

The impact of economic land concessions on indigenous communities in Preah Vihear Province, Cambodia

Ellis Mackenzie and Len Ang, 2016

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Acknowledgements

We are very thankful to Mr. Cheatlom Ang, the executive director of Ponlok Khmer, for his time and insights, which were invaluable to our research. We would also like to extend our thanks to all the staff at Ponlok Khmer, without whose help this research would not have been possible. We are especially grateful for the team's help with data collection in the field. We also thank Mr. Ray Bunthin and Mr. Bun Vannrim for their time and assistance in helping to facilitate group interviews, testing our household survey and contributing to the editing of the survey. Thanks to Mr. Poek Sophorn, for his advice and wisdom on land titling in Preah Vihear, and Mr. Kann Seyha for providing us with a map. We also give special thanks to the data coding team for their patience and support. Lastly, we would like to thank the villagers for their openness in interviews and for accepting us into their villages.

Abbreviations

ADHOC	Cambodian Human Rights and Development Association
CCHR	Cambodian Center for Human Rights
CDC	Council for the Development of Cambodia
CIB	Council Investment Board
Constitution	Constitution of the Kingdom of Cambodia
CSEZB	Cambodian Special Economic Zone Board
ELC	Economic Land Concession
ha	Hectare
IPFN	Indigenous People and Forestry Network
IWGIA	International Working Group on Indigenous Affairs
Land Law	Land Law 2001
LSLAs	Large-Scale Land Acquisitions
NSDP	National Strategic Development Plan
NTFPs	Non-Timber Forest Products
RFA	Radio Free Asia
RGC	Royal Government of Cambodia
Sub-Decree No.146	Sub-Decree No.146 on Economic Land Concessions
Sub-Decree No.83	Sub-Decree No.83 on the Procedures of Registration of Land of Indigenous Communities
UDHR	Universal Declaration of Human Rights
UNDRIP	United Nations Declaration on the Rights of Indigenous People

Executive Summary

A surge in large-scale land acquisitions (LSLAs) is occurring across many developing nations attempting to modernize their economies and agricultural sector. LSLAs have been criticised for their contribution to increasing conflict over land, which is leaving many rural populations landless. These issues are evident in the context of Cambodia, where subsistence from the land is critical to the social and economic fabric of indigenous communities.

The Cambodian population is heavily reliant on the land for income and survival, with approximately 90% of the population being located in rural areas and depending on agrarian activities as their primary source of income (De Lopez, 2002). Yet for a country so dependent on the land, the issue of land rights is highly contentious in modern day Cambodia. The systematic violation of land rights is particularly significant in its impact on the indigenous people of Cambodia who are being dispossessed of large portions of their land as a result of corporate projects facilitated through the widespread granting of economic land concessions (ELCs) (CCHR, 2016). In addition, the many perceived benefits of ELCs do not reach the rural poor and indigenous populations, nor do they ensure the sustainable use of natural resources.

The focus of this report is on the province of Preah Vihear and the granting of ELCs to five Chinese companies: 1) Lang Feng, 2) Rui Feng, 3) Heng You, 4) Heng Rui and 5) Heng Nong, and the impact of these ELCs on the local Kui (also spelt Kuoy) indigenous population. The Royal Government of Cambodia (RGC) granted these five companies ELCs which border on each other to form a triangular area totalling 42, 000 hectares (ha), comprising three districts within Preah Vihear Province; Tbeng Meanchey, Chhaeb, and Chey Sen. In this report we aim to make a case against ELCs, by sharing the voices of Preah Vihear's indigenous communities to demonstrate the many injustices that are occurring over land rights.

There are several key laws and policies regarding land use that are important to this case including the *National Strategic Development plan* (NSDP) which has recently undergone a shift in focus, aiming to ensure more transparent and sustainable management of the land. A key legal framework surrounding ELCs is outlined in the *Land Law 2001* (Land Law) which was the first legislation to recognise the existence of indigenous people, and the *Sub-Decree No.146 on Economic Land Concessions* (Sub-Decree No.146) which outlines the criteria necessary to obtain and grant ELCs. At the international level the land rights of Cambodia's indigenous population are protected under the *Universal Declaration of Human Rights* (UDHR) and the *United Nations Declaration on the Rights of Indigenous people* (UNDRIP) which have both been incorporated into Cambodian law. In addition to the land law, other relevant domestic laws include the *Constitution of the Kingdom of Cambodia* (Constitution) and the *Sub-Decree No.83 on the Procedures of Registration of Land of Indigenous Communities* (Sub-Decree No.83), which also guarantee the protection of indigenous populations and their right to land.

Indigenous populations can register their land under either collective or private land titles. The collective land title registration process has been criticised for its slow and complex mechanisms, which have resulted in many vulnerable communities being unable to complete the application process. In response to growing complaints from rural villages in relation to land dispossession from ELCs, the RGC implemented a moratorium on ELCs in May 2012 under *Order 01BB* (also known as Directive 01), as well as the *leopard skin policy* (CCHR, 2016). *Order 01BB* enforced a suspension on the granting of all new ELCs as well as a review of existing ELCs. However, the ban excluded disputed areas of land, and in doing so, effectively side-stepped the most vulnerable communities (CCHR,

2016). The *leopard skin policy* aimed to protect state land that was already occupied by communities so that the communities could live within the vicinity of ELC zones. Authorities were ordered to map out existing villages, and any areas where there are communities occupying land that clash with economic zones will result in land being cut out and granted to the local farmers (ADHOC, 2015). Unlike the collective land titles, the *leopard skin policy* aims to provide private land titles to farmers on state public land. Yet, private land titles under the *leopard skin policy* grant the owner the right to sell and mortgage land, which puts indigenous lands at risk of commodification, as well as potentially eroding social and cultural ties to the land (Li, 2010). Furthermore, the need to prove “active use” of the land risks the loss of culturally significant land which is not used for economic purposes (Milne, 2013). In addition, *Order 01BB* and the *leopard skin policy* have been criticised for their “lack of transparency, accountability and the absence of an effective dispute settlement mechanism” (ADHOC, 2014). Our findings show that the policies, laws and land titles have been largely ineffective in protecting indigenous communities’ rights to land, as they continue to experience land dispossession.

We collected data over a two-week period during June and July 2016, through a series of field trips to indigenous villages in the three affected districts of Chhaeb, Chey Sen and Tbeng Meanchey. Data was collected in two forms, a semi-structured interview designed for group discussion, and individual household surveys. Due to time constraints, we were unable to discuss preferences for collective and private land titles with villagers. There may also be errors that have occurred in the process of translating our survey responses. In addition, some survey respondents experienced intimidation from local police officers which may have influenced some of the respondents’ answers. However, this impact appears to have been minimal.

The findings from our fieldwork reinforce the importance of land for indigenous communities, which is increasingly under threat from ELCs. A large number of the villagers that we surveyed reported having lost land and many stated that they were not appropriately consulted prior to having their land taken. The impact on the environment was detrimental not only to the health of the land, but also to the livelihoods of the communities which depend on the land for survival. Key environmental impacts from the companies’ land use included clearing of land, loss of biodiversity in the area, poor waste management, and toxic chemicals contaminating water and nearby farmland. The communities’ spiritual and sacred lands had also been affected, as respondents told us of their ancient temples and burial sites which had been destroyed by the companies. Villagers also reported that they felt less safe in their communities since the arrival of the companies. Almost all the villagers that lost land to the ELCs reported that their income was lower than the income they had earned prior to the establishment of the ELCs. The reduction of income was largely due to loss of farming land and inability to collect non-timber forest products (NTFPs), which are commonly used to supplement income from agriculture. We found that only a small portion of villagers from the affected communities were employed by the companies, with many not wishing to work for them due to their dislike towards them.

The majority of the respondents do not own official land titles, which is likely to be a contributing factor in the vulnerability of these communities. The mechanisms for solving land conflict are clearly inadequate, as although the majority of respondents reported having filed complaints, none reported successful resolution. In addition, many respondents who lost land did not receive compensation from the companies. Lastly, our findings show there is reason to believe that there have been legal breaches by the five companies of the requirements surrounding ELCs.

From our study, we believe that future strategies to reform land issues in Cambodia should aim to go beyond regulation as it has proven largely ineffective to date. The current ELC system should be

abolished. This involves the termination of existing ELC contracts and the redistribution of land to its previous occupants in situations where companies have breached contract requirements. Furthermore, future investment in Cambodia's land should prioritize the well-being of indigenous peoples and rural populations as this will have long-term positive benefits for both the indigenous population and for better land management.

Our research shows that the affected indigenous communities are increasingly under threat from ELCs. Recommendations are provided for non-government organisations (NGOs) in Preah Vihear Province and throughout Cambodia, the *Ministry of Agriculture, Forestry and Fisheries* (MAFF), the *Ministry of Land Management, Urban Planning and Construction* (MLMUPC), companies that have been granted ELCs in Cambodia, and the Royal Government of Cambodia (RGC).

Introduction

Land conflict is an ongoing issue that continues to cause human rights abuse across Cambodia. The widespread granting of land to businesses has seen a new wave of land dispossession across the country. This is in accordance with movements of increasing large-scale land acquisitions (LSLAs) across many developing nations. The effects of such land acquisitions are particularly severe in rural areas and amongst indigenous communities. Indigenous communities are increasingly coming under threat as the land they rely on for survival is sold for economic purposes that benefit the country's elite at their expense. While land conflict in Cambodia is not new, the increasing incidence of land conflict as a result of economic land concessions (ELCs) is worsening and the impact on increasingly marginalised communities warrants immediate attention.

The ELCs in Preah Vihear Province reflect the systematic violations of land rights that take place across many other rural parts of Cambodia. Yet, little attention has been paid to the impacts of land concessions in Preah Vihear. In this report, we focus on ELCs granted in 2011 to five Chinese companies: Lang Feng, Rui Feng, Heng Yue, Heng Rui and Heng Nong. We explore the impact of these five ELCs on indigenous communities. Through our fieldwork, which consists of group interviews and household surveys in the affected districts of Chhaeb, Chey Sen and Tbeng Meanchey, we aim to make a case against these ELCs by sharing the voices of the area's indigenous communities to demonstrate the many injustices that are occurring over land rights. In doing so, we endeavour to advocate for the protection of indigenous peoples in Preah Vihear Province, and throughout Cambodia.

Our report first examines LSLAs and some key criticisms made against them. We then focus on the issue of ELCs in Cambodia. This includes a brief overview of Cambodia's history, the rise of ELCs, and the laws and policies currently in place to regulate land issues in Cambodia. Second, we present findings from our fieldwork that highlight the severe and widespread impacts that the ELCs are having on indigenous communities. These impacts include, but are not limited to, harm to community livelihoods, environmental degradation, erosion of indigenous culture, and a failure of the many perceived economic benefits of ELCs to reach these affected indigenous communities. Third, we discuss the limitations of the current legal system and existing land titling mechanisms which are inadequate in protecting the indigenous communities of Preah Vihear. In addition, we examine the companies' breaches of their legal obligations and their failures to fulfil the necessary requirements for the granting of ELCs. Future strategies to reform land issues in Cambodia are then discussed, where we call for the abolishment of the current ELC system and a move towards investment in land which prioritises Cambodia's indigenous and rural populations. Lastly, we provide recommendations to non-government organisations (NGOs) in Preah Vihear Province and throughout Cambodia, the *Ministry of Agriculture, Forestry and Fisheries* (MAFF), the *Ministry of Land Management, Urban Planning and Construction* (MLMUPC), companies that have been granted ELCs in Cambodia, and the Royal Government of Cambodia (RGC).

Large-scale land acquisitions

Large-scale investments in farmland have become an increasingly popular development strategy throughout many developing nations, especially those rich in land and natural resources. Large-scale land acquisitions (LSLAs) are often viewed as an opportunity to stimulate jobs and increase economic growth with great potential to alleviate poverty in some of the world's poorest regions (De Schutter, 2011). Yet, increasing evidence is showing a different side to the case for LSLAs, one which views them as an exclusionary tactic that provides disproportionate benefits to investors at the expense of rural populations that depend on the land (Cismas and Paramita, 2015). In the debate over land

rights and land use, large-scale land acquisitions have become synonymous with the term “land grabbing”, a practice that has deeply scarred many rural regions. Land grabbing typically refers to land acquisitions or concessions that breach human rights and lack proper consent, or lack planning and meaningful participation with the traditional people that occupy the land (Christian Aid Ireland, 2015). Recent years have seen unprecedented levels of landlessness for the rural poor which have exacerbated poverty, food insecurity, environmental degradation, and seen governments become almost irrelevant in their ability to represent the needs of many small-scale farmers (De Schutter, 2011). For these reasons, one must consider whether the interests of the host government, transnational corporations, domestic investors and the local populations concerned can actually be met through LSLAs in a manner which benefits all stakeholders.

A critique of large-scale land acquisitions

The failure of many LSLAs to achieve their purported benefits has led to a strong argument to be made against their implementation.

Reliance on strong political institutions, legal enforcement and transparency

For LSLAs to benefit the local population they require strong political institutions and legal frameworks in the host country, which regulate and protect citizen’s rights in regards to land deals. Yet in practice there remains a significant gap between the conditions that currently exist in host countries and the necessary requirements to enable positive land investment (De Schutter, 2011). Furthermore, negotiations over LSLA contracts commonly lack transparency, with disclosure of information to the public or participation with local land occupants seldom occurring (Christian Aid Ireland, 2015). A lack of capacity or political will from host governments has seen many LSLAs fuel corruption and worsen poverty (De Lopez, 2002).

Large-scale land acquisitions undermine food sovereignty for local populations

A paradox exists where investment through LSLAs, which claims to increase agricultural production, can have a contrasting effect which undermines food sovereignty for the local population. The displacement of rural farmers from land grabs can worsen food security as families are no longer able to feed themselves because of loss of farming land and increased competition with large corporations over arable soils and water (De Schutter, 2011). Another concern for food security is that investors can replace food crops, which the local population depends on for survival, with “cash crops” that are typically produced with the intention to be exported abroad (Christian Aid Ireland, 2015). Thus, it is neither economically efficient nor socially desirable to have a substantial portion of the population unable to feed themselves while farming land is dominated by corporations seeking to export their products for commercial value.

Large-scale land acquisitions impact on indigenous peoples and their right to land

Land grabs spurred on by LSLAs have frequently breached numerous human rights, this is especially true for indigenous peoples and their rights to land (CCHR, 2016). Indigenous populations which inhabit rural areas are some of the most marginalised and excluded groups as a result of LSLAs, and yet they often depend entirely on land for their survival and well-being (De Schutter, 2011). The exploitation of indigenous people and breaches of their right to land is partly attributed to their lack of official land titles, which renders them easy targets to land grabbing by corporate interest (CCHR, 2016). In addition to severely impacting on the livelihoods of indigenous people, LSLAs and the commodification of land also pose risks to indigenous traditions and cultures which are embedded in the land of their communities (Milne, 2013). As land becomes increasingly scarce in developing nations due to LSLAs, indigenous people will almost certainly face further marginalisation.

Large-scale land acquisitions impact on the environment

LSLAs contribute to widespread environmental degradation as the focus on natural resource management and environmental concerns is minimal (Christian Aid Ireland, 2015). The competitiveness of large-scale plantations is underpinned by their production methods which do not adequately reflect the environmental impacts they have on the land that they occupy. These impacts are particularly prevalent on the health of the soil and forests in surrounding areas (Davis et al., 2015; Hartemink, 1998). Contrastingly, small-scale farmers tend to demonstrate greater resource efficiency and care for the land (De Schutter, 2011). Mabey and McNally, (1999) argue that in a bid to attract investment, financially constrained countries may reduce environmental regulations. While this lowers production costs for the investing company it comes at the cost of greater environmental degradation for the host country. As natural resources continue to be treated as “mere economic assets” by LSLAs, the environment continues to deteriorate as well as the livelihoods of those who depend on the land for survival (De Schutter, 2011 p.252).

Regulating large-scale land acquisitions

Current attempts to regulate LSLAs are problematic, insofar as they presume that through adequate regulation a desirable outcome can be reached that benefits all parties involved. However, as outlined in the critiques – the strong reliance on the host country’s institutions and political capacity, worsening food sovereignty for the local population, breaches of indigenous peoples’ right to land and widespread environmental impacts – it is evident that co-existence between small-scale farmers and LSLAs is precarious. The complex nature of LSLAs and their severe impacts on rural populations are becoming increasingly prevalent in Cambodia, as the country experiences rapid investment in agricultural land, often in the form of economic land concessions (ELCs). The following sections will examine ELCs in Cambodia, and the effect of these land grabs on indigenous and rural populations.

Background: Land conflict in Cambodia

Historically, Cambodia has been a sparsely populated country, rich in natural resources which have provided the Khmer people generous opportunities for growth. The natural resources, including dense forests, farming lands and fishing streams, allowed the Khmer Empire to be a dominant player in the South-East Asian region from the 8th to the 14th century (De Lopez, 2002). In contrast to this prosperous historical era, three recent decades of conflict, including the devastating Khmer Rouge regime, has greatly affected the nation. Today Cambodia is on an uncertain path to development, characterised by unsustainable exploitation of natural resources, the selling of land to corporate interests, and corruption amongst elites who exclude the majority of Cambodians from benefiting from the country’s land (De Lopez, 2002). Due to its traumatic history Cambodia lags behind many of its Asian neighbours in regards to many social indicators, including being ranked 150th out of 168 countries on *Transparency International’s 2015 Corruption Index*, making it one of the world’s most corrupt countries (Transparency International, 2016).

The Cambodian population relies heavily on the land for income and survival with approximately 90% of the population being located in rural areas and depending on agrarian activities as their primary source of income. Additionally, rural communities use forest products to supplement their income (De Lopez, 2002). Yet for a country so dependent on the land, land rights are a highly contentious issue in modern day Cambodia. The Khmer Rouge regime abolished land ownership and official land titles, which even today has left many Cambodian farmers and rural communities susceptible to land dispossession from political and economic elites (De Lopez, 2002).

The systematic violation of land rights is particularly significant in its impact on the indigenous people of Cambodia, who are losing large areas of their land to corporate projects through the widespread granting of ELCs (CCHR, 2016). Indigenous people make up approximately 1.5% of the total Cambodian population and reside in 15 different provinces across the country (IPFN, 2014). In theory, collective land titles do exist in Cambodian law to protect indigenous communities and their land, yet in practice registration of collective land titles for indigenous communities is largely non-existent (CCHR, 2016). The inability of the RGC and other forestry and land departments to enforce land laws to protect indigenous populations and ensure the sustainable use of Cambodia's natural resources has led to the country suffering from what De Lopez (2002, p.363) refers to as "chronic institutional weakness".

History of economic land concessions in Cambodia

Increasing demand for economic growth, driven by growing foreign investment and rising exports, has seen a surge in Cambodian land being granted to corporate enterprises in the form of economic land concessions (ELCs). In addition, improved technology and infrastructure now allows businesses greater access to remote parts of the country that were once deemed to be inaccessible. Typically, it is the remote and resource rich areas of the country that are largely populated by indigenous communities, which are now under threat by ELCs (CCHR, 2016).

Economic land concessions

ELCs are often considered to be a mechanism to achieve economic development. An ELC consists of "a long-term lease that allows a concessionaire to clear land in order to develop industrial-scale agriculture, and can be granted for various activities including large-scale plantations, raising animals, and building factories to process agricultural products" (Open Development Cambodia, 2015b). Yet the perceived benefits of ELCs, which include boosting investment, reducing poverty, increasing employment in rural areas and facilitating the optimal use of land, are often not met, particularly in regards to benefiting the rural poor and indigenous populations, and ensuring the sustainable use of natural resources (Oldenburg and Neef, 2014).

The NGO Forum of Cambodia (2016) reported that 267 ELCs have been granted since 1995. Furthermore, it is estimated that these amount to over two million hectares (ha) of land, which are now being used by domestic and foreign businesses, in addition to political elites, for agro-industrial purposes. In response to growing backlash surrounding the granting of ELCs, the RGC enforced a moratorium on ELCs in May 2012. The moratorium also called for the review of ELCs, which resulted in some ELCs being revoked and some being reduced in size. However, many of the concessions which have been issued under dubious conditions have not been adequately assessed (CCHR, 2016). This is the result of the systematic corruption that underpins many of the corporate activities in Cambodia, which breach human rights whilst being supported by the country's elite (De Lopez, 2002).

As conflict over land is becoming more frequent and more violent in Cambodia due to the increasing scarcity of land, ELCs have received ongoing criticism from local populations, NGOs, human rights activists and politicians (ADHOC, 2015; CCHR, 2016; Cismas and Paramita, 2015; Neef, Touch, and Chiengthong, 2013). Consequently, land conflict is still prevalent in Cambodia today as pressure from the nation's citizens, demanding change to the current ELC system, is growing in the hope for more equitable access to land.

Current policies and laws in place

This section does not intend to provide a comprehensive explanation of all the laws and policies related to the use of land, or the rights of indigenous people to obtain recognition of their land. Rather, it is intended to highlight some of the key laws and policies in place, which help to demonstrate the stark breaches of the law occurring on a regular basis in Preah Vihear.

National Strategic Development Plan

Updates in the Cambodian Government's development policy from the *National Strategic Development Plan* (NSDP) for 2009-2013 to the NSDP for 2014-2018, have resulted in a shift in policy focus. The NSDP for 2009-2013 focused largely on granting ELCs in the hope to boost economic growth and subsequently reduce poverty (Open Development Cambodia, 2015b). In contrast, the 2014-2018 NSDP aims to ensure "transparent and efficient management, conservation and use of land and natural resources to ensure the sustainability of the environment". In accordance NSDP, the Forestry Administration's action plan, aims to "maximize sustainable forest contribution to poverty alleviation, enhanced livelihoods, and equitable economic growth" and "continue formalizing titles to the indigenous peoples" while also allowing indigenous people access to NFTP's (Royal Government of Cambodia, 2014, p.130-135).

Land Law (2001) and the Sub-Decree No.146 on Economic Land Concessions

The primary legal framework surrounding ELCs is outlined in the *Land Law 2001* (land law) and *Sub-Decree No.146 on Economic Land Concessions* (Sub-Decree No.146). The Land Law was implemented after ongoing pressure from international actors to modernize Cambodia's legal system. The law outlines regulations that make it possible for individuals, groups and corporate entities to occupy and use state land after being granted official land concessions. Land concessions are usually granted for economic and social purposes, but are also granted for other uses such as mining and industrial development (Neef, Touch and Chiengthong, 2013). The Land Law was the first legislation to explicitly recognise the existence of indigenous people and to grant them the right to establish communal land tenure (CCHR, 2016).

Sub-Decree No.146 is of particular importance to this case. It was issued in 2005 and outlines the criteria surrounding the requirements to obtain a ELC and the necessary criteria for granting new ELCs (CDC, CIB & CSEZB, 2016). According to the Land Law, an ELC cannot exceed more than 10,000 ha, nor can the same person or entity obtain several concessions that total more than 10,000 ha (Article 59). In addition, the Sub-Decree states that in order for an ELC to be granted, the land must meet the following five criteria:

1. The land has been registered and classified as state private land in accordance with the Sub decree on State Land Management and the Sub decree on Procedures for Establishing Cadastral Maps and Land Register or the Sub decree on Sporadic Registration.
2. Land use plan for the land has been adopted by the Provincial-Municipal State Land Management Committee and the land use is consistent with the plan.
3. Environmental and social impact assessments have been completed with respect to the land use and development plan for economic land concession projects.
4. Land that has solutions for resettlement issues, in accordance with the existing legal framework and procedures. The Contracting Authority shall ensure that there will not be involuntary resettlement by lawful land holders and that access to private land shall be respected.

5. Land for which there have been public consultations, with regard to economic land concession projects or proposals, with territorial authorities and residents of the locality.

(Article 4).

Indigenous rights and land laws

The land rights of indigenous populations in Cambodia are protected under both international law and domestic law. Yet, as this study shows, these laws, coupled with the lengthy and complex process for obtaining official land titles, have proven to be largely ineffective in ensuring the land security of indigenous communities.

International law

The land rights of Cambodia's indigenous population are protected under the *Universal Declaration of Human Rights* (UDHR). At a general level the UDHR supports the rights of indigenous persons in Article 17 "Everyone has the right to own property alone as well as in association with others" and "No one shall be arbitrarily deprived of his property" and Article 25 which lists the right to adequate housing (UDHR, 1948, Article 17 & 25). In addition, the *United Nations Declaration on the Rights of Indigenous people* (UNDRIP), provides more specific protection of indigenous populations and their land rights. The UNDRIP guarantees a number of rights related to the protection of indigenous peoples' land, including Article 10 "Indigenous peoples shall not be forcibly removed from their lands or territories" and Article 26 "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired" (UNDRIP, 2007, Article 10 & 26).

Both the UDHR and the UNDRIP have been incorporated into Cambodian law. The UDHR was implemented by Article 31 of the *Constitution of the Kingdom of Cambodia*, which states that "The Kingdom of Cambodia recognizes and respects human rights as stipulated in the United Nations Charter, the Universal Declaration of Human rights" (The Constitution, as amended in 2006). Additionally, Cambodia voted in favour of the UNDRIP (CCHR, 2016). While it is not legally binding, it does represent a set of legal norms which Cambodia has shown a commitment to (CCHR, 2016).

Domestic law

At the domestic level, in addition to the Land Law previously mentioned, the Constitution and the *Sub-Decree No.83 on the Procedures of Registration of Land of Indigenous Communities* (Sub-Decree No.83) also guarantee the protection of indigenous populations' right to land in Cambodia. While the Constitution ensures that all citizens have the same rights, regardless of whether they are indigenous or not (The Constitution, as amended in 2006, Article 31), the Sub-Decree No.83 focuses on the procedures for the registration of land of indigenous communities (CCHR, 2016).

Collective land titles

Collective land titles are recognised under the Land Law and allow indigenous communities to register land under communal titles (Land Law, Article 26). The Sub-Decree No.83 further outlines that indigenous land can consist of: (1) residential land; (2) cultivated land; (3) reserve land necessary for shifting cultivation; (4) spiritual forest land; and (5) burial ground forestland (Article 4). The right for indigenous people to register collective ownership of land is the result of a decade of advocacy for indigenous rights, and is a significant development towards greater rights and protection for indigenous populations (Milne, 2013). However, the implementation of collective land titles has been described as "painfully slow" as indigenous land remains at risk of further encroachment (Milne, 2013, p.325).

The process of obtaining collective land titles for indigenous communities

The process of obtaining collective land titles for indigenous communities is both complex and lengthy. This is exemplified by CCHR's (2016, p.1) findings that "of Cambodia's 458 indigenous communities, only 11 have been able to complete the process and register their collective lands." Additionally, the process often requires third party assistance due to the difficulty of meeting legal requirements, and the lack of resources in the indigenous communities to gain collective land titles. In order to register community land, the indigenous community must comply with the requirements of the Sub-Decree No.83 which involve:

"first the community must obtain formal self-identification recognition as a 'traditional culture' by the Ministry of Rural Development (the 'MRD'); then the community must apply for recognition as a 'legal entity' with the Ministry of Interior (the 'MOI'); and finally, the community has to file a collective land registration request with the Ministry of Land Management, Urban Planning and Construction (the 'MLMUPC') to register their land and be issued with a CLT" (CCHR, 2016, p.11).

Moratorium on the granting of ELCs and the leopard skin policy

Acknowledging the complications related to land concessions, as well as the growing social unrest from rural villagers, the RGC implemented a moratorium on ELCs in May 2012 (CCHR, 2016). The moratorium was issued under the *Order 01BB* (also known as Directive 01) which announced a suspension on the granting of all new ELCs as well as a review of existing ELCs. *Order 01BB* meant that all ELCs that did not obey regulations could be seized, or subject to reductions in land size as well as the duration of length of time that the ELCs contract exists. However, the ban excluded disputed areas of land, and in doing so, effectively side-stepped the most vulnerable communities (CCHR, 2016). In addition, it did not apply to ELCs that were part way through the approval process, which resulted in at least 33 more ELCs being granted since the enforcement of *Order 01BB* (ADHOC, 2015).

As part of the *Order 01BB*, the RGC launched a *leopard skin policy* (also known as tiger skin) which aimed to protect state land that was already occupied by communities so that the communities could live within the vicinity of ELC zones (ADHOC, 2014). According to the policy, which was consolidated in June 2012, authorities shall map out existing villages, and any areas where there are communities occupying land that clash with economic zones will result in land being cut out and granted to the local farmers, with an additional 10 percent of land being set aside for the future needs of the community (ADHOC, 2015). Unlike the collective land titles, the *leopard skin policy* aims to provide private land titles to farmers on state public land. Villagers living in close proximity to ELCs are able to acquire private land titles up to five ha per family, under the condition that they can demonstrate "active use" of the land (Milne, 2013). Companies that fail to comply with the guidelines of the *leopard skin policy* may have their rights to the land revoked (ADHOC, 2015). In an effort to speed up the land titling process, land mapping is largely facilitated by youth volunteers deployed to remote villages by Prime Minister Hun Sen (Milne, 2013).

The implementation of *Order 01BB* along with the *leopard skin policy* seemed to represent a much needed systematic change that many Cambodians had been calling for in order to deal with the worsening land insecurity. Accelerating the rate at which land titles are granted to communities and halting the increasing granting of land to corporate interests, which had placed many rural people under threat for over a decade, had the potential to provide significant reform (Milne, 2013). While the following years after the implementation of *Order 01BB* have seen a substantial drop in newly granted ELCs, from 25 in 2012 to one in 2015, the initiative has been criticised for its inability to provide an adequate solution to the chronic land conflict that continues to exist (The NGO Forum on

Cambodia, 2016). ADHOC (2014) reported a 48 percent increase in land conflicts from 2012 to 2013, with many of these cases being reported in North East Cambodia, including Preah Vihear, which was one of the worst affected provinces, indicating that the overall policy has not brought about real change to many vulnerable communities.

In theory, these policies and laws should regulate the granting of ELCs, while ensuring the protection of indigenous communities and sustainable use of natural resources, however, findings show otherwise as indigenous communities continue to have their rights to land disregarded and ELCs continue to occur. The remainder of the report will discuss findings from fieldwork conducted in communities affected by the five ELCs throughout Preah Vihear, which highlight the inability of these laws to produce material benefits for the indigenous people.

Preah Vihear and the case of ELCs to five Chinese “brother companies”

The focus of this report is on Preah Vihear Province and the granting of ELCs to five Chinese companies, and the effect of these ELCs on the local Kui (also spelt Kuoy) indigenous population. Preah Vihear Province is located in northern Cambodia and is currently host to 23 ELCs, which total a land mass of 143,811 ha. In addition, the province has had 13 land disputes of which only one has been fully resolved (The NGO Forum on Cambodia, 2016). The RGC granted ELCs to five Chinese companies: 1) Lang Feng 9,015 ha, 2) Rui Feng 8,841 ha, 3) Heng You 8,959 ha, 4) Heng Rui 9,119 ha and 5) Heng Nong 6,488 ha (Open Development Cambodia.net, 2015a). The ELCs granted to these five companies border on each other and total an area of 42,000 ha, which forms a triangle shape covering three districts within Preah Vihear Province; Tbeng Meanchey, Chhaeb, and Chey Sen, shown in *Figure 1* (Indigenous Peoples and Forestry Network, 2014). Local reports, as well as Ponlok Khmer staff, have reported that the five companies operate under the control of Hengfu Group Sugar Industry co., LTD¹, and have nicknamed them “brother companies” (Ponlok Khmer, 2016a; RFA, 2016).

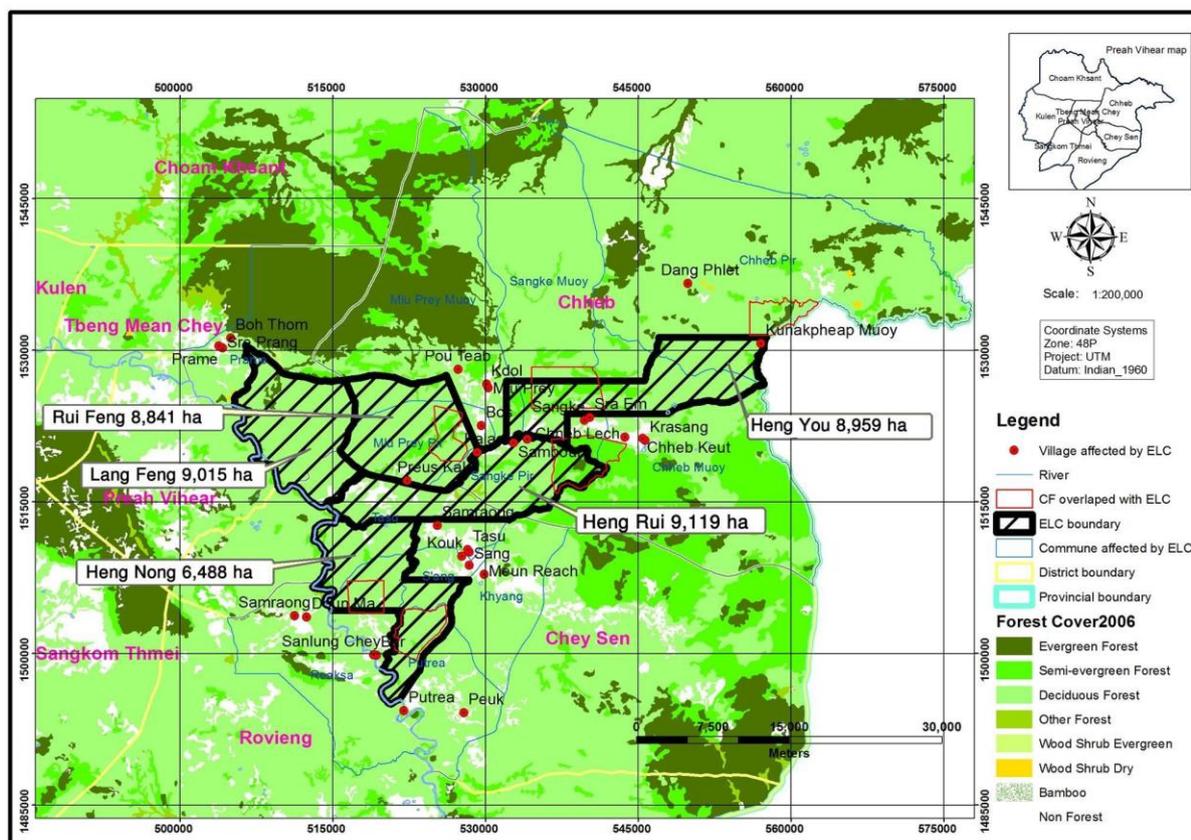


Figure 1. Target ELCs awarded to the five Chinese companies in Preah Vihear Province

(Source: Map sourced from Ponlok Khmer; sizing of ELCs sourced from Open Development Cambodia, 2015a)

¹ We have found little mention of Hengfu Group Sugar Industry co., LTD in our research. However, local news sources and PKH believe the five Chinese companies that own ELCs to be subsidiaries of Hengfu Group Sugar Industry co., LTD.

Open Development Cambodia (2015a) shows that the five Chinese companies were all granted ELCs on the same date, the 6th of July 2011, and share the same address (except for Heng You where the address was not listed). This suggests the companies are essentially one company or have colluded together, which effectively circumvents the laws against one company being granted an ELC exceeding 10,000 ha. The companies have been granted concessions for the cultivation of rubber, acacia, and sugar cane, however, it is the production of sugar which has proved the most concerning (Open Development Cambodia, 2015a). In April 2016 the Rui Feng company opened a \$360 million sugar mill², the largest in Cambodia (ASEAN China Center, 2016). Together with the other Chinese companies in Preah Vihear they use their land concessions to grow sugar cane, which is to be processed in the mill (Sokhorng, 2016).

The problem with the ELCs in Preah Vihear, which we will discuss further throughout this report, is that they have encroached on land that has been traditionally inhabited by the indigenous Kui people of Cambodia. The Kui is one of 24 indigenous groups which have occupied Preah Vihear and other Northern Cambodian provinces (IWGIA, 2016). The Kui people depend on the land for survival, as their income typically comes from rice farming, swidden plantations, collection of resin, and other non-timber forest products (NTFPs) (Indigenous Peoples and Forestry Network, 2014). The rural lifestyle of the Kui community in Preah Vihear has been practiced from their ancestors until now, and is coming under threat from the recent ELCs which have breached both domestic and international law.

Research methods

We collected data over a two-week period from the end of June to the beginning of July 2016, through a series of fieldtrips to indigenous villages throughout Preah Vihear Province. With the assistance of Ponlok Khmer staff, data was collected across villages in the three districts of Chhaeb, Chey Sen and Tbeng Meanchey, which had been directly impacted on by the five ELCs. Data was collected in two forms, a semi-structured interview designed for group discussion and household surveys. The purpose of the semi-structured interview was to get a general understanding of the views held by village members. The household surveys allowed us to target questions that would provide more in-depth knowledge on key issues that were raised in group interviews. It also allowed village members to provide responses, without the influence of large group being present. One respondent was interviewed on behalf of each household.

The first part of data collection involved the semi-structured group interviews. The first group interview took place in Bos Village, Prey Pir Commune, Chhaeb District. The second group interview had members from both Sambour Village and Chouk Chey Village, Sangkae Pir Commune, Chhaeb District, and took place in Chouk Chey Village. The third group interview took place in Samraong Village, Tor Sou Commune, Chey Sen District. The fourth group interview took place in Prame Village, Prame Commune, Tbeng Meanchey District. The group sizes ranged from 8-15 village members and contained an approximately equal ratio of males to females. The group interviews were structured with only a few questions, which were successful in generating free flowing discussion. During the group interviews, two Ponlok Khmer staff members took time to test a pilot household survey with a chosen member from the villages. This helped to test the survey and highlight any errors in our questions.

² Some of the locals refer to the sugar produced in Preah Vihear as “blood sugar.”

After some minor corrections were made to the household surveys, the second phase of data collection took place. Household surveys were carried out by Ponlok Khmer staff members, who interviewed members from ten villages across the three districts of Chhaeb, Chey Sen and Tbeng Meanchey. In total, 151 individuals were surveyed, answering on behalf of their household, with 54 percent of respondents being female and 46 percent male. Results from the household surveys were then sent off for translation from Khmer to English. Finally, data analysis consisted of sorting responses into categories using SPSS Statistics program.

Limitations of this report

Due to time constraints, we were unable to discuss preferences for collective and private land titles with villagers. We feel this is an important area that deserves future research. We also acknowledge that there may be errors that have occurred in the process of translating our survey responses. In addition, some survey respondents and Ponlok Khmer staff members who were conducting the surveys experienced intimidation from local police officers who insisted on closely supervising some of the interviews. This may have influenced some of the respondents' answers, however, we feel the influence of police was only minor as they only watched over a few villagers being surveyed.

Findings from fieldwork

Villager's background

Most villagers have settled and lived in their villages for generations. Of the total (n=151) respondents surveyed on behalf of their household, 54% of respondents (n=81) were female and 46% (n=70) were male. 55% (n=83) were of indigenous Kui ethnicity and 45% (n=68) were of Khmer ethnicity. Of the total household surveyed 66% (n=99) were community members and 26% (n=40) were ordinary citizens (no responsibilities or roles in the communities), and 7% (n=10) were community committee members who had been elected to be the representative of the communities. 86% of people surveyed were aged between 21-60 years. On average, all the respondents had from 3-5 family members in each household, with husbands and wives being the leaders of the households.

Villager's education

A high level of respondents were illiterate, with most participants (n=103) not achieving a level of education beyond primary school. In addition, 17% (n=26) had never been to school. The highest level of education was high school with only 2% of participants going to high school and none receiving a university education.

Villager's income

The majority of respondents' jobs were agriculture-based practices with 95% (n=143) being farmers. In addition to farming, many participants generated extra income through other activities, with 56% of participants (n=85) collecting NTFPs and 11% (n=17) raising livestock.

Table 1. Estimated total household income per month

Total household income per month (USD)	Number of households (n=151)	Percentage (%)
Less than 200	105	70
201 – 300	10	7
301 – 400	3	2
401 – 500	10	7
501 – 600	0	0
601 – 700	0	0
701 – 800	5	3
801 – 900	0	0
901 – 1000	1	1
Over 1000	12	8
Missing	5	3

As highlighted in *Table 1*, 70% of respondents (n=105) earned less than 200 USD per month. Interestingly, 8% (n=12) households earned over 1000USD per month from their farming and cultivation.

Land

The largest proportion of participants 44% (n=66) owned 1-5 ha of land, a further 32% (n=49) owned 5-10 ha, 10% (n=15) owned over 15 ha, and only 4% (n=6) owned land of less than 1 ha. Most participants 68% (n=103) acquired their land through family. Some others 52% (n=78) cleared the forest using traditional methods for the indigenous Kui communities of slash-and-burning the forest, to clear land for rice cultivation. Only 10% (n=15) bought their farm land from other people within the communities.

Confiscation of land

Table 2: Size of land encroached by ELCs

Size of land encroached by ELCs (ha)	Number of households (n=121)	Percentage (%)
Less than 1	6	5
1 – 5	80	66
6 – 10	20	17
11 – 15	6	5
Over 15 hectares	7	6
Missing	2	2

Of the total respondents, 80% (n=121) had their land affected by the ELCs. As shown in *Table 2*, most respondents have lost between 1-10 ha of land because of the ELCs.

Consultation between companies and villagers

Not only did the majority of villagers lose land, but many did not receive proper consultation before having their land taken. Household surveys showed that of those who lost land, 65% (n=75) did not receive proper consultation prior to losing land. As a villager said in the group discussion with members from Sambour and Chouk Chey Village:

“We have had no consultation about the investment in sugar cane plantations in our communities with our villagers. Our village leaders also told us that they did not know about the information of the sugar cane plantation. The companies cleared our lands during the

daylight, but we protested and they did it only at night time. Our rice fields were destroyed after we harvested our rice yields in 2012.”

In addition, several villagers expressed concern that they had been tricked by the companies into signing false or misleading documents regarding the establishment of ELCs in their community. One member from Bos Village stated:

“At first, we were asked by the company staff [Rui Feng] to have our thumb printed on the papers which they explained to us was for legal support of our lands, but in fact they were lying. They persuaded us that once we had our thumb printed on the papers our lands would enter into legal protection. Initially, we saw the thumb printed papers which were written properly with the information about our lands being given to us, but they later cut out all parts of information, which had explanations that stated the land belongs to us. Instead, they later wrote down information by stating that our thumb prints allowed them to use our lands”

Security in the villages

The security in the village has been affected by the ELCs. 73% (n=88) stated they had felt safe in their villages prior to the ELCs. After the establishment of ELCs, 50% (n=60) reported that their freedom to move around their community was restricted. Furthermore, 26% (n=31) reported they felt a greater sense of fear, while 34% (n=41) experienced a higher rate of robberies (whether this is linked to the ELCs we do not know).

Economic impacts

Effect of ELCs on income

Overwhelmingly, 94% (n=114) of respondents stated their income was lower than the income they had earned prior to the establishment of the ELCs. The reduction of income was largely due to loss of farming land and inability to collect NTFPs such as resin, animals and bamboo which are commonly used to supplement income from agriculture. In addition, 63% of respondents (n=70) said they could no longer support their family year-round from the crops they grow. A mother of three children, from Samraong Village, said in response to losing her farming land:

“I just lost 3 ha this year. So, I do not expect to have enough rice to support my family because I have only 0.5 ha. I asked my relatives for plots of lands to cultivate rice for additional support.”

Employment provided by the five brother companies

From the household surveys, only 3 respondents stated that they worked for any of the companies. These 3 respondents earned less than 200 USD per month, and disliked that they were pressured to work long-hours with only short breaks. 38% of respondents (n=46) reported that they were offered employment by the 5 companies. Another 118 respondents said they did not seek employment from the companies, the main reason being that 55% of respondents (n=65) said they were not satisfied with the companies. A further 19% of the respondents (n=23) stated they did not have qualified skills to work for the companies. During the group interview, one member from Bos Village said:

“Some of the villagers have been employed by the company. Most labourers who have worked for the company come from other parts of the country, not from our villages. Sometimes our villagers were employed, but their wages were not paid the correct amount for their labour that was agreed upon the original contract. For those labourers from the other parts of the country

they were employed, and their wages were also cut down by local Khmer managers in the company.”

Summary of economic impacts

As is common in Cambodia, the perceived economic benefits of ELCs are not reaching the rural poor and indigenous populations (Oldenburg and Neef, 2014). One of the most concerning findings from our survey was that 94% of respondents that had been directly affected by ELCs stated that their income had been reduced as a result of the establishment of the ELCs. This was mainly because villagers had lost farming land and could not access forests to collect NTFPs. Furthermore, over half these respondents reported that they could no longer support their family.

One of the key purposes of ELCs, as stated in the Sub-Decree No.146, is:

“To increase employment in rural areas within a framework of intensification and diversification of livelihood opportunities and within a framework of natural resource management based on appropriate ecological system” (Article 3).

We believe the current situation in Preah Vihear reflects the opposite of an ELCs intended purpose to increase employment in rural areas. In fact, many villagers’ economic prospects are worse than before. While 38% of respondents said they had been offered employment, only three villagers surveyed actually work for any of the five companies that have been granted ELCs. The overwhelming majority of respondents stated they did not seek employment from any one of the companies, largely because they did not like them. Members from Chouk Chey Village said that the company in their area did not want to hire them and instead opted to employ workers from other provinces. One villager in the group interview said:

“Villagers are not employed by the company, because the company were afraid of protests and whether their sugar cane crops would be destroyed. Therefore, the company employed workers from other areas of Cambodia”

While a member from Prame Village said:

“We have never wanted to work for the company because we do not want to work as labourer slaves. We have received the announcement [employment offer], but have never sought jobs.”

It is not surprising that villagers who have lost land and had their livelihoods harmed do not wish to work for the companies that have inflicted such damage. We suspect that had the five companies communicated with the impacted villages prior to being granted ELCs, they likely would have found that many of the individuals in the communities were not seeking employment, especially with these companies. This is supported by our findings from group interviews that virtually all villagers just wanted their farm lands back. Whether it is possible to facilitate working conditions under which local villagers feel satisfied to work for these companies, and thus derive benefits from the economic opportunities of ELCs, is an area that needs further attention.

Impacts on community livelihoods and the environment

It became evident from the group interviews and household surveys that the impact on the environment was not only detrimental to the health of the land, but it harmed the community livelihoods due to the important connection the villagers had with the land. A village member from the interview with Sambour and Chouk Chey Village summed the impact up on her community by saying:

“Our livelihoods have significantly been affected by the clearing of the forest, no more forest products can be collected. We lost our time by spending it monitoring the companies who are demolishing our young rice fields. Our rice yields are also reduced because of the lack of land for agriculture, and the cost for local rice has also reduced because the company can also grow rice and sell it at a cheaper price.”

Environment

The environmental degradation appeared to be severely altering the natural resources available to both the communities and the animals that depend on the ecosystems for survival. Members from Bos Village talked about the impact of the clearing of forests and how water from heavy rains would drain quicker, leaving their soil drier. Villagers from Prame Village complained about the companies cutting down trees, as one member said:

“We have no trees, even the birds have to have trees to rest on, and they cannot rest on the sugar cane trees”.

Another common issue raised in several group interviews was the disappearance of wild animals from the lands and the spread of harmful pesticides into nearby water streams.

Animals

The loss of animals in the area is representative of the impact ELCs are having on ecosystems and the impact on traditional livelihoods of locals as they often hunt animals for food. A member from Bos Village said:

“we have had a big tragedy as our fish, frogs, snakes and crabs were poisoned and some of them have left their habitats. The wild pigs, deer, impalas, and tigers were also killed and some of them have moved away from our community. Instead of wild animals that used to be found in the areas, now we can only see domestic dogs raised by the Chinese company to kill rabbits and rats in their protected areas.”

Another member from Prame Village talks about the impact on her livestock and ability of her community to catch animals to eat:

“Before the company started investment we had freedom of mobility, our livestock could access large areas and we could catch wild animals for food, thus, we paid less for food. We could access some ponds for catching fish, but not anymore”

Problem of waste management

From both group discussions and household surveys it became apparent that one of the most concerning environmental issues to the villagers was the use of chemicals and pesticides by companies. As a woman from Chouk Chey Village noted:

“Even crabs can no longer survive in the area. This is because there are too many chemicals being used to grow the sugar cane which is spreading to other areas and killing our rice crops. Our rice has faded.”

The use of chemicals has appeared to have affected nearby water sources, as 43% of respondents (n=52) stated that they experienced a change in the quality of water due to chemical substances in it. 31% (n=37) stated that they saw plastic and leftover rubbish in the streams, which were not properly managed by the company. The impact on nearby water affects both the ability of villagers to catch fish to eat (which is a major food source) and the health of villagers who use it to drink and wash in. All members from all 5 of the group interviews discussed the harmful impacts that water

contamination was having on their communities. Members from Sambour and Chouk Chey Village talked about how they believed the fish were affected by the smell of the poor quality of water and have stopped travelling upstream to their village. A member from Prame stated:

“We are scared of eating fish that were killed by chemicals that have leaked into the streams.”

A member from the discussions with Sambour and Chouk Chey Village expressed their concern, saying:

“We no longer have access to fish in the community, we can only buy fish from the vendors. Those who can afford to pay can survive, those who do not will die.”

Villagers from both Samraong and Prame said in order to eat fish they must rely on vendors who come from the city of Preah Vihear, however they find this expensive. In addition to the inability to catch fish, there were also widespread health concerns about the quality of water. Members of Samraong expressed their worry about more villagers experiencing diarrhea as a result of the contaminated water and that they could no longer drink from their wells at their rice fields. A member from Prame Village stated:

“The water has had bubbles and the water has also changed its colour. We have had itchy skin infections while we were bathing in the stream called Popam where we have never experienced such problems before”

Summary of impacts on community livelihoods and the environment

The health of the environment is integral to the livelihoods of the affected communities. Our findings showed that environmental degradation as a result of the ELCs in Preah Vihear was harming the traditional community livelihoods of the villagers and severely undermining their food sovereignty. The primary source of income in these affected communities is farming (predominately rice cultivation), and thus it is essential for indigenous communities to have access to their farmland to both earn an income and to provide food for their families. Close to half the respondents reported that their monthly income had been reduced as a result of the ELCs. In addition, over half of the respondents took part in gathering NTFPs. The collection of NTFPs is very important to Cambodians who live in rural areas, including indigenous communities, who have collected NTFPs for generations. The NTFPs such as food, resin and medicines provide a further source of income for communities as well as being consumed regularly within the communities. NTFPs play a substantial role in the livelihoods of the affected indigenous communities, in terms of cultural significance as well as poverty alleviation (Kim, Sasaki and Koike, 2008). Yet, without sufficient management and conservation the long-term availability of NTFPs is at risk.

The five Chinese brother companies have had to clear substantial areas of land in, and around, indigenous communities. The clearing of land to make way for sugarcane plantations is severely affecting the availability of natural resources to the communities and animals that depend on the ecosystems for survival. Several villagers from Bos Village in the group interviews raised concerns that the newly cleared land could not retain water as well after periods of rain. This reduces the quantity of rice being cultivated, as well as the population of animals in the region. The large-scale clearing of land is also contributing to chronic deforestation in Cambodia, which is experiencing one of the highest rates of forest loss in the world (Milne, 2015). Studies by Davis et al., (2015) in Cambodia have shown forest removal is especially bad in ELCs. Aggressive clearing of trees is evident in the ELCs of Preah Vihear, and requires immediate reassessment.

It is evident from our research that the use of toxic chemicals by the companies is a major concern of the affected communities. The use of chemicals for production by the companies has the potential to harm the land, as the health of the soil is an integral aspect of sustainable land management (Hartemink, 1998). While this is problematic for the land inside the ELCs, it also has flow-on effects, as villagers have complained of chemicals spreading to surrounding areas. The spread of chemicals has impacted the ability of indigenous communities to cultivate rice, as villagers spoke of their declining rice yields which they attribute to the harmful chemicals.

In addition to the impact on villagers' farming capabilities, the spread of chemicals from the ELC zones has affected nearby water streams. As a result, villagers have struggled to catch fish which have either died as a result of the poor water quality or migrated away from the community areas. Fish is a major food source for many of the indigenous communities and the inability to catch fish affects the livelihoods of those who are unable to be self-sufficient and forced to buy more food which they feel is expensive. Furthermore, contaminated water poses health threats to the villagers as the water is used for drinking and washing.

The environmental impacts from the ELCs are severe. Not only are they affecting the land, they are harming the villagers' quality of life. We believe that the indigenous communities we have visited have treated the land, which they live on and depend on for survival, with respect and have demonstrated sustainable use of the land. Furthermore, many of the communities have actively engaged in training courses by local NGOs to further learn about sustainable natural resource use (Ponlok Khmer, 2016a). Yet in sharp contrast, the newly implemented ELCs are harming the land that generations of indigenous communities have sought to protect. Large-scale clearing of land, coupled with the use of toxic chemicals which are affecting nearby areas, has demonstrated a complete lack of concern for the environment and poor waste management by the companies operating in the ELCs. We believe this warrants an immediate and thorough environmental impact assessment, which is a mandatory requirement of ELCs.

Impacts on tradition and cultural practices

According to the survey, 72% of respondents (n=87) reported that their community's spiritual areas and tradition had been affected by the ELCs. 56% (n=53) stated that their spiritual land of worship was affected, 27% (n=25) of respondents reported that their ancient temples were affected, 22% (n=21) reported their traditional methods of collecting NTFPs were affected. Villagers from Prame talked about the demolition of their sacred grave site as well as their ancient temples, and how they lost ancient weapons that the company excavated from the fields. Samraong villagers said that three of their temples had been destroyed despite the company promising to preserve the sites. A member from Bos Village described their situation saying:

“Not only were our sacred places demolished, but also our ancient temples were destroyed and they excavated the ground under the temples to find any precious materials. We could not do anything besides hopelessly look as our spiritual places and trees were destroyed, and our old temples were flattened.”

Summary of the impacts on tradition and cultural practices

The survival of tradition and culture of indigenous communities in Preah Vihear is under threat from increasing demand for land and natural resources. The issues faced by indigenous communities in the preservation of their culture is not just restricted to Preah Vihear, but is a global issue (CCHR, 2016). We have already stressed the importance of the land for the livelihoods and wellbeing of indigenous communities in Preah Vihear, however, another aspect of their culture that needs consideration is the protection of spiritual areas. From our research it is clear that villagers are

concerned about the impact of ELCs on their spiritual and sacred sites. Spiritual forests, places of worship, burial sites and temples are key aspects of the culture of these indigenous communities, and they are being destroyed by ELCs. Villagers from Prame expressed views, which were shared by members of other villages that we visited, which highlighted the need for preservation of not only village and farm land, but also land for sacred and spiritual places as well as land for burial sites.

Milne (2013) makes clear the problems surrounding *Order 01BB* and its principles on the “active use” of land in order for the land to be eligible for an official land title. This has potential to render indigenous spiritual and sacred land uses “invisible”. We believe that mapping of indigenous land is important for its protection, and the importance of preserving sacred sites must be stressed. The primary purpose of mapping indigenous lands is to support indigenous communities in strengthening and protecting their ancestral lands and resources (Chapin, Lamb and Threlkeld, 2005). Yet there are inherent tensions around mapping indigenous communities due to the potential to control and redefine indigenous lands by those who hold access to technology and power (Alder, Ironside and Ratanak, 2009).

One member for Prame Village exemplified the problems of mapping, stating:

“Re-mapping the district allowed the company Rui Feng to get more land from our district. Chhaeb district has expanded its boundary much bigger due to the re-mapping. This is just to avoid strong protest from the people in Tbeng Meanchey as the Chhaeb district residents do not protest as strongly as the people in Tbeng Meanchey.”

Therefore, successful mapping of indigenous land that preserves spiritual and cultural sites will require collaboration between indigenous communities, local NGOs and provincial authorities.

Land titles and existing mechanisms to solve land conflict

Land titles

The majority of the respondents do not own official land titles. Of all the respondents 55% (n=88) had no official land titles, with many others only receiving land titles for parts of their land. Only one participant had been granted an official land title for all their land.

Mechanisms for solving land conflict

A key finding of our study was that not one respondent said they had successfully resolved their land conflict, despite 85 respondents claiming to have filed complaints. Of the total 85 respondents who filed complaints, 62% (n=53) filed complaints to districts/provincial towns, 27% (n=23) respondents filed complaints to the governments at the provincial and municipality level, 28% (n=24) respondents filed complaints to all relevant institutes, 16% (n=14) respondents filed complaints to Preah Vihear Court, 11% (n=9) respondents reported that they filed complaints to relevant NGOs.

Respondents who lost land were not passive victims of the land conflict, as 90% (n=109) protested in some form or another against the companies. The main forms of protesting were group protests with other villagers, filing written complaints and physically blocking company machinery from entering village lands and rice fields. Two respondents experienced imprisonment and injury as a result of the protesting. Many villagers were not satisfied with the response of officials to their protests and complaints as one member of Samraong Village said:

“I feel so exhausted from protesting and repeatedly asking the local authority, because they never take action, so one time we came together as a group and protested at the rice fields. I myself, feel irritated because when I met the local authority they asked me to meet with the company owner which we have done repeatedly with no ideal outcomes”

Compensation

Many respondents who lost land did not receive compensation from the companies. While some were offered compensation in the form of money, other villagers were offered land in other areas and other various gifts. Despite this, the overwhelming majority of respondents were not satisfied with the compensation being offered. A woman from Prame Village said:

“We have never received any compensation, however, we were once offered compensation but we disagreed. The government official representatives used to offer us some rice packages and fish as a donation for the affected population, but we did not take it. What our community needs is land and not the rice from the officials”

During our fieldwork, we noticed what appeared to be a divide in the communities between those that have accepted compensation from the companies and complied with their orders, and those who resisted everything to do with the company. As one member from Prame Village reinforced:

“Up to now we have broken into two movements. We can no longer smile at those who volunteer to the company. Those who lend the land to the company, and have the problem of a bad deal in which they cannot pay back the company, they do not talk to the community as well.”

Another woman from the village expressed her dissatisfaction, saying “I was so angry with my children for accepting those compensations, because our loss was so big.” The social divide also seemed to extend between village leaders and other members of the villages in some cases, as several members in the group interviews noted. One member from the interview from Sambour and Chouk Chey Village said:

“It is unfair because the land of village leaders and police have not been affected. Also, the effect of sugar cane plantation to the children of those leaders was very small compared to the seizure of land from the normal villagers. This is because they have strong networks with the company owners.”

Summary of existing mechanisms to solve land conflict

A key finding of our study was that not one respondent had successfully resolved their land conflict. This is despite a large number of respondents filing complaints and taking part in protests. The villagers from group interviews expressed their dislike for the lack of response they had received to their complaints and protesting from local authorities. A man from the group interview with members from Sambour and Chouk Chey Village explained to us:

“Our complaints to the provincial court have had no solutions. We also filed complaints to districts officials who asked us to continue to file complaints to the provincial halls and courts, and to the municipal city and to the citizen representative at Phnom Penh, but we have had no results.”

Furthermore, villagers have found the continual issuing of complaints and protesting exhausting, intimidating and scary. One woman from Samraong Village even admitted her lack of hope for claiming back her land has caused her to have suicidal thoughts. It is clear that the existing conflict resolution mechanisms are inadequate and are subsequently adding to the emotional stress that many villagers in the affected communities are experiencing. One positive to come from the group interviews was that several villagers expressed their appreciation for local NGOs who had educated them on their rights to protest. As a member from Sambour Village explained:

“Before organizations supported us we had no idea about protesting for our land. We just accepted the way we were treated. After receiving training from organizations we have started to work together by filing complaints.”

We believe the affected communities should continue to be educated on their rights to conduct peaceful protests and supported in their efforts to file complaints. It is also necessary for the relevant authorities to be more responsive to complaints as this is adding to the stress of villagers who have lost land, and ultimately to their disenfranchisement from political rights and legal processes as Cambodian citizens.

Summary of land titles

Our findings have shown a clear lack of land titles (both private land titles and collective land titles) for indigenous and rural populations. While collective land titles do exist in Cambodian law, our findings reiterate CCHR's (2016) concerns over the slow and complex process of obtaining collective land titles in indigenous communities. There are currently no collective land titles in Preah Vihear, however, there are ten indigenous communities in the processes of registering for collective land titles, and there are three indigenous communities in Prame Commune that have submitted collective land registration requests but have not yet been approved by the provincial authorities³ (Ponlok Khmer, 2016a). From our survey, only one respondent had been granted an official land title for all their land and over half had no official land titles for any land. We believe that land titles, either collective or private, would provide a greater degree of land security and help to prevent further encroachment on these affected communities.

Order 01BB and the Leopard Skin policy

Private land titles under the *leopard skin policy* scheme offer instant protection of villagers' land, without the complex process involved for registering communal lands. They also allow villagers greater access to bank loans, which by law cannot be used by collective land titles (CCHR, 2016). However, it has been reported that indigenous families have faced pressure to accept private land titles from local authorities, without full knowledge of the consequences (CCHR, 2016). Private land titles grant the owner the right to sell and mortgage land, which puts traditionally indigenous lands at risk of commodification, as well as potentially eroding social and cultural ties to the land (Li, 2010). Furthermore, the need to prove “active use” of the land risks sacred land used for burial sites as it is not land that is actively farmed (Milne, 2013).

In addition, *Order 01BB* and the *leopard skin policy* have been criticised for their “lack of transparency, accountability and the absence of an effective dispute settlement mechanism” (ADHOC, 2014). The lack of transparency, particularly in regards to the disclosure of complete information, makes it difficult for third parties to assess whether the government is complying with the legal regulations outlined in *Order 01BB*. Additionally, it is often unclear whether land that has been revoked from companies has actually been redistributed to the communities or whether it just exists on paper (ADHOC, 2014).

The inability of *Order 01BB* and the *leopard skin policy* to review land areas already under dispute, where conflict with communities and companies who have been granted ELCs is occurring, has allowed human rights violations to continue in the most vulnerable communities. This has effectively provided a loophole for land encroachment to continue from ELCs in Preah Vihear and represents a complete lack of political will to resolve chronic land conflict.

³ Information on collective land titles in Preah Vihear was provided from discussion with Ponlok Khmer staff

Collective Land Titles

An alternative to private land titles under *Order 01BB* and the *leopard skin policy* is the registration of indigenous communities in Preah Vihear under collective land titles. Collective ownership reduces the risk of individuals selling off land, and thus, preserves the community sites. Collective titles also allow for greater protection of culturally important land such as spiritual forests and burial sites (Milne, 2013). However, like private land titles, there are complexities involved. Several of the villages we visited in Preah Vihear were comprised of both communal and privately held land which may be difficult to classify under a collective title. Furthermore, collective land titles assume that indigenous communities' interests are homogenous, when in reality members from these communities often do not share the same views. As one woman from the group interview in Prame Village highlighted:

“Lan Feng and Rui Feng started investing in our communities in 2012. They contacted only the village chiefs, district leaders and provincial leaders, but these leaders never informed us about the investment plan.”

Another member from Srae Preang Village expressed similar concern saying:

“The commune leaders control all these lands, and they do not always respect the democratic rights of our village.”

The same woman showed her dislike at the idea of formal land titles, saying:

“Once they [Rui Feng company] began clearing the land we protested and I was asked ‘where is your legal certificate?’ to which I replied, ‘we are an indigenous community and we do not have land titles’”.

Another issue is the extremely slow and problematic process whereby communities register for collective land titles. Concern has been raised over the need for communities to be recognised as a “traditional culture”, which may give power to land authorities to determine the necessary requirements for what constitutes “traditional culture” (Milne, 2013). Our findings also showed that 45% of respondents identified as being of Khmer ethnicity which may impact on their ability to receive the benefits of collective titles awarded to an “indigenous” community.

We recognise that obtaining land titles does not guarantee definitive protection from ELCs, and to think so is overly simplistic. Nevertheless, collective and private land titles do provide a greater capacity for the affected communities and individuals in Preah Vihear to exercise their rights to the land. Thus, there is a great need to speed up the land titling process, as expressed by the CCHR (2016 p.6) “without significantly accelerated intervention, the continued land alienation experienced by indigenous communities will likely see the indigenous population in Cambodia critically diminished as communities lose their traditions and customs.” While it is outside the scope of this report to discuss the best suited land titling system for indigenous communities in Preah Vihear, the strengths and weaknesses of collective and private land titling should be considered, and remain a key area for future studies. Furthermore, the cases of communities in Preah Vihear that are already in the process of registering for collective land titles should be treated with urgency as they remain under threat.

Legal analysis

From our research we believe there is reason to suspect that the five companies have breached legal obligations and contract requirements in regards to the granting of ELCs. First, according to the Land Law, an ELC cannot exceed more than 10,000 ha, nor can the same person or entity obtain several

concessions that total more than 10,000 ha (Article 59). The five Chinese companies: Lang Feng, Rui Feng, Heng Yue, Heng Rui and Heng Nong were all granted ELCs on the same date (6th of July 2011) and share the same address (except for Heng You where the address was not listed) (Open Development Cambodia, 2015a). The ELCs of these five companies border on each other and total an area of 42, 000 ha. Furthermore, local reports believe that the “brother companies” are operating under the control of Hengfu Group Sugar Industry co., LTD. This suggests the companies are essentially one company or have colluded, effectively circumventing the law against one company being granted an ELC exceeding 10,000 ha (Ponlok Khmer, 2016a; RFA, 2016).

Second, the Sub-Decree No.146 states that in order for ELCs to be granted the land must meet five criteria. One of those requirements is that:

“Environmental and social impact assessments have been completed with respect to the land use and development plan for economic land concession projects”

(Article 4).

Our findings demonstrate that there have been severe environmental and social impacts in the affected areas. Thus, we do not believe an adequate environmental and social impact assessment has been completed, nor adequate social and environmental management plans implemented. As such, a review of the environmental and social impacts should be undertaken immediately.

Third, it is required that:

“Land that has solutions for resettlement issues, in accordance with the existing legal framework and procedures. The Contracting Authority shall ensure that there will not be involuntary resettlement by lawful land holders and that access to private land shall be respected.”

(Article 4).

Of the households we surveyed, 80%, most respondents had had their land encroached upon by the ELCs. Many of those who lost land did not receive compensation from the companies. From the group interviews, it was made clear that those who were offered compensation did not feel satisfied with it, and believed it left them worse off. As a member from Bos Village made clear:

“We have received some solutions proposed by the company. They wanted to give us other land which is hard and rocky and is hard for rice to grow well on it. We did not agree and accept such an exchange. Sometimes, they [the company] just promised to change our land to make way for their sugar cane plantations, but the promises are just false promises. Nothing has happened to switch the land for our rice crops.”

A third party evaluation of the resettlement issues being provided is needed.

Fourth, it is required that ELCs comprise:

“Land for which there have been public consultations, with regard to economic land concession projects or proposals, with territorial authorities and residents of the locality.”

(Article 4).

From our findings we do not believe that there has been adequate consultation with the affected villages. Over half the households surveyed who lost land reported that they did not receive proper consultation, and members from all five group interviews felt they had not received proper

consultation. In addition, we do not feel it is sufficient for companies to only consult with village chiefs, commune leaders, district leaders and provincial leaders as they do not necessarily share the views of all community members. Rather, future consultations should ensure that all villagers are given an opportunity to participate.

Lastly, members from Bos Village and Samraong Village stated in group interviews that they had been tricked into signing legal documents. Villagers from Bos Village claim that the legal documents they were encouraged to sign, regarding the protection of their land from Rui Feng's ELC, were changed after they had signed them with a thumb print. In addition, members from Samraong Village claim the documents they were provided by Heng Nong were false and misleading. It is possible that these indigenous communities are being taken advantage of, especially because many villagers cannot read and write. Therefore, an investigation of whether these villages were tricked in to signing legal documents should be conducted. In addition, the future signing of legal documents regarding ELCs should be overseen by an impartial third party, and all ramifications of the legal documents should be explained and understood by the communities involved.

Future strategies for dealing with economic land concessions in Cambodia

Regulating the current ELC system is not working

Many of the problems experienced by the indigenous communities of Preah Vihear from newly granted ELCs mirror issues faced in other developing nations that are also experiencing a wave of LSLAs. The purported benefits of ELCs simply aren't reaching the rural populations, i.e. those who rely on the land most. While the RGC has recognized that the current ELC system is not working, the dominant response has been to seek greater regulation. However, regulation marred by weak political will and enforcement of laws will not provide the change that is required (De Lopez, 2002). This is evident in previous attempts to regulate ELCs through national development plans, the Land Law, sub-decrees regarding ELCs and indigenous peoples' rights to land, and land titling schemes such as *Order 01BB* and the leopard skin policy. While these are steps in the right direction, by acknowledging that a land problem exists, to a large extent they have failed to protect indigenous populations. It is for this reason the current ELC system needs to be abolished. Additionally, the companies which have already been awarded concessions and have been proven to have breached their contracts should have their contracts terminated in accordance with the law and their land redistributed to the previous occupants.

An alternative strategy for investment in Cambodia's land

We recommend that an alternative strategy be developed for agricultural investment in Cambodia, rather than the current system which relies heavily on investment from foreign and domestic companies at the expense of local Cambodians. Such a strategy should prioritize the needs of indigenous peoples and rural populations as these people form the backbone of the nation. Simply attempting to alter existing regulations to a fundamentally flawed system is not sufficient. After all, Cambodia cannot prosper in an ethical manner if large portions of its population are left landless and unable to feed themselves. It is important to note that investing in Cambodia's agricultural land is not the problem, as many would see investment as a necessity. Rather, it is investment from corporations that seek financial gains at the expense of marginalized rural and indigenous populations which is the issue. The benefits are simply not being transferred to the locals as intended. Investment in agriculture can be an effective method to alleviate poverty and increase food security (De Schutter, 2011). However, future land related investment must recognize the

indigenous community structures that exist and seek to strengthen food sovereignty for rural populations instead of undermining them, and disenfranchising local communities from their way of life. This will benefit Cambodia, as investment is needed, but it must be done in an ethical and participatory manner.

One approach to prioritising indigenous peoples and rural populations in Cambodia is demonstrated by De Schutter (2011) who argues that governments should focus on the provision of public goods for small-scale farmers, channelling investment either upstream or downstream in their production process and fostering institutional innovations that can improve their position. This is because investing in small-scale farmers in this way has greater potential to reduce poverty and increase food sovereignty than investment which is directed at large-scale plantations (De Schutter, 2011). If the RGC was to support its indigenous population, who mainly occupy rural areas, through providing public goods, investment and access to farm land, the subsequent rise in incomes and greater food security for these people would provide flow on effects that increase in the long-term.

With the increasing commodification of land, it is easy to lose sight of the cultural significance and necessity of land for all aspects of life for a substantial portion of Cambodia's indigenous and rural population. There are many non-economic benefits to derive from greater support and protection for indigenous peoples which should not be overlooked. Small-scale farmers' respect for the land is beneficial to the protection of Cambodia's rich environment and the preservation of their unique culture should be encouraged to uphold human rights for all of Cambodia's people. Moreover, if investment in land from corporations is to take place it should be participatory in its nature, with all relevant stakeholders being heard. Additionally, future investment should aim to benefit local communities or at the bare minimum cause no harm to them. It is for these reasons that Cambodia's system of development and access to land must be one that includes its indigenous populations, not further exploit them.

Conclusion

Our research has shown that the impacts of the economic land concessions of five Chinese companies in Preah Vihear are severe and widespread. The indigenous Kui community have been unjustly treated by the granting of ELCs, which favour corporate growth over the wellbeing of their communities. Furthermore, little has been done by the Government and land authorities to protect the rights of indigenous people, including their rights to land, which are protected under domestic and international law.

By conducting group interviews with villagers, and surveying households in the districts of Chhaeb, Chey Sen and Tbeng Meanchey, we have aimed to share the voices of the affected indigenous communities. Through exploring the ELCs granted by the RGC to: Lang Feng, Rui Feng, Heng Yue, Heng Rui and Heng Nong in 2011 we have seen clear evidence of harm to community livelihoods and the land on which communities rely so greatly for their prosperity. The ELCs have caused environmental degradation, and threatened to erode generations of indigenous culture. In addition, the many perceived economic benefits of ELCs have failed to reach these affected indigenous communities. Furthermore, our study has shown that the current legal system and existing land titling mechanisms are slow, complex, and have largely failed the indigenous communities of Preah Vihear. Lastly, we have reason to believe that the ELCs studied in this report have breached legal obligations and have failed to meet the necessary requirements for the granting of ELCs.

By looking at the impacts of all five companies our findings have built on the previous study of land conflict in Tbeng Meanchey District as a result of the Lan Feng ELC (Indigenous Peoples and Forestry

Network, 2014). These issues regarding the impacts of ELCs on indigenous peoples are not unique to Preah Vihear, but rather can be seen in many rural Cambodian societies. Our findings have implications for NGOs in Preah Vihear Province and other NGOs in Cambodia, the *Ministry of Agriculture, Forestry and Fisheries* (MAFF), the *Ministry of Land Management Urban Planning and Construction* (MLMUPC), companies that have been granted ELCs in Cambodia, and the *Royal Government of Cambodia* (RGC) who should immediately assess the current ELCs in this study and reconsider the current ELC system at a national level. Future studies should also seek to determine each community's preference for either private or collective land titles, as secure land titles would likely provide greater land security for the communities.

By implementing the recommendations provided and transitioning away from the current ELC system we hope that all stakeholders involved will guarantee greater security and justice for indigenous communities and their right to land.

Recommendations

1. NGOs in Preah Vihear Province and other NGOs in Cambodia should:

- 1.1 Continue their efforts in forestry conservation to help minimize environmental impacts of ELCs and preserve natural resources**
 - Key areas of concern include mitigating the clearing of forests, poor waste management, loss of biodiversity and the use of harmful chemicals by companies that have been granted ELCs.
 - Oversee environmental impact assessments of companies that have been awarded ELCs.
- 1.2 Continue to educate affected communities in Preah Vihear Province on their rights to conduct peaceful protests and support them in their efforts to file complaints**
- 1.3 Help in the mapping of indigenous lands in Preah Vihear Province**
 - This will require collaboration with indigenous communities and provincial authorities.
 - A bottom-up approach that respects the views on indigenous communities should allow for the protection of culturally significant areas.
- 1.4 Oversee the signing of future legal documents between companies and communities**
 - Making sure that all ramifications of the legal documents are understood by the communities involved.
- 1.5 Oversee legal analysis which explores breaches in ELC contracts in Preah Vihear Province and make sure necessary penalties are enforced**
- 1.6 Conduct research in communities in Preah Vihear Province to find the best suited land titling scheme for each village**
 - This will require research into the affected communities.
 - Ongoing and lengthy collaboration in each individual village will be required.
 - Explain to communities the strengths and weaknesses of collective land titles and private land titles.
 - Help support communities and villagers in applying for land titles.

1.7 For future investment in land, discussions between villagers, companies, and related local authorities should be facilitated to establish working conditions that satisfy the needs of villagers in Preah Vihear Province and throughout Cambodia

- Villagers may wish to not work with the companies and their views should be respected.

2. Ministry of Agriculture, Forestry and Fisheries (MAFF) should:

2.1 Conduct an immediate and thorough environmental impact assessment in Preah Vihear Province

- The environmental impact assessment should be overseen by an independent party.

2.2 Environmental impact assessments should be conducted annually, and not just at the implementation of ELCs

2.3 Conduct a legal analysis which explores breaches in ELC contracts of the five Chinese companies in Preah Vihear Province

- If breaches of contracts are evident, companies should have their contracts terminated and their land redistributed to the previous occupants.
- Further legal analysis should be conducted for other ELCs in Cambodia where contract breaches have been reported.

2.4 Evaluate resettlement and compensation offers that have been provided to villagers

- Resettlement is a requirement in the granting of ELCs and should provide affected villagers with a fair deal.
- Resettlement and compensation offers should be overseen by an impartial third party.

3. Ministry of Land Management, Urban Planning and Construction (MLMUPC) should:

3.1 Be more responsive to complaints from villagers and communities regarding land issues

3.2 Speed up the land titling process

3.3 Treat cases of communities that are in the process of registering for land titles in Preah Vihear Province with urgency

4. Companies granted ELCs in Cambodia should:

4.1 Ensure that the signing of legal documents regarding ELCs is overseen by an impartial third party, and all ramifications of the legal documents are explained and understood by the communities involved

4.2 Conduct proper consultation with communities prior to any future developments which may affect them

- Consultations should be available to all village members. It is not sufficient for companies to only consult with village chiefs, commune leaders, district leaders

and provincial leaders as they do not necessarily share the views of all community members.

4.3 Practice sustainable use of the land

- This involves ceasing the clearing of forests, incorporating stricter waste management, and minimal use of harmful pesticides, especially near water sources and villagers' farm land.

4.4 Allow villagers access to adequate farmland and forests

- This is a crucial step in building a healthy relationship with local communities.

4.5 Improve working conditions and employment agreements to satisfy the needs of villagers

- Develop a consultation protocol in discussion with villagers and other stakeholders.
- Develop positive measures which incentivize locals to participate.
- Villagers may wish not to work with the companies, and their views should be respected.
- If villagers wish to work with the companies, seek to increase employment of affected community members.

5. The Royal Government of Cambodia (RGC) should:

5.1 Ensure that land titling schemes are prioritised in communities that are under threat by ELCs

5.2 Enforce national laws applicable to foreign and domestic companies that breach ELC criteria

5.3 Take action to increase transparency of land titling schemes

- Disclose information to the public regarding land titling and the granting of ELCs.

5.4 Oversee a legal analysis which explores breaches in ELC contracts throughout Cambodia

- Contracts should be terminated for companies that have breached their contracts.
- Land from breached ELCs should be redistributed to the previous occupants.

5.5 Seek to abolish the current ELC system

5.6 Invest in indigenous communities and small-scale farmers

- Provide public goods and channel investment into indigenous communities and small-scale farmers which aids development and fosters innovation.

5.7 Make solving land conflict a primary national goal for 2017

- Prioritize Cambodia's indigenous peoples and rural populations in future national development plans.

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