natural resources.

The 2004 report called for the disclosure of information relating to economic land concessions, including contracts, maps, company shareholders and revenue generated. Joint monitoring indicators agreed by the Government and development partners at Consultative Group meetings in December 2004 and March 2006 called for the immediate public disclosure of concession contracts and contractual compliance, and the establishment of a mechanism for the periodic dissemination of information on economic land concessions.

In mid-2006, the Ministry of Agriculture, Forestry and Fisheries created an economic land concessions homepage on its website, which includes profiles of concessions granted and basic company information.¹¹ In March 2007, the website was updated to reflect information current as at 31 December 2006. Information has been provided on all concessions above 1,000 hectares, including company details. The website lists directors, but not shareholders, of concession companies. More detailed information is required on the ownership of concessions and concession companies, including information on all directors and shareholders.

No information has been provided on concessions not exceeding 1,000 hectares. This information should be disclosed as a matter of urgency, including details of concessionaires and the location, size, purpose and status of concessions. Information on economic land concession proposals under consideration, or agreed in principle, should also be disclosed, since many concessionaires commence activity before signing contracts. Further, information on compliance with the Sub-Decree on Economic Land Concessions is necessary, including the conduct of public consultations and environmental and social impact assessments, and reports from these consultations and assessments.

4. The law and the practice

4.1. Compliance with legal requirements and procedures

The Ministry of Agriculture, Forestry and Fisheries has said it is difficult to comply with all of the requirements of the Sub-Decree on Economic Land Concessions, as it faces pressure from investors seeking concessions. Officials have commented that if the Ministry were to wait until it was possible to comply with all of the requirements of the sub-decree prior to granting concessions, investors would no longer be interested in investing in Cambodia.¹² However, the

¹¹ See <http://www.maff.gov.kh/elc/index.html>.

¹² At the Government-Donor Coordination Committee meeting on 12 February 2007, the Minister for Agriculture, Forestry and Fisheries, Chan Sarun, noted that companies do not want to undertake environmental

laws of the country are binding, and a desire to promote private sector investment cannot excuse non-compliance with the requirements of the law.

Many concessions have not been exploited within 12 months of their issue, or have remained inactive for over 12 months, without sanction. The 100,852 hectare Green Sea concession in Stung Treng province has not been exploited, although work commenced on the construction of a site office in late 2006. Other non-active concessions include the 315,025 hectare Pheapimex concession in Kompong Chhnang and Pursat provinces which has also failed to pay its concession deposit, according to information from the Ministry of Agriculture, Forestry and Fisheries. Based on information provided by the Ministry, a number of concessionaires have not paid required concession fees, defined or demarcated the concession boundaries, or have lost contact with the Ministry. These are all grounds for cancellation of concessions.

Many concessionaires have commenced activity on proposed concession sites before the signature of contracts, contrary to Article 53 of the Land Law. For example, in Koh Kong province, the Council of Ministers agreed in principle to grant two concessions to Koh Kong Sugar Industry Company and Koh Kong Plantation Company in March 2006. In May 2006, the companies set up a site office and started clearing land in Sre Ambel district, including the rice fields and orchards of local villagers. Concession contracts were subsequently signed on 2 August 2006. Other examples include the Wuzhishan concession in Mondulkiri, where the company commenced activity on indigenous lands in mid-2004, before the contract was signed on 30 December 2005.

The Land Law states that land concessions may not violate roadways or transportation ways, or waterways and water reserves used by people in their daily lives. Yet a number of concessions have blocked paths and roads used by villagers to access forested areas and non-timber forest products. For example, in Kratie province, Global Agricultural Development has reportedly established a toll booth along a road long used by villagers, and charged them a fee to use the road. In Pursat province, Ratana Visal blocked a stream used by villagers to irrigate their rice fields: following community protests, the stream was unblocked a year later.

4.2. State private land and land use plans

An essential pre-condition to the grant of an economic land concession is the registration of land as state private land, and adoption of a land use plan with which the proposed land use is consistent.

The systematic mapping, classification and registration of state public and private land in Cambodia have yet to take place and, in most cases, land use plans have not been adopted by provincial or municipal land management committees. However, economic land concessions continue to be granted. In many cases, the land conceded has been cultivated by local communities for a number of years before 2001, and these communities meet the requirements for claiming ownership rights under the Land Law. In some cases, local communities have also been involved in initiatives for the sustainable management of land and natural resources, through participatory land use planning or proposals to establish community forests. These initiatives have then been halted or compromised by the subsequent grant of concessions.

On 26 February 2007, the Government issued a long-awaited Circular on Measures Against Illegal Land Holdings to implement Article 18 of the Land Law. However, the Circular does not deal with economic land concessions, and says their withdrawal or reduction in size should follow the procedures specified in the Sub-Decree on Economic Land Concessions.

and social impact assessments prior to applying for an economic land concessions, as they are time-consuming and expensive.

4.3. Public consultations and environmental and social impact assessments

Two other essential pre-conditions to the grant of an economic land concession are public consultations, and an environmental and social impact assessment. In most cases, public consultations have not been conducted in communities prior to the grant of concessions. Likewise, thorough and genuine environmental and social impact assessments have generally not been undertaken beforehand.

For example, initial environmental and social impact assessments were conducted for the Sal Sophea Peanich and Sopheak Nika concessions in Sesan district, Stung Treng province. However, these assessments were undertaken in 2006, after the grant of the two concessions on 8 August 2005. According to the provincial environment department, the development consulting company engaged to undertake the assessments studied some concession land with the participation of local villagers and the public. Yet villagers said they consistently refused to cede their land to company representatives, who in September 2005 came to inform them of the companies' plan to bring development and jobs to the area, and in April 2006 threw a party with alcohol and gifts such as tractors in order to encourage villagers to accept the plans. The two concessions encroach upon farm land and forests used by indigenous communities for the collection of non-timber forest products. The provincial environment department has agreed that the concessions will impact upon livelihoods and cultural traditions in this predominantly indigenous area.

On 15 March 2006, Global Agricultural Development, Asia World Agricultural Development and Green Island Agricultural Development were granted teak concessions over 29,383 hectares in Sambo district, Kratie province. Affected communities learned of these concessions in April or May 2006, when a group of local government officials and a company representative visited the area and a village chief was asked to accompany them around local villages, to advise on the type of land and land use within the commune. Six days later, the group made a second visit, accompanied by an official from the provincial environment department and soldiers, and demarcated concession boundaries, putting up poles across the rice fields of villagers in some areas. The concessionaires then established their work site, and started clearing forest and creating road access in Kbal Damrei commune.

Similarly, in Samroang district, Oddar Meanchey province, Crystal Agro and Real Green signed contracts in June and July 2006 for concessions of 8,000 hectares each, to grow cassava and agro-industrial crops. Affected villagers, including Kuy indigenous people, were again not informed or consulted. They only learned of the concessions when the companies arrived and started clearing land. Real Green commenced in late October 2006, affecting the residential and farm land of about 70 families in Kdol village. Crystal Agro started activity in November 2006, and its bulldozing immediately encroached upon rice fields and farmlands belonging to families in Pha'Ong village.

Further demonstrating the lack of public consultation and effective impact assessments, villagers are often not aware of the boundaries of concessions, or which company is affecting their land in areas where there are several concessions. For example, at least six companies have been granted concessions in Sesan district, Stung Treng province. Villagers have protested about the impact of the companies' operations on their farm land and resin trees, but do not have information about the boundaries of the respective concessions or which company affects which village.

4.4. Size and ownership

Nine economic land concessions exceed the 10,000 hectare limit specified by the Land Law.¹³ All were granted prior to the passage of the Land Law, except the Green Sea concession in Stung Treng. Two concessions approved in principle, but for which contracts are yet to be signed, also exceed the 10,000 hectare limit.¹⁴ All other concessions granted since the Land Law do not exceed 10,000 hectares, but in some cases, the same person or group of people have interests in concessions under different company names, and some of these concessions have been granted on contiguous tracts of land for the same purposes.

For example, in Koh Kong province, Koh Kong Sugar Industry Company and Koh Kong Plantation Company signed concession contracts for 9,700 hectares and 9,400 hectares respectively on 2 August 2006. Senator Ly Yong Phat is a director of Koh Kong Plantation Company, while a Thai national, Chamroon Chinthammit, is the director of Koh Kong Sugar Industry Company. Senator Ly Yong Phat is reliably reported to have an ownership interest in both companies, which have been granted concessions on adjoining land to develop a sugarcane plantation and processing factory. In Sambo district, Kratie province, three companies were granted contiguous concessions for teak concessions on 15 March 2006,¹⁵ of which two share the same registered office. Another three companies granted contiguous concessions for Chinese pistachio plantations on 11 August 2006 also share the same registered office.¹⁶ The six companies are widely perceived to be linked. In Samraong district, Oddar Meancheay province, two concessions for cassava and agro-industrial crops have been granted on adjoining land to two companies, both owned by Thai nationals, who share the same registered office.¹⁷

Through the use of different companies, a number of individuals have acquired interests in two or more economic land concessions in several locations, jointly exceeding the 10,000 hectare limit specified by law. This is contrary to Article 59 of the Land Law.

For example, in Stung Treng province, a Chinese national, An Yang Yin Chang, is the director of three different companies which have been granted concessions totalling 24,854 hectares.¹⁸ Senator Mong Reththy is the director of three companies which have been granted concessions totalling 113,652 hectares in Sihanoukville and Stung Treng provinces.¹⁹ Senator Lau Meng Khin is the director of two companies that have been granted concessions totalling 415,025 hectares in Kompong Chhnang, Pursat and Mondulkiri provinces.²⁰ Senator Men Sarun is the director of two companies that have been granted concessions totalling 24,400 hectares in Ratanakiri and Kompong Cham provinces.²¹

¹³ Pheapimex (315,025 hectares), Green Sea (100,852 hectares), Green Rich (60,200 hectares), Cambo Victor (26,550 hectares), Cambodia Haining (23,000 hectares), Mittapheap Men Sarun (20,000 hectares), Camland (16,400 hectares), Uk Khun Industrial Plants (12,506 hectares) and Mong Reththy Palm Oil (11,000 hectares).

¹⁴ Yalian International Trust & Investment in Mondulkiri, and M Consolidated Plantation in Kompong Speu.

¹⁵ Global Agricultural Development, Asia World Agricultural Development and Green Island Agricultural Development.

¹⁶ Plantation Agricultural Development, Great Asset Agricultural Development and Great Wonder Agricultural Development.

¹⁷ Crystal Agro and Real Green.

¹⁸ Phou Mady Investment Group and Grand Land Agricultural Development in Sesan district, and GG World Group in Stung Treng district.

¹⁹ Green Sea Industry Co Ltd was granted a 100,852 hectare concession in Stung Treng province; Mong Reththy Investment Oil Palm Cambodia Co Ltd has an 11,000 hectare concession in Sihanoukville; and Mong Reththy Investment Cassava Cambodia Co Ltd has a 1,800 hectare concession in Sihanoukville.

²⁰ Pheapimex Co Ltd was granted two concessions covering 315,025 hectares in Kompong Chhnang and Pursat provinces. Wuzhishan LS Group Co Ltd, of which Senator Sy Kong Triv is also a director, was granted a 10,000 hectare concession over indigenous land in Mondulkiri province. Senator Lau Meng Khin is also a director of Shukaku Inc, which in February 2007 was granted a 99-year concession to develop 133 hectares of land around Boeung Kak lake in Phnom Penh, where around 4,225 families face eviction.

²¹ Mittapheap Men Sarun (or Men Sarun Friendship) was granted a 20,000 hectare concession over indigenous land in Ratanakiri province, in a joint venture with Rama Khmer International and a Malaysian company, Global

4.5. Compliance with framework for forest protection

Many economic land concessions have been granted over forested areas, which constitute state public land, or over former forest concessions, contrary to the Sub-Decree on the Management of Forest Concessions. These include areas where indigenous peoples have a long tradition of using forest resources, and non-timber forest products like resin, to sustain their livelihoods.

Since the 2004 report, at least five economic land concessions have been granted in the area of the former Kingwood Industry forest concession, in Kratie and Stung Treng provinces.²² It also appears that HMH Co Ltd has been granted an economic land concession within the former GAT International forest concession in Kompong Thom province.

In Sesan district, Stung Treng province, concessionaires have cut down resin trees owned and tapped by local villagers, contrary to Article 29 of the Forestry Law. This is a designated forestry offence and infringes the traditional user rights of communities, as recognized in Chapter 9 of the Forestry Law. The felling of resin trees has also taken place outside the boundaries of the Tumring rubber plantation in Sandan district, Kompong Thom province.

5. Impact of concessions

The impact of economic land concessions has continued to illustrate the same trends documented in the 2004 report, and in subsequent reports submitted by the Special Representative to the United Nations Commission on Human Rights and Human Rights Council. These have included concerns about the lack of consultation with local communities, encroachment on land and detrimental impacts on traditional livelihoods, displacement, adverse environmental impacts, employment and labour conditions, violence and intimidation, and lack of effective remedy or recourse for affected communities. This report further illustrates these patterns, giving particular attention to the impact on indigenous communities.

5.1. Encroachment on agricultural and grazing land

Encroachment on agricultural and grazing land, and resulting loss of livelihoods, continues to be the most commonly-voiced issue of concern for communities, and arises in relation to almost all active concessions. These concerns have been raised by communities in relation to over 23 concessions in 11 provinces.

The Koh Kong Sugar Industry Company and Koh Kong Plantation Company concessions were granted without public consultation in August 2006. They cover land in Sre Ambel and Botum Sakor districts which villagers have farmed since 1979. The clearing of rice fields and orchards belonging to villagers in Sre Ambel district has affected over 400 families; some have little or no land remaining for farming, and are surviving on last year's rice harvest. The concession has also restricted the availability of grazing land for villagers' livestock, and company security guards have reportedly seized or shot cattle straying into the concession area. Villagers are now reported to be facing difficulties in repaying loans taken out under micro-credit schemes, due to the loss of sources of income. Both companies have expanded their activities despite efforts to resolve the dispute, including the establishment of a provincial working group and an agreement that further bulldozing activity would be suspended until the dispute was resolved.²³ In January 2007, it was estimated that 507 hectares of farm land and rice fields belonging to villagers had been cleared.

Tech Sdn Bhd. Men Sarun Export & Import Co Ltd was granted a 4,400 hectare concession in Memot district, Kompong Cham province.

²² Global Agricultural Development, Asia World Agricultural Development, Green Island Agricultural Development, Sal Sophea Peanich and Sopheak Nika.

²³ This agreement was reached on 12 November 2006, at a community dialogue organized by the Cambodian Center for Human Rights. It was signed by the deputy provincial governor, deputy district governor, Chikhor

In Kratie province, the six concessions granted to Global Agricultural Development, Asia World Agricultural Development, Green Island Agricultural Development, Plantation Agricultural Development, Great Asset Agricultural Development and Great Wonder Agricultural Development in Sambo district encroach upon the land of Phnong, Mil and Kuy indigenous communities in O’Krieng, Kbal Damrei and Rolous Meanchey communes. These communities depend upon the cultivation of rice and seasonal crops, and the collection and sale of non-timber forest products. In mid-2006, three concessionaires began clearing land and forested areas to create roads and teak plantations, and digging trenches to prevent villagers and their cattle from accessing areas within the concessions. This destroyed rice fields and farm land belonging to villagers, as well as forested areas. Given the initial impacts of these concessions, which are not yet fully exploited, the villagers fear there will be insufficient land and forest resources for the future survival of their communities.

In Kompong Thom province, the activities of the An Mady Group concession²⁴ have affected 29 villages in Toul Krouel and Sala Visai communes in Prasat Balaing district, where 65 per cent of the population are Kuy indigenous people. The company commenced clearing land in December 2004, before the contract was signed in May 2005, and without any prior consultation with communities. It destroyed rice fields and orchards belonging to over 300 families and blocked roads used by villagers to access forests. Families have reported food shortages due to the loss of their livelihoods.

5.2. Loss of access to forests and non-timber forest products

Concerns about the encroachment of concessions upon forested areas and resulting loss of access to non-timber forest products have been raised by communities in relation to over 22 concessions in 8 provinces.

In Stung Treng province, five concessions have been granted over forested areas in Sesan district, including areas of dense evergreen forest.²⁵ The area has long been under the traditional use of Phnong, Prov and Kuy indigenous people, who depend on rice cultivation, the collection of non-timber forest products and hunting. In Kbal Romeas commune, some families own over 100 resin trees. The operations of the companies have limited villagers' access to forests to tap their resin trees and collect non-timber forest products. Resin trees belonging to villagers have been felled with only small amounts of compensation paid.²⁶ Villagers have reported that armed guards employed at the Sopheap Nika concession have restricted their access to forest paths previously used to access their resin trees. The affected communities fear that all the forests they have traditionally used and depended on will be gone once the concessions are fully exploited. In 2005 and 2006, villages in Kbal Romeas commune initiated requests for community forest areas, which are still pending. The various concessions overlap with the requested areas, which also cover community spirit forests.

For communities, the loss of access to non-timber forest products, particularly the tapping of resin trees, has had a heavy impact on family incomes and traditional lifestyles. Depending on areas and provinces, communities have reported that they can earn up to 10,000 riel (\$2.50) per day by tapping resin trees and selling non-timber forest products. In contrast, day labourers at concessions are paid from 5,000 to 10,000 riel (\$1.25 to \$2.50) per day worked, with no guarantee

Leu commune chief and representatives of the Koh Kong Sugar Industry Company, three communities, Cambodian Center for Human Rights, Cambodian Legal Education Center and Licadho.

²⁴ This concession is owned by Oknha An Mady, Chief of the Chamber of Commerce for Kompong Cham province. It is alleged that An Mady Group is linked to the Sopheap Nika, Sal Sophea Peanich and Siv Guek concessions in Sesan district, Stung Treng province.

²⁵ Grand Land Agricultural Development, Phou Mady Investment Group, Sal Sophea Peanich, Siv Guek Investment and Sopheap Nika.

²⁶ For example, within the Sopheap Nika concession.

of continued work or a fixed monthly income. In many concessions, communities note that workers are brought in from other provinces, and few local villagers are engaged.

5.3. Displacement

The Constitution of the Kingdom of Cambodia states that all Cambodians have the right to own land, which may only be confiscated in the public interest, as provided for under law, and with the payment of fair and just compensation.²⁷ Yet rural communities throughout Cambodia have been deprived of the right to own land through the grant of economic land concessions. They have received no or insufficient payment of compensation, and there has been no demonstrated public interest.

Concerns about the displacement of families have been raised in relation to the An Mady Group concession in Kompong Thom, the Mittapheap Men Sarun concession in Ratanakiri and the Vanna Import Export concession in Kompong Cham. For example, it is reported that the An Mady Group concession in Kompong Thom province has displaced 30 Kuy indigenous families. The company offered compensation of 70,000 to 80,000 riel (\$20) per hectare: some villagers were forced to accept this offer, or were obliged to accept because their land had already been cleared. The families were relocated to small plots of land along the road, which are too small for cultivation. Villagers have had to resort to day labour, and some have had to leave the village to seek jobs in other provinces. Others have moved further into the forest to clear land for cultivation.

As concessions have not yet been fully exploited, further displacement is likely. Even if families are not forced out, they are likely to find themselves obliged to leave because there is no land left for them to cultivate.

5.4. Impact on areas of cultural and spiritual significance

Concerns about the encroachment of concessions upon traditional or spiritual land have been raised in relation to 9 concessions in 6 provinces, affecting both indigenous and non-indigenous communities.

For example, the Wuzhishan concession has affected the traditional lands of Phnong indigenous communities in O'Reang district, Mondulkiri province since 2004. The company has desecrated the spirit forests and ancestral burial grounds of Phnong communities, whose beliefs centre around spirits that control life at home, in the forest and in their fields. Its operations have also affected reserved land, grazing land and farm land.²⁸ Although the communities raised their concerns with the company and provincial authorities, the Government signed a contract with the company in December 2005 and the concession continues to operate.

The eco-tourism concession granted to New Cosmos Development (Cambodia) in May 2004 to develop a resort and golf course affects the traditional lands of Suy indigenous people in Aural district, Kompong Speu province. The land surrounds natural hot springs, and is an area of cultural and spiritual importance for the Suy. On several occasions, the company and local authorities have tried to remove the statue of the Suy goddess, Yeay Te, from its location near the hot springs, and Suy elders now maintain a permanent presence by the statue to prevent its removal. Community members are allowed access to the statue, but armed security guards have barred their access to other areas within the concession, which are also important for the spiritual life and community livelihoods of the Suy.

²⁷ Article 44, which is reflected in Article 5 of the Land Law.

²⁸ A more detailed analysis of the impacts of the Wuzhishan concession is contained in an annex to the 2004 report, added after its initial release. This is available at http://cambodia.ohchr.org/report_subject.aspx.

Every year in Krakor district, Pursat province, communities conduct a traditional ceremony to thank spirits and forests for protecting and providing for them in the previous year, and to bless them for the coming year. In early 2005, when Pheapimex was active in the commune, local authorities required villagers to seek permission to organize the thanksgiving ceremony. The chief monk and religious department of the district warned monks not to participate in the ceremony, which they deemed political. Villagers and monks proceeded with the ceremony, which was monitored by police and local authorities. The police later collected the names of monks who had participated in the ceremony.

5.5. Environmental destruction

The 2004 report raised concerns about logging of valuable timber within economic land concessions, including in the Green Rich concession in Koh Kong province, and the Flour Manufacturing Company (Cassava Starch Production) concession in Stung Treng province, where it is reported that logging continues.

Further reports have been received that logging is taking place within economic land concessions granted over forested areas. HMH Co Ltd has been logging within its concession area in Kompong Thom, which overlaps with the former GAT International forest concession. It is also reported that logging is taking place within economic land concessions in Kratie and Stung Treng provinces, particularly in Sambo and Sesan districts, where concessions have been granted over densely forested areas, including over the former Kingwood forest concession.

Other environmental impacts include the use of pesticides and chemicals, which have contaminated water sources and affected the health of community members and their livestock in the Wuzhishan and Flour Manufacturing Company concessions.

6. Impact on indigenous peoples

Economic land concessions have had a devastating impact on non-indigenous and indigenous communities alike, but indigenous communities, whose rights to collective ownership of land are protected under Cambodian law, are particularly vulnerable.

6.1. Importance of land and natural resources to indigenous peoples

Land and forest resources are central to the livelihoods, culture and traditions of Cambodia's indigenous peoples. The livelihoods of indigenous communities depend heavily upon shifting agriculture and non-timber forest products, and forested areas are central to spiritual and cultural life.

The International Covenant on Civil and Political Rights, to which Cambodia is a party, upholds the rights of minorities and indigenous peoples to enjoy their own culture, profess and practise their own religion, and use their own language. The Human Rights Committee has commented that these cultural rights include the enjoyment of ways of life that are linked to land and the use of land and natural resources.²⁹

Both the International Labour Organization Convention 169 concerning indigenous and tribal peoples and the Declaration on the Rights of Indigenous Peoples, adopted by the Human Rights Council on 29 June 2006, specifically recognize the right of indigenous communities to collective ownership of land, and note the responsibility of governments to protect these rights. Cambodian

²⁹ General Comment No. 23 of the Human Rights Committee: The rights of minorities (Article 27, ICCPR), 8 April 1994. See the annual compilation HRI/GEN/1/Rev.8.

law also explicitly recognizes the rights of indigenous communities to collective ownership of their land and to traditional use of forest resources.³⁰

6.2. Economic land and other concessions in indigenous areas

The north-eastern provinces of Ratanakiri and Mondulkiri are predominantly populated by indigenous peoples, and there are also significant indigenous populations in Kratie and Stung Treng provinces. Communities in these areas have already come under pressure from land alienation through ‘land grabbing’, and illegal or coercive land sales³¹. The grant of economic land and other concessions is alienating land even more rapidly, and these concessions threaten the livelihoods, culture and well-being of indigenous communities.

At least 25 economic land concessions are known to affect indigenous land in Kompong Thom, Kratie, Mondulkiri, Oddar Meanchey, Ratanakiri and Stung Treng provinces. Other concessions granted over indigenous land include eco-tourism concessions in Aural district, Kompong Speu and at the Bou Sra waterfall in Mondulkiri, and a number of mining licences that affect indigenous land in Mondulkiri, Pursat and Preah Vihear.

In late 2006, a licence was granted to BHP Billiton and Mitsubishi Corporation to explore for bauxite over 100,000 hectares of land in Mondulkiri province, overlapping with the Wuzhishan concession and encompassing indigenous traditional lands. Other mining concessions affect indigenous land in Veal Veng district, Pursat and Roveang district, Preah Vihear. The growing number of mining concessions gives rise to concerns about the potential impacts on indigenous communities, their rights and their livelihoods.

6.3. Indigenous land alienation and registration of collective title

The Government has stated on several occasions that it is planning for the north-eastern provinces of Cambodia to become the fourth development pole of Cambodia, after Phnom Penh, Siem Reap and Sihanoukville, by 2015.³² Mining, agro-industry and eco-tourism are seen as the drivers of this growth, as noted by the Prime Minister at a meeting with the prime ministers of Vietnam and Laos in December 2006. The Government’s plan for economic growth in the north-eastern provinces seems to sanction and foreshadow further alienation of indigenous land.

The alienation of indigenous land through the grant of economic land and other concessions is undermining the ability of indigenous communities to register their collective ownership of traditional lands, and enforce their rights to land under the Land Law. In the face of the continuing alienation of land in indigenous areas, there is increasing concern that little land will remain available for registration once the framework for the registration of indigenous communities and collective land title is finalized.

Urgent and immediate action is required to protect and implement indigenous ownership rights over their traditional lands. Although the Land Law recognizes the right of indigenous communities to collective ownership of their lands, the process of establishing the framework for the registration of indigenous communities as legal entities who can hold title, and of collective

³⁰ See Chapter 3 of the Land Law and Chapter 9 of the Forestry Law.

³¹ For an analysis of the alienation of indigenous land in Ratanakiri province, see NGO Forum on Cambodia, *Land Alienation in Indigenous Minority Communities - Ratanakiri Province, Cambodia*, August 2006, available at <http://www.ngoforum.org.kh/Land/Docs/Doc4.htm>.

³² In a speech to open a national consultation workshop on a draft Policy on Registration and Right to Use of Indigenous Communal Land in Cambodia, the Minister for Land Management, Urban Planning and Construction, Im Chhun Lim, stated that the Royal Government of Cambodia has a vision to accelerate development in indigenous areas in the north-east of Cambodia, including through infrastructure construction, to turn this into the fourth development pole of Cambodia by 2015.

title, has been lengthy and remains to be finalized. In the meantime, economic land and other concessions continue to be granted over indigenous lands.

The Government has developed a draft Policy on Registration and Rights to Use of Indigenous Communal Land in Cambodia which, at the time of writing, is yet to be adopted. In its current form, the proposed policy framework for indigenous land registration does not fully reflect and protect indigenous rights to land and natural resources, as guaranteed by the Land Law and Forestry Law. Of particular concern is the suggested movement away from shifting cultivation, which is part of the traditional lifestyle and customs of indigenous communities, and specifically recognized in the Land and Forestry Laws.

6.4. Other impacts on indigenous communities

The presence of concession companies has also generated land speculation in indigenous areas, further limiting indigenous peoples' access to their traditional lands. Since the grant of the New Cosmos eco-tourism concession in Aural district, Kompong Speu province, Suy indigenous communities have faced land alienation and increased pressure on land available for their use. The commune authority has sold land reserved for future community use, including land used for the collection of non-timber forest products. People from outside the area, including Government officials from Phnom Penh, have bought land and built large houses in the area. Only a small area of reserved land now remains and this has become a source of conflict within the community, as there is now insufficient land to meet the needs of all families. During my visit to this concession in March 2006, Suy community representatives expressed concerns about their future, as most of the land traditionally used by their community is now gone.

Indigenous communities have expressed concerns that their culture, traditional ways of life and identity are under threat. They fear that the loss of their land and forests will lead to their cultural extinction, as future generations will have no cultural points of reference. As indigenous representatives have emphasized, land is life, and without it, there is no life for indigenous communities.

7. Access to an effective remedy

7.1. Community action

Faced with the encroachment of economic land concessions that are destroying their means of livelihoods and jeopardizing their future survival, communities have voiced their opposition to the presence and activities of concessionaires, and called for action to safeguard their sources of livelihoods. Through petitions and public protests, villagers have taken action to notify concessionaires and Government authorities of the impact of concessions on their land and livelihoods.

Despite villagers' protests and petitions to district, provincial and national levels of government, their concerns have not been taken up and remain unresolved. In some cases, action to resolve disputes has been promised, however there is yet to be any satisfactory resolution of disputes. Meanwhile, the companies continue to clear land and encroach upon the villagers' rice fields and farm land.

For example, since May 2006, villagers in Sre Ambel district, Koh Kong province, have protested against the presence and activities of Koh Kong Sugar Industry Company and Koh Kong Plantation Company. In September 2006, protests at the concession site were met with violence by armed company security guards, who are military personnel, resulting in the shooting and injury of a female villager, and assault of four other villagers. Villagers have delivered their concerns to the National Assembly and the Prime Minister's Cabinet, filed a complaint with the

National Authority for Land Dispute Resolution, and protested in front of the National Assembly in July 2006 and March 2007. The provincial government has promised to resolve the dispute, but the concessionaires continue to further encroach upon villagers' farm land.

Since June 2006, communities in Sambo district, Kratie province have raised concerns with commune authorities and concessionaires about the activities of six companies that have been granted concessions. In mid-January 2007, after a group of villagers went to the Green Island site office requesting a meeting to resolve their concerns, a company representative and the deputy provincial governor, Thun Kry, met with around 200 villagers. Representatives of the Forestry Administration and district government, and several gendarmes and military officers, were also present. Promises were made that the concessionaire would stop activity and resolve the complaints of the villagers. On 25 January 2007, a further meeting was held with 25 affected villagers at the provincial governor's office, to discuss ways to resolve the conflict. However, the concessionaires are continuing to expand their activities, and to clear land belonging to communities.

In March 2007, indigenous villagers in Kbal Romeas commune demonstrated against the activities of five companies in Sesan district, Stung Treng province that are threatening their farm land and access to non-timber forest products. Villagers demanded that the companies cease activity around their villages, stop cutting resin trees, and clearly demarcate their boundaries. The following week, the Stung Treng provincial governor went to the area to speak with villagers, and told local officials to identify the boundaries of the various concessions before Khmer New Year in April 2007. However, the boundaries have not yet been identified, and it is not clear what action will be taken to rectify the damage to people's land.

7.2. Climate for civil society and community activism

Community members and non-governmental organizations (NGOs) raising concerns about the impacts of economic land concessions have faced restrictions on their freedoms of movement and assembly, and pressure from companies and local authorities.

For example, since communities mobilized to protest against the Wuzhishan concession in Mondulkiri province, community members have been required to seek permission from local authorities in order to leave the province, particularly to attend meetings organized by non-governmental organizations. In Kompong Speu province, Suy indigenous people affected by the New Cosmos eco-tourism concession have been prevented from organizing community meetings, and one community representative has come under pressure from local authorities. On several occasions, the representative has been called in for questioning by district police, followed by police and commune authorities, and warned not to engage with non-governmental organizations. During community protests in Sesan district, Stung Treng in March 2007, vocal community members were warned by local authorities not to cause trouble.

NGOs have also faced restrictions in their work with communities, and in some cases their access to areas affected by concessions has been limited. When communities started protesting against the presence of Koh Kong Sugar Industry Company and Koh Kong Plantation Company in Sre Ambel district, NGO access to the area was restricted. Authorities at commune, district and provincial levels prevented NGOs, such as members of the Cambodian Human Rights Action Committee, from accessing villages in Chikhor Leu commune, and warned them not to incite villagers. Meetings with community members were monitored by police, purportedly for security purposes. Likewise, Community Economic Development (CED), an NGO in Kratie province, has faced threats and restrictions in relation to its work with communities affected by economic land concessions in Sambo district. Provincial authorities require CED to seek authorization prior to organizing community activities in Sambo district, but restrictions do not apply in other districts.

Communities affected by economic land concessions also face pressure from concessionaires and local government officials to accept the presence of the concessions, and to stop their protests. Companies have tried to ‘buy off’ communities and families by throwing parties, giving gifts and offering money. This has led to divisions within some communities, and this pressure has the potential to lead to conflict within communities. Community members find themselves in a difficult position, facing the loss of their land and struggling to find ways of providing for their families.

Instead of listening to communities’ concerns, Government officials and company representatives have accused community members of being ‘opposition party members’ and have accused NGOs of ‘inciting’ villagers to protest and causing unrest, discouraging investors and disrupting development.

7.3. Use of the judicial system

In a number of cases, criminal charges have been filed against community activists who have been organizing their communities and protesting against the impact of concessions. Yet the judicial system has not been used to uphold the rights of communities, and companies who infringe the law have not been held accountable for their actions.

In December 2005, three community activists in Pursat province, Kuch Veng, Hang Keal and Long Samean, were charged with incitement and destruction of property. The Ratana Visal concession company had filed the complaint after two of the three men signed a petition on behalf of affected communities, protesting to authorities against the company’s blockage of a stream necessary for irrigation of their rice fields. It is believed the other community activist was included in the complaint because of his activism against illegal logging in the commune. Despite efforts to have the charges dropped, they still remain, although they have not been pursued.

In December 2004, Vaen Hul, a farmer active in protests against the Pheapimex concession, was arrested following a complaint filed by a company representative. He was charged with attempted murder of a company representative after an incident in November 2004, when he allegedly accused the company of “making a ghost” of Cambodia and told technicians to leave. Following the rejection of his request for bail, Vaen Hul was detained during the investigation of the complaint. After six months in detention, the charge was dropped following a public hearing on 24 June 2005. Meanwhile, there has been no progress in the investigation of a grenade attack which injured eight protesters in Ansa Chambak commune, Pursat province on 13 November 2004, and no one has been brought to justice.

There has been no real action by the Government to enforce company compliance with the Land Law and with concession contracts. For example, the Ministry of Environment found that Green Rich had violated the terms of its contract by logging outside the concession area and destroying a section of Botum Sakor national park in Koh Kong province. The Ministry of Environment filed a lawsuit against the company in early 2005, but the case was dismissed by the provincial court in November 2005 after a hearing where the Council for the Development of Cambodia and the Ministry of Agriculture testified in favour of Green Rich. The Ministry of Environment filed an appeal, but this was dropped in November 2006 for unknown reasons.

8. Who benefits from economic land concessions?

8.1. Beneficiaries of economic land concessions

A total of 36 economic land concessions have been granted to foreign interests or prominent political and business figures, constituting 61 per cent of all economic land concessions granted. This does not include the ownership of economic land concessions not exceeding 1,000 hectares, as information on these concessions and their ownership has not been disclosed.

An analysis of information provided by the Ministry of Agriculture, Forestry and Fisheries shows that 25 economic land concessions are owned by foreign interests, amounting to over 42 per cent of all economic land concessions granted. Of this number, 12 concessions are owned by Chinese nationals, 3 by Thai nationals, 3 by Vietnamese nationals, 3 by American nationals, 3 by Korean nationals and 1 by a Taiwanese national. In addition, it has recently been reported that the Ministry of Agriculture, Forestry and Fisheries has agreed to lease 100,000 hectares of land to ten Vietnamese companies for rubber cultivation. Only 10,000 hectares have been identified to date.³³

The analysis also shows that prominent Cambodian political and business figures, including senators and *oknhas*, own or have shares in at least 11 economic land concessions. While other concessions may be linked to such figures, this cannot be confirmed without a listing of the shareholdings in concession companies and more detailed information on the beneficiaries of concessions.

8.2. Meeting the objectives of economic land concessions

Economic land concessions are intended to be part of the framework of poverty reduction and rural development set out in the National Strategic Development Plan 2006-2010. In particular, they are intended to develop land in an appropriate and perpetual manner, based on appropriate ecological systems; provide increased employment in rural areas; and generate state revenues. However, as this and other reports have shown, economic land concessions are not meeting these objectives. The World Bank Poverty Assessment 2006 recommended smallholder plots, rather than large-scale agro-industrial plantations, to increase agricultural productivity and reduce poverty.

Concessionaires are not managing land in an appropriate or sustainable manner, with reference to existing ecological systems, and there do not appear to be any tangible benefits for local communities. In general, the concessions have not brought employment to affected rural communities. Where employment has been generated, in many cases workers are brought in from other provinces. Where local villagers have been employed, the level of remuneration is often inferior to what they could have earned from agriculture and non-timber forest products. Further, it is not clear what kind of contribution economic land concessions make to state revenues in Cambodia, and the Government should disclose the revenue earned from concessions.³⁴

Instead of promoting development and poverty reduction, economic land concessions have compromised the economic, social and cultural rights of rural communities in Cambodia. Cambodia is yet to submit its initial report under the International Covenant on Economic, Social and Cultural Rights, which was due in 1994. In light of the current situation, it is imperative that Cambodia fulfil its reporting obligations under the Covenant, as a concrete step towards the effective implementation of the rights enshrined therein. General Comments of the Committee on Economic, Social and Cultural Rights have recognized that the right to adequate housing includes

³³ The Cambodia Daily, *Government ‘in principle’ OKs lease of land to Vietnam*, 25 April 2007.

³⁴ At a meeting of the Technical Working Group on Land in March 2007, Chhan Saphan, a Secretary of State in the Ministry of Land Management, Urban Planning and Construction, noted that only one economic land concession had been successful, naming the Mong Rethy palm oil plantation in Sihanoukville.

legal security of tenure, and that sustainable food security for present and future generations is central to the right to food.³⁵

8.3. Community development initiatives and needs

In a number of cases, local community development initiatives for the sustainable management of land and natural resources have been overridden by the grant of economic land and other concessions, which disregards and compromises the National Strategic Development Plan's goal of improved livelihoods and poverty reduction in rural areas. The prioritization of large-scale investment over community-based initiatives also runs contrary to the recommendations on rural poverty reduction made by the World Bank Cambodian Agrarian Structure Study 2005 and Poverty Assessment 2006.

In Sre Ambel district, Koh Kong province, American Friends Service Committee was undertaking a participatory land use planning process in Chikhor Leu commune, working with communities and local authorities to map out land use in the area. The participatory land use plan was completed in 2006, but work started on the Koh Kong Sugar Industry Company and Koh Kong Plantation Company concessions before the process could be finalized. Neither communities, local authorities nor the NGO were consulted or informed about the grant of the concessions.

In Aural district, Kompong Speu province, Suy indigenous people were working on a community-based eco-tourism project to manage the hot springs and generate community income, with the support of Lutheran World Federation and Fauna and Flora International, and in co-operation with the Ministries of Environment and Tourism. In October 2004, they were told to stop activity after the grant of the New Cosmos eco-tourism concession. Similarly, Phnong indigenous communities near Bou Sra waterfall in Mondulkiri province were working with local authorities, with the support of DANIDA, to manage the site and develop small-scale tourist facilities. Despite this initiative, plans for the grant of an eco-tourism concession are underway, envisaging larger-scale development.

Economic land concessions have also compromised community initiatives to establish community forests under the Forestry Law. Since 2005, Community Economic Development has been working with local communities in Kratie province, including Mil and Phnong indigenous people, to establish a community forest in Kbal Damrei commune, Sambo district. Local authorities and forestry officials were aware of this initiative. However, in 2006, three economic land concessions were granted over the land sought as a community forest. In Oddar Meanchey province, Mieng Ly Heng was granted a 1,000 hectare concession for a cassava plantation over an area where local people had formed a forestry community and were in the process of legalizing this community in accordance with the Forestry Law.

These are examples of local communities developing land management and livelihood strategies for the benefit of their communities, working with local authorities, NGOs and development cooperation agencies. Yet the process of granting concessions has taken no account of these initiatives, and granted exclusive possession rights to private enterprises. Many communities now have insufficient land and natural resources for their future growth, and are unable to implement sustainable development plans for their communities.

³⁵ General Comment No. 4 of the Committee on Economic, Social and Cultural Rights: The right to adequate housing, 13 December 1991; and General Comment No. 12 of the Committee on Economic, Social and Cultural Rights: The right to adequate food, 12 May 1999. See the annual compilation HRI/GEN/1/Rev.8.

9. Conclusion

Cambodia has enjoyed rapid economic growth and a reduction in overall levels of poverty in the past decade, but the benefits of this growth have not been shared equitably among its citizens. Disparities in income and access to opportunities have increased, particularly in rural areas. Rural communities are heavily dependent on land and forest resources, and landlessness has been cited as a main cause of widespread poverty in rural Cambodia.³⁶ Yet increasing numbers of economic land concessions continue to be granted, further limiting rural communities' access to land and natural resources.

Economic land concessions have not led to increased agricultural productivity or economic growth in Cambodia, and large areas of conceded land have been left idle or under-utilized.³⁷ As recommended by the World Bank Poverty Assessment 2006, secure land title and family-based or smallholder agriculture would improve development outcomes for rural communities. Community-based initiatives for land and natural resource management should also be prioritized.

This report has concluded that economic land concessions have not proven to be an effective way of promoting development that benefits the majority of Cambodia's population. Instead, they are compromising the livelihoods of rural communities in favour of the enrichment of the few, as well as foreign business interests.

Effective recourse for affected communities has remained elusive, and their concerns have gone largely unheeded by the Government. Relevant authorities and the judicial system have not fulfilled their duty to uphold and protect the rights of rural communities to own land and use forest resources. They have also failed to comply with and enforce the Land Law, Forestry Law and related sub-decrees. This does not reflect positively on the accountability of state institutions and access to an effective remedy.

Land and natural resources in Cambodia must be managed for the benefit of all Cambodians, in accordance with the law and Cambodia's commitments under international human rights treaties. Special protection is required for the land and traditional ways of life of indigenous communities. The protection and fulfilment of human rights, including those enshrined in the International Covenant on Economic, Social and Cultural Rights, are central to development and poverty reduction. Development is a people-centred process that encompasses economic, social and cultural well-being. It must benefit the population as a whole, and people must be involved in decision-making about their land and livelihoods. The participation of affected communities would assist in sharing the benefits of Cambodia's land and natural resources, and reducing the negative impact of economic land concessions.

The challenge that lies ahead for Cambodia, working with its development partners, is to develop and implement policies and practices that promote equitable and shared growth in Cambodia, and the management of common resources for the benefit of all Cambodians. The international community, for its part, must do all that it can to ensure that development is people-oriented, and respects and protects the rights of Cambodian citizens.

³⁶ See Stockholm School of Economics and Supreme National Economic Council, *Land and Human Development in Cambodia*, February 2007.

³⁷ See *Land and Human Development in Cambodia*, cited above, and World Bank Poverty Assessment 2006.

10. Recommendations

The following recommendations are proposed to address the negative impacts of economic land concessions, respect and uphold the rights of Cambodian citizens, and promote the equitable and sustainable use of Cambodia's land and natural resources. The Special Representative shares the view of his predecessor that the concession system should be reviewed, and that alternative agricultural models should be considered.

Implementation of the legal framework

- Ensure that all new economic land concessions, including those that do not exceed 1,000 hectares, comply fully with the provisions of the Land Law and Sub-Decree on Economic Land Concessions. In particular, ensure that public consultations and genuine environmental and social impact assessments are conducted prior to granting concessions, with the effective participation of local populations.
- Review all existing economic land concessions for compliance with the Land Law, Sub-Decree on Economic Land Concessions and concession contracts, and ensure they do not encroach upon land possessed and used by communities, including forested areas.
- Cancel economic land concessions that do not comply with the provisions of the Land Law and Sub-Decree on Economic Land Concessions, and reduce concessions that exceed 10,000 hectares.
- Ensure compliance with the Forestry Law and forestry regulations. In particular, ensure that economic land concessions are not granted over forested areas or former forest concessions, and protect the traditional user rights of communities.

Indigenous rights to land

- Declare and enforce a moratorium on the sale and registration of land, and the grant of economic and other land concessions, in areas occupied by indigenous peoples.
- Assist indigenous communities to demarcate their traditional lands for registration, and provide preliminary recognition of this land pending the registration of indigenous communities as legal entities, and of collective title.
- Support indigenous communities to take other steps required to register collective title, including the registration of indigenous communities as legal entities.

Access to information

- Publish information on all economic land concessions granted and proposals under consideration, including concessions not exceeding 1,000 hectares. Information should include location, size, use and status of concessions, and compliance with the requirements of the Sub-Decree on Economic Land Concessions. This information should be made available at local levels.
- Disclose information on concessionaires, including directors, shareholders and beneficiaries.

Right to an effective remedy

- Enforce the Land Law and Sub-Decree on Economic Land Concessions, in particular Article 59 of the Land Law in relation to the ownership of multiple concessions jointly exceeding 10,000 hectares.
- Establish a mechanism enabling communities or their representatives to initiate action to challenge the validity of economic land concessions, and call for their review or cancellation.
- Assist families in rural communities to register their interests in land, in accordance with the Land Law.

ANNEX 1: ECONOMIC LAND CONCESSIONS GRANTED
 (Source: Ministry of Agriculture, Forestry and Fisheries, as at 31 December 2006)

No.	Location Type of community Type of crop	Concessionaire	Director(s) Nationality	Area (hectares)	Date of contract	Deposit	Activity	
							Area for Production	Crop Cultivation
Stung Treng province								
1	Stung Treng & Thala Borivath districts Teak	Cassava Powder Production Co Ltd (or Flour Manufacturing Company)	Keo Vuthy Cambodian	7,400	13/09/99	Paid	Identified	Yes
2	Stung Treng district Teak, sandalwood, fruit trees	GG World Group (Cambodia) Development Ltd	An Yang Yin Chang Chinese	5,000	18/05/05	Not paid	Identified	No
3	Sesan district Indigenous Acacia, rubber, teak	Sopheap Nika Investment Agro-Industrial Plants Co Ltd	Men Sopheap Cambodian	10,000	08/08/05	Not paid	Identified	Yes
4	Sesan district Indigenous Acacia, rubber, teak	Sal Sophea Peanich Co Ltd	Chhoun Kosal Cambodian	9,917	08/08/05	Not paid	Identified	Yes
5	Sesan District Indigenous Teak & other trees	Grand Land Agriculture Development (Cambodia) Co Ltd	An Yang Yin Chang Chinese	9,854	23/01/06	Not paid	Identified	Yes
6	Sesan district Indigenous Teak & other trees	Siv Guek Investment	Ing Siv Guek Cambodian	10,000	24/01/06	Not paid	Not identified	Yes
7	Sesan District Indigenous Teak and other trees	Phou Mady Investment Group	An Yang Yin Chang Chinese	9,854	24/01/06	Not paid	Not identified	Yes
8	Sesan district Teak, acacia & other trees	Sok Heng Company Limited	Ly Sok Heng Cambodian	7,172	27/01/06	Not paid	Not identified	Yes

No.	Location Type of community Type of crop	Concessionaire	Director(s) Nationality	Area (hectares)	Date of contract	Deposit	Activity	
							Area for Production	Crop Cultivation
9	Siem Pang district Indigenous Agro-industry & animal husbandry	Sekong Development	Tang Hout Cambodian	9,850	12/04/06	Paid	Not identified	No
10	Stung Treng & Siem Pang districts Indigenous Teak	Green Sea Industry Co Ltd (now called Green Sea Agricultural Co Ltd)	Mong Reththy Cambodian	100,852	23/11/01	Paid	Identified	No
Kratie province								
11	Sambo district Indigenous Teak	Global Agricultural Development (Cambodia) Co Ltd	Kwok Lai Ngan Wan American	9,800	15/03/06	Paid	Identified	Yes
12	Sambo district Indigenous Teak	Asia World Agricultural Development (Cambodia) Co Ltd	Wan Ylu Ming Chinese	10,000	15/03/06	Paid	Identified	Yes
13	Sambo district Indigenous Teak	Green Island Agricultural Development (Cambodia) Co Ltd	Kwok Stanley Kar Kuen American	9,583	15/03/06	Paid	Identified	Yes
14	Sambo district Indigenous Fang Lean Tree	Plantation Agricultural Development (Cambodia) Limited	Kwok Stanley Kar Kuen American	9,214	11/08/06	Paid	Not identified	Yes
15	Sambo district Indigenous Fang Lean Tree	Great Asset Agricultural Development (Cambodia) Limited	Yao Yong Zhong Chinese	8,985	11/08/06	Paid	Not identified	Yes
16	Sambo district Indigenous Fang Lean Tree	Great Wonder Agricultural Development (Cambodia) Limited	Kwong Wing Chinese	9,231	11/08/06	Paid	Not identified	Yes

No.	Location Type of community Type of crop	Concessionaire	Director(s) Nationality	Area (hectares)	Date of contract	Deposit	Activity	
							Area for Production	Crop Cultivation
17	Snuol District Indigenous Cassava, rubber & cashew	Tai Nam K Ltd	Ha Thieu Vietnamese	7,560	18/09/06	Paid	Not identified	No
Ratanakiri province								
18	O Yadao district Indigenous Palm oil	Global Tech, Sdn Bhd, Rama Khmer International and Mittapeheap Men Sarun	Men Sarun Cambodian	20,000	21/12/99	Not paid	Identified	No
19	O Yadao district Indigenous Rubber, cashew, polonia	30/4 Gialai Company Limited	Nguyen Sinh Vietnamese	9,380	26/04/05	Not paid	Not known	No
20	Kaun Mom district Indigenous Teak	Pelin Goup Agricultural Development (Cambodia) Limited	Yang In Chang Cambodian	8,847	11/08/06	Paid	Not identified	No
21	Andaung Meas district Indigenous Acacia & rubber	Heng Development	Sieng Chan Heng Cambodian	8,654	25/05/06	Paid	Not identified	No
22	Andaung Meas district Indigenous Rubber	Oryung Construction (ACM) Co Ltd	Lim Song Chul Korean	6,866	04/04/06	Paid	Not identified	No
23	O Yadao district Indigenous Agro-industrial plantation	Heng Heap Investment		7,000	Proposal approved in principle 25/07/06			
24	N/A	Tay Seng Export Import		2,000	Proposal approved in principle 25/12/98			

No.	Location Type of community Type of crop	Concessionaire	Director(s) Nationality	Area (hectares)	Date of contract	Deposit	Activity	
							Area for Production	Crop Cultivation
Mondulkiri province								
25	Keo Seima district Indigenous Cassava, rubber & cashew	Tai Nam BPM Ltd	Ha Dai Vuong Vietnamese	7,600	18/09/06	Paid	Not identified	No
26	O'Reang district Indigenous Pine	Wuzhishan LS Group Co Ltd	Lieu Wei Chinese	10,000	30/12/05	Not paid	Not known	Yes
27	O'Reang district	Yalin International Trust and Investment (Cambodia) Co Ltd and Ocean Spact Investment (Cambodia) Co Ltd		19,900	Proposal approved in principle 11/09/04			
Kompong Speu province								
28	Phnom Srouch district Cassava	Cambodia C.J Corporation Ltd.	E. J. Choi Korean	3,000	15/11/99	Paid	Identified	Yes
29	Phnom Srouch district Cassava	Cambodia C.J Corporation Ltd.	E. J. Choi Korean	5,000	20/04/01	Paid	Identified	No
30	Phnom Srouch district Cassava	Kimsville Corp	Jai Hi Kim Chinese	3,200	24/10/00	Paid	Not Identified	No
31	Phnom Srouch district Agricultural crops & animal husbandry	Henan (Cambodia) Economic & Trade Development Zone	Li Dong Fa Chinese	4,100	29/07/99	Not paid	Not identified	No
32	Aural & Phnom Srouch districts Castor oil plant & multi-agriculture	Cambodia Haining Group Co Ltd	Yang Zhaofu Chinese	23,000	23/07/98	Not paid	Not identified	Experimenting

No.	Location Type of community Type of crop	Concessionaire	Director(s) Nationality	Area (hectares)	Date of contract	Deposit	Activity	
							Area for Production	Crop Cultivation
33	Phnom Srouch district Cashew	Uk Khun Agro-Industry Development	Sok Sopheap Cambodian	12,506	25/05/01	Paid	Not identified	Yes
34	Aural, Phnom Srouch & Samroung Tornq districts Agricultural crops	Cambo Victor Investing and Developing Co Ltd	Wang Shen Ming Chinese	26,550	13/08/01	Not paid	Not identified	No
35	Phnom Srouch district Agro-industrial crops	China National Corporation for Overseas Economic Cooperation Laostar Development Co Ltd	Zhu Jun Je Chinese	8,000	26/09/00	Not paid	Not identified	No
36	Phnom Srouch district Agro-industrial crops	Golden Land Development Co Ltd	Chang I Phine Taiwanese	4,900	04/03/04	Not paid		Yes
37	N/A	Hour Hong Investment	N/A	2,040	Proposal approved in principle 14/08/04			
38	N/A	M Consolidated Plantation	N/A	12,700	Proposal approved in principle 04/08/97			
Kompong Thom province								
39	Santuk district Cotton	Cambodia Eversky Agricultural Development	Tang Kamsan Cambodian	10,000	03/01/98	Paid	Not identified	Experimenting
40	Prasat Balaing district Indigenous Acacia plantation	An Mady Group	An Mady Cambodian	9,863	09/05/05	Not paid	Identified	No
41	Santuk District Acacia & other trees	HMH Co Ltd	El Rada Cambodian	5,914	17/03/06	Paid	Identified	Not known
42	Santuk District Rubber & Acacia	Mean Rithy Co Ltd	Mean Rithy Cambodian	9,784	16/03/06	Paid	Identified	Not known

No.	Location Type of community Type of crop	Concessionaire	Director(s) Nationality	Area (hectares)	Date of contract	Deposit	Activity	
							Area for Production	Crop Cultivation
Battambang province								
43	Komrieng district Sugar cane	Leang Hour Hong Import Export and Development of Agro-Industry and Processing	Ly Mean Cambodian	8,000	07/06/00	Paid	Not identified	Yes
Pursat province								
44	Krakor district Cashew	Ratana Visal Development Co Ltd	Van Visal Cambodian	3,000	15/10/99	Paid	Not identified	Yes
45	Krakor, Sampov Meas & Kravan districts Acacia	Pheapimex Co Ltd	Lau Meng Khin Cambodian	138,963	08/01/00	Not paid	Not identified	No
Kompong Chhnang province								
46	Toek Phos, Samaki Mearchey & Boribo districts Acacia	Pheapimex Co Ltd	Lau Meng Khin Cambodian	176,065	08/01/00	Not paid	Not identified	No
Sihanoukville municipality								
47	Khan Prey Noup Oil palm	Mong Reththy Investment Cambodia Oil Palm Co Ltd	Mong Reththy Cambodian	11,000	09/01/95	Not paid	Not identified	Yes
48	Khan Prey Noup Cassava	Mong Reththy Cambodia Cassava Investment	Mong Reththy Cambodian	1,800	18/03/00	Not paid	Not identified	Yes
Kompong Cham province								
49	Memot district Rubber	TTY Industrial Crops Development Import-Export	Seng Touch Cambodian	1,070	02/05/00	Not paid	Not identified	No
50	Memot district Cassava & sugar cane	Vannma Import Export Co Ltd	Prel Bunmaneth Cambodian	1,200	29/09/04	Not paid		Yes
51	Memot District Rubber	Meang Ly Heng Investment	Sok Ny Cambodian	3,000	08/11/05	Paid	Identified	No

No.	Location Type of community Type of crop	Concessionaire	Director(s) Nationality	Area (hectares)	Date of contract	Deposit	Activity	
							Area for Production	Crop Cultivation
52	Memot District Rubber, cassava, acacia & cashew	Mittapheap Men Sarun Agriculture Development	Men Sarun Cambodian	4,400	10/02/06	Not paid	Not identified	Yes
53	Choeung Prey district Cashew	Agro Star	Sok Mony Cambodian	2,400	09/01/95	Not paid	Identified	Yes
54	N/A	Bopha Angkorimex Trancon		5,000	Proposal approved in principle 17/02/99			
Kompot province								
55	Chhouk district Maize, bean, cassava, acacia & eucalyptus	First Bio-Tech Agricultural (Cambodia) Co Ltd	Chan Sothea Cambodian	10,000	21/04/05	Paid	Identified	No
56	Kampot & Kampong Bay districts Oil palm	Camland Import Export	Eung Sopheap Cambodian	16,400	26/10/00	Not paid	Not Identified	No
57	Chhouk dirstict Maize, bean, cassava & acacia	World Tristar Entertainment (Cambodia) Co Ltd	Mr. Kim Hout Cambodian	9,800	21/04/05	Paid	Identified	No
Oddar Meanchey province								
58	Samraong district Indigenous Cassava & agro- industry	Real Green Co Ltd	Boonsong Patarasongkram Thai	8,000	06/09/06	Paid	Not identified	No
59	Samraong district Indigenous Cassava & agro- industry	Crystal Agro Company Limited	Suwit Witchawut Thai	8,000	17/07/06	Paid	Not identified	No
Koh Kong province								
60	Koh Kong district Oil palm & acacia	The Green Rich Co Ltd	Shen Shang Pang Chinese	60,200	25/11/98	Paid	Not identified	No

No.	Location Type of community Type of crop	Concessionaire	Director(s) Nationality	Area (hectares)	Date of contract	Deposit	Activity	
							Area for Production	Crop Cultivation
61	Sre Ambel district Sugar cane	Koh Kong Sugar Industry Company Limited	Chamroon Chinthammit Thai	9,700	02/08/06	Not paid	Not identified	Yes
62	Botum Sakor district Sugar cane	Koh Kong Plantation Company Limited	Ly Yong Phat Cambodian	9,400	02/08/06	Not paid	Not identified	No
63	Kompong Seila and Sre Ambil districts Acacia & agro- industrial plantation	Camagra Investment Co Ltd		5,525	Proposal approved in principle 30/11/2006			
Siem Reap province								
64	Chikreng & Svay Leu districts Rubber	Kain Co Ltd	Lang Saly Cambodian	4,535	29/09/06	Paid	Not identified	No
65	Varin & Anlong Veng districts Rubber & acacia	Samrong Rubber Industry PTT Ltd	Pang Nam Cambodian	9,658	12/04/06	Paid	Not identified	Yes
66	Chikreng district Rubber	Sophorn Theary Peanich Co Ltd	Sam Kimlin Cambodian	5,042	29/09/06	Paid	Not identified	No
67	Banteay Srey district Agro-industrial plantation	Ratana Cooperation		1,351	Proposal approved in principle 12/11/2006			
Preah Vihear province								
68	Roveang district	Cambodian Agro Industry Group		8,692	Proposal approved in principle dated 26/07/2006			
TOTAL: Concessions with contract:				943,069 hectares				
Concessions with proposal approved in principle:				64,208 hectares				

ANNEX 2: ECONOMIC LAND CONCESSIONS CANCELLED
 (Source: Ministry of Agriculture, Forestry and Fisheries, as at 31 December 2006)

No.	Company Name	Province	Area (hectares)	Agreement in principle	Contract Signed	Cancellation of permits & references	Other
1	Lim Kry Agriculture Development	Takeo	1,050	Letter No. 686 Kor Vi Kar dated 03/08/95	Not yet	Letter No. 1780 Sar Chor Nar Sar Ror dated 25/10/05 of the Office of COM	- Did not complete investment formalities - No activity, did not comply with required investment procedures - No contact address
2	Vat Vanny	Kompong Thom	3,000	Letter No. 5400 Kar Sar Kar. Phar Phar Kar dated 05/04/95	Not yet	Letter No. 1381 Sar Chor nar. Sar Ror dated 14/08/00 of the Office of COM	- No contact address - Lost contact
3	Asia Golden Dragon	Kompong Cham	4,000	Letter No. 6204 Kar Sar Kar Phar Phar Kar dated 11/10/95	Not yet	Prakas of MAFF No. 333 Pra Kar. Kar Sar Kar. Phar. Phar Kar dated 31/05/00 on the Cancellation of the Principle to Offer Concessional Land	- No activity - Abandoned investment project
4	Unique Unified International Trade	Mondulkiri	20,000	Letter No. 185 Sar Chor Nar. Phar Sar dated 14/02/96	Not yet	Letter No. 142 Sar Chor Nar.Kar Sar dated 20/03/00 of the Office of COM	- Did not complete process of contract signing - No contact
5	Chung Shin Cambodia	Koh Kong	16,000	Letter No. 476 Sar Chor nar dated 15/06/96	Not yet	Letter No. 1780 Sar Chor Nar.Sar Ror dated 25/10/05 of the Office of COM	- Did not complete investment formalities - No activity, did not comply with required investment procedures - No contact address
6	Shing Yue Commercial	Kampot	10,000	Letter No. 040/96 Kor Vi Kar dated 11/01/96	Not yet	Letter No. 1780 Sar Chor Nar.Sar Ror dated 25/10/05 of the Office of COM	- Did not complete investment formalities - No activity, did not comply with required investment procedures - No contact address
7	Sin Tahi Kampot Co., Ltd	Kampot	5,700	Letter No. 864/96 Kor Vi Kar dated 26/06/96	Not yet	Letter No. 1780 Sar Chor Nar.Sar Ror dated 25/10/05 of the Office of COM	- Did not complete investment formalities - No activity, did not comply with required investment procedures - No contact address
8	Yean Jan Trading Co Ltd or Cambodia Tapioca Corporation Limited	Kampot	3,800	Letter No. 2507/96 Kor Vi Kar dated 06/11/96	Not yet	Letter No. 442 Sar Chor Nar.Kar Sar dated 20/03/00 of the Office of COM	- Did not complete process of contract signing - No contact
9	Cambodian Tapioca Interprise	Kampot	5,100	Letter No 2504/96 Kor Vi Kar dated 06/11/96	Not yet	Letter No. 1780 Sar Chor Nar. Sar Ror dated 25/10/05 of the Office of COM	- Did not complete investment formalities - No activity, did not comply with required investment procedures - No contact address

No.	Company Name	Province	Area (hectares)	Agreement in principle	Contract Signed	Cancellation of permits & references	Other
10	Naco Rice	Battambang	2,000	Letter No. 6857 Kar Sar kar.Phar.Phar Kar dated 11/11/96	Not yet	Letter No. 1780 Sar Chor Nar. Sar Ror dated 25/10/05 of the Office of COM	- Did not complete investment formalities - No activity, did not comply with required investment procedures - No contact address
11	Ly Seng Import Export	Battambang	2,000	Letter No. 6857 Kar Sar kar.Phar.Phar Kar dated 31/12/96	Not yet	Letter No. 442 Sar Chor Nar. Kar Sar dated 20/03/00 of the Office of COM	- Did not complete process of contract signing - No contact
12	Cambodia Palm Oil Pty.Ltd	Takeo	15,200	Letter No. 7036/607 Kar Sar kar. Phar Phar Kar dated 19/12/96	Not yet	Prakas of MAFF No. 333 Prar Kar. Kar Sar kar. Phar.Phar Kar dated 31/05/00 on the Cancellation of the Request for Land Concession	- No activity - Abandoned investment project
13	Chung Thai Investment	Koh Kong	550	Letter No. 7235 Kar Sar Kar.Phar.Phar Kar dated 31/12/96	Not yet	Letter No. 1381 Sar Chor Nar,Sar Ror dated 14/08/00 of the Office of COM	- No principle to permit from RGC
14	Chel Jadan (C.J Cambodia)	Kompong Speu	18,300	Setter No. 2258/97 Kar Ar Kao dated 04/08/97	Not yet	Letter No. 442 Sar Chor Nar.Kar Sar dated 20/03/00 of the Office of COM	- Did not complete process of contract signing - No contact
15	SK Chamroeun Akphiwath	Ratanakiri	4,000	Letter No. 243 Sar Chor Nar. Kar Sar dated 11/03/97	Not yet	Letter No. 442 Sar Chor Nar.Kar Sar dated 20/03/00 of the Office of COM	- Did not complete process of contract signing - No contact
16	Sour Kear Co Ltd	Pursat	300	Letter No. 001/96 Kor Vi Kar dated 07/01/98	Not yet	Letter No. 1780 Sar Chor Nar.Kar Sar dated 25/10/05 of the Office of COM	- Did not complete investment formalities - No activity, did not comply with required investment procedures - No contact address
17	K.C Gecin Enterprise	Kompong Cham	6,250	Letter No. 0299/636 Kar Sar Kar.Phar Phar Kar dated 20/01/98	Not yet	Prakas of MAFF No. 333 Pra Kar. Kar Sar Kar. Phar. Phar Kar dated 31/05/00 on the Cancellation of the Principle to Grant Land Concession	- No activity - Abandoned investment project
18	China Evergret	Kampot	4,000	Letter No. 416 Sar Chor Nar dated 23/05/98	Not yet	Letter No. 1780 Sar Chor Nar.Kar Sar dated 25/10/05 of the Office of COM	- Did not complete investment formalities - No activity, did not comply with required investment procedures - No contact address
19	Un Borin Trade Agricultural Development	Kompong Speu	16,600	Letter No. 740 Sar Chor Nar dated 11/06/98	Not yet	Letter No. 1780 Sar Chor Nar.Kar Sar dated 25/10/05 of the Office of COM	- Did not complete investment formalities - No activity, did not comply with required investment procedures - No contact address
20	Cambo Came Co Ltd	Kompong Thom	11,400	Letter No. 918 Sar Chor Nar dated 18/08/98	Not yet	Letter No. 1381 Sar Chor Nar. Sar Ror dated 14/08/00 of the Office of COM	- No principle to permit from RGC

No.	Company Name	Province	Area (hectares)	Agreement in principle	Contract Signed	Cancellation of permits & references	Other
21	Sokimex Investment Rubber Plantation	Kompong Cham	9,900	Letter No. 26 Sar Chor Nar dated 09/05/98	Contract dated 27/05/98	Letter No. 1441 Sar Chor Nar. dated 12/10/05 of the Office of COM	- Cancelled contract - Did not comply with contract and guidelines of the Ministry, kept asking for delay of guarantee deposit, inappropriate action
22	Cam Chi International Agricultural Development	Kompong Thom	26,500	Letter No. 22 Sar Chor Nar dated 06/01/00	Contract dated 03/03/00	Letter No. 581 Sar Chor Nar dated 07/04/06 of the Office of COM	- Cancelled contract - Did not comply with contract and guidelines of the Ministry, kept asking for delay of guarantee deposit, inappropriate action
23	Agriculture Development Association	Kompong Cham	500	No document	Not yet	Letter No. 1381 Sar Chor Nar. Sar Ror dated 14/08/00 of the Office of COM	- No principle to permit from RGC
24	Maca Plantation	Kompong Speu	10,800	No document	Not yet	Letter No. 1381 Sar Chor Nar. Sar Ror dated 14/08/00 of the Office of COM	- No principle to permit from RGC
25	Cambodia Shan Shoei	Koh Kong	3,830	No document	Not yet	Letter No. 1381 Sar Chor Nar. Sar Ror dated 14/08/00 of the Office of COM	- No principle to permit from RGC
26	Angkor Agro Industrial Development Plantation	Kompong Speu	20,000	No document	Contract dated 04/11/94	MAFF Prakas no. 406 Pra Kar. Kar Sar Kar. Phar. Phar Kar dated 15/09/98 on the Cancellation of the Contract and Seizure of land concession from Angkor Agro-Industrial Development Plantation	- Cancelled contract - Did not comply with contract and guidelines of the Ministry, kept asking for delay of guarantee deposit, inappropriate action
27	Ford Thai	Mondulkiri	200	No document	Not yet	Letter No. 1780 Sar Chor Nar.Kar Sar dated 25/10/05 of the Office of COM	- Lost contact
28	Sar Uth	Kompong Speu	1,550	No document		No document	- Cancelled contract
29	Talam Plantation Holding Snd. Bhd	Koh Kong	36,700	MAFF Letter No. 0297/635 Kar Sar Kar. Phar.Phar Kar dated 19/01/98	Contract dated 05/10/98	-Letter No. 567 Sar Chor Nar dated 06/05/98 of the Office of COM - Letter No. 4243/06 Kar Ar Kar dated 30/11/06 of the Council for Development of Cambodia - Announcement No. 431 Pra Kar/513 Kar Sar Kar. Nor Phar dated 12/12/06	- Cancelled contract

No.	Company Name	Province	Area (hectares)	Agreement in principle	Contract Signed	Cancellation of permits & references	Other
30	China Cambodia State Farm International	Koh Kong	7,500	Letter No. 364/98 Kar Ar Kar dated 13/02/98	Contract dated 06/10/98	<ul style="list-style-type: none"> -Leter No. 1138 Sar Chor Nar dated 19/05/98 of the Office of COM - Letter No. 33 Sar Pra Tot dated 30/09/98 -Letter No. 4243/06 Kar Ar Kar dated 30/11/06 of the Council for Development of Cambodia -Announcement No. 431 Pra Kar/513 Kar Sar Kar. Nor Pha dated 12/12/06 	- Cancelled contract
TOTAL		265,230 hectares					