



JOINT STATEMENT

Civil Society Expresses Concerns over Unlawful Grants of Economic Land Concession

Phnom Penh, 12 May 2010

We, the Coalitions of Civil Society Organizations which are comprised of the Cambodian Human Rights Action Committee (CHRAC), The NGO Forum on Cambodia (NGO Forum) and The Housing Rights Task Force (HRTF), would like to express our strong disappointment and concern at the Royal Government of Cambodia that has so far granted a lot of economic land concessions to a number of private companies inconsistent with Cambodian Land Law and its Sub-Decree on Economic Land Concessions No. 146.

Up to the presence, the Royal Government has granted a lot of economic land concessions to both local and foreign investment companies. It's worth to note that in the past, the Royal Government had provided economic land concessions which are mostly inconsistent with the spirit of the Land law due to the fact it had granted to private companies that are owned by the same physical person with the land size of more than 10,000 hectares prohibited by Article 59 of Land Law, which clearly states that *"the biggest size of land concession is up to 10,000 (ten thousand) hectares only....."*. In other instances, we have found out that although different locations are granted as land economic concessions to different company names, they are of course run and owned by only the same physical person with the size bigger than 10,000 hectares.

Despite this issue, we also note that some of concessions are in inconsistent with the Sub-Decree on Economic Land Concessions No.146, especially it violates Article 4 of the Sub-Decree; for example; the failure to conduct a thorough public environmental and social impact assessment and the failure to solve the problems with the people affecting by the concessions beforehand.

Below are key highlight cases relating the provision of economic land concessions by the Government to a number of private companies that we have been so far monitored carefully as follows:

1. On July 18, 2006, *Koh Kong Sugar Industry Company* received economic land concession of 9,700 hectares in Sre Ambel District, Koh Kong Province. This economic land concession has been in conflict with the local people of 400 families.
2. On October 5, 2007, the Council of Ministers issued a Notification Letter (Sar Chor Nar) No. 1475 decided to allow for sugar planting by three companies namely: (1) *Angkor Sugar Investment Company* with the concession size of 9,863 hectares (2) *Cane and Sugar Vely Company* with the land size of 10,925 hectares and (3) *Tonle Sugar Cane Company* with land concession size of 12,167 hectares.

3. On February 5, 2010, through its Notification Letter No. 174, the Government decided to grant economic land concession to *Phnom Penh Sugar Company* with the land size of 8,343 hectares in Amlaing Commune, Thpong District, Kampong Speu Province.

Based on the above relevant documents that we have obtained and researched, we learn that at least three companies namely: (1) *Koh Kong Sugar Industry Company*, (2) *Angkor Sugar Investment Company* and (3) *Phnom Penh Sugar Company*, are run by only one physical person (same person). Thus, such provision of land concessions is clearly contradicted to the Article 59 of Land Law.

As the Coalitions of Civil Society Organizations, we support Royal Government that has paid attention to attract many investment companies in order to contribute in building the country through the provision of economic land concession. However at the same time, we would like to express our strong regret and objection to the unlawful land concessions and human rights violations because such concessions do not really contribute to a sustainable national development of Cambodia and instead it can give negative impact for attracting other good reputation companies to do investment in our country.

The Coalitions therefore would like to make some recommendations to the Royal Government to consider as follows:

- 1- Temporarily stop new economic land concessions until the Government make sure that it can guarantee the proper protection and the respect of laws.
- 2- Continue review all current economic land concessions, and if any unlawful concessions are found, then they need to be immediately cancelled. Any reviews should be made in public.
- 3- All information related to economic land concessions shall be made available in public, or any updates should be posted on the Government's website.
- 4- Cut any conflicting land concessions that affecting with the local people and return back to them. The relevant competent authorities should be pushed to immediately grant land to the people who are affecting at the result of the concessions before allowing the granted company to start its activities.
- 5- Encourage investment companies to provide techniques and resources to local people to grow various crops which can be supplied as raw materials needs of the companies.

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