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WRITTEN BY KATE BANDLER AND FOCUS ON
GLOBAL SOUTH

Pheapimex Land Conflict

CASE STUDY REPORT



Prepared by Action Research Teams in Kampong Chhnang and Pursat Provinces

Written by Kate Bandler and Focus on Global South

Edited by Yasmin Ahammad

**Cover image by Focus on the Global South, People demand the release of their
community representative, Pursat Provincial Court, 2013**

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Acronyms

ART	Action Research Teams
CPP	Cambodian People's Party
CNRP	Cambodian National Rescue Party
ELC	Economic Land Concessions
FGS	Focus on the Global South
Ha	Hectare
SOC	Government of the State of Cambodia
MAFF	Ministry of Agriculture, Forestry and Fisheries
MLMUPC	Ministry of Land Management, Urban Planning and Construction
MoE	Ministry of Environment
NTFP	Non-Timber Forest product
NGO	Non-Government Organisation
OHCHR	Office for the High Commission for Human Rights
PPM	Pheapimex Company Co., Ltd
RGC	Royal Government of Cambodia

Introduction

STRUCTURE AND PURPOSE OF CASE STUDY REPORT

This case study report has been written to describe the history and impact of the land conflict with Pheapimex Co., Ltd (PPM) in Kampong Chhnang and Pursat since the granting of a vast economic land concession (ELC) covering 315,028 Hectares (Ha) in 2000, using data largely collected by the affected communities in 2014. It has also been written as an opportunity for reflection on the challenges and successes that have shaped the communities' advocacy and resistance over the past 17 years.

The purpose of the case study report, as described by the community representatives actively working on this land conflict at this time, are as follows:

- To compile the story of this land conflict from the perspective of the communities for the next generation to better understand their actions and motivations;
- To inform the general population in Cambodia about the detrimental impact of the PPM ELC through the sharing of their experiences and resistance;
- As an opportunity for reflection, analysis and learning for the affected communities and activists.

There is an ever-growing body of research on land conflicts in Cambodia, which the background section of this report closely references to provide a brief summary of the broader political, economic and social-cultural contexts and identified root causes within which the Pheapimex land conflict has occurred. This is then followed by a brief explanation of the methodology used to collect the data for the following case study presentation, and the analysis and conclusion sections which explore some of the communities' identified challenges, successes and reflections.

BACKGROUND

Overview of land administration and management since the Khmer Rouge

Land is the foundation for social organization in rural Cambodia, the repository of memory that holds onto traces of the past in the absence of a strong written tradition.¹ As of 2013, 78.6% of Cambodia's population lived in rural areas,² largely relying on subsistence agriculture, fishing and non-timber forest resources for both food security and income.³ Generally, a family has a plot of land for housing and one or several small parcels of land used mainly for rice farming assets⁴ which represent both livelihood and inheritance for future generations, establishing a family's belonging and stability in the social order, which is integral to their identity as farmers. As Shalmali Guttal (2007) writes, in light of Cambodia's recent history, a "family's attachment to its piece of land has particular significance in a society that over the past hundred years has hurtled through successive periods of civil conflict, war, massive displacement, forced collectivisation and genocide, and finally into an unregulated, capitalist, market economy."⁵

During the Khmer Rouge period, 1975-1979, all formal land administrative systems including documentation and maps were destroyed, with many land administration professionals killed.⁶ Between 1979 and 1989, land was considered state property with land ownership largely tied, as it had been historically, to land use based on the household occupation.⁷ This was built on understandings between neighbours and villagers

and was believed to be sufficient to demarcate boundaries,⁸ while in most communities land distribution was not formally recorded.⁹

In 1989, the Government of the State of Cambodia (SOC)¹⁰ started to allocate agricultural land to rural communities and established ownership rights for residential land up to 2000 square meters and possession rights for cultivated land of less than five hectares in rural areas.¹¹ "The 1992 Land law permitted people to apply for land certificates that confirmed occupancy and use rights, although the law allowed only possession rights rather than ownership in rural areas."¹² In 2002, a new Land Law was passed "largely in recognition that progress towards economic and social development required a system of strengthened land tenure rights, as well as improved land management and administration. This law recognized three domains of land ownership in Cambodia: state public property (e.g. forests, protected areas) for resource conservation, state private property for economic and social development and private property (e.g. residential or agricultural land)."¹³

The evolution of the land administration mechanisms included the development of the land titling process, albeit at a slow pace in the 1990s and early 2000s.¹⁴ While these formal processes have become known across rural Cambodia, the customary law of possession where ownership of land is transferred through inheritance from one generation to another is still perceived to exist.¹⁵ While evidence of land use prior to 2001 is recognised in the 2001 land law,¹⁶ these dual understandings of land ownership are an additional

1. Guttal, S., 2007. Alienation of Land and Resources in Cambodia in Land Struggles: LRAN Briefing Paper I, October 2007

2. Royal Government of Cambodia. 2013. National Institute of Statistics, Ministry of Planning, Phnom Penh, Cambodia Inter-Censal Population Survey, November 2013

3. Asian Development Bank, 2014. Cambodia: Country poverty analysis 2014. Also of note is that 90% of families experiencing income poverty living in rural areas. Mandaluyong City, Philippines: Asian Development Bank

4. United Nations Cambodia Office of the High Commissioner for Human Rights, 2004. Land concessions for economic purposes in Cambodia, A human rights perspective, November 2004

5. Ibid

6. Cambodia Center for Human Rights (CCHR), 2013. Cambodia: A land in conflict – An overview of the Land Situation

7. Although some communities established communal farming arrangements. See footnote 7 for source.

8. Cambodia Center for Human Rights (CCHR), 2013. Cambodia: A land in conflict – An overview of the Land Situation

9. Brett M. Ballard, 2006. Land tenure database development in Cambodia, Cambodia Development Resource Institute., Phnom Penh, Cambodia.

10. The Cambodian Government was called the Government of the State of Cambodia (SOC) between 1989 to 1993. In 1993 it became the Royal Government of Cambodia (RGC).

11. Ibid

12. Ibid

13. Ibid

14. Guttal, S., 2007

15. Dr. Hean Sokhom, 2015. Study on Land Disputes in Four Provinces of Cambodia: Mapping, Impacts, and Possible Solutions, The NGO Forum of Cambodia, Land security project, November 2015

16. Land Law 2001, Article 30 states that any person who, for no less than five years prior to the promulgation of this law, enjoyed peaceful, uncontested possession of immovable property that can be lawfully be privately possess, has the right to request a definitive title of ownership.

hurdle communities' face. "Concerns in civil society included that certain areas are still being excluded from the land registration process, in particular those communities located in areas where land values are high or where land has been marked for development."¹⁷ Further to this, research indicates that vulnerable rural community members who attempt to access land titles have to negotiate a largely inaccessible¹⁸ system due to administrative and financial barriers when seeking to prove land use rights¹⁹ including the payment of fees and multilayered applications to register their land title. When communities are unable to access land titles they are left in a "position of great insecurity, defenseless when authorities and companies claim their land."²⁰

Land Concessions, Conflict and Dispute Mechanisms

With Cambodia's entry into a free market global economy in the 1990s, "the Royal Government of Cambodia (RGC) introduced a number of private investment incentives through an economic reform agenda to promote economic and social development."²¹ This development in the form of privatization, large-scale infrastructural development, tourism, foreign investment and agro-industry, placed a lot of pressure on the availability of land for the poor.²² While Cambodia has several legal instruments that safeguard and protect the interest of local population in terms of land acquisition and ownership,²³ land became an increasingly valuable commodity with an informal land market emerging as free market opportunities developed in land speculation, logging, and

commercial agriculture such as rubber and cassava,²⁴ and other natural resources.²⁵

Economic land concessions have been utilized by the Royal Government of Cambodia since 1995²⁶ and were formalized in sub decree #146 in 2005. They are designed to grant state private land to private domestic and foreign companies for the contractual leasing of up to 10,000 Ha of land for industrial agricultural purposes (e.g. food or industrial crops including tree plantations, aquaculture, plants to process agricultural raw materials) for up to 99 years.²⁷ Concessionaires are required to develop the land in an appropriate and perpetual manner, to increase employment and diversify livelihood opportunities within a framework of natural resource management, and to generate state, provincial and commune revenues.²⁸ Primary responsibility lies with the Ministry of Land Management, Urban Planning and Construction (MLMUPC), with a number of other bodies involved in different policy and sectors of land management. ELCs are managed by the Department of Agriculture, Forests and Fisheries (MAFF), while the Ministry of Environment (MoE) manages environmental protection and natural resource conservation, and the military manages its own development zones which can also be leased to private companies.²⁹ Of note is the scale of the economic concessions - between 20,000 Ha and 315,028 Ha³⁰ - granted prior to the more stringent regulations and mechanisms in the 2005 sub decree.

Five formal conflict resolution mechanisms exist in Cambodia today: Commune Councils, Cadastral

17. CCHR, 2013. and see Focus on the Global South, 2013. Moving Forward: Study on the impacts of the Implementation of Order 01BB in selected Communities in Rural Cambodia, June 2013

18. Surya P. Subedi, 2012. Report of the Special Rapporteur on the situation of human rights in Cambodia, Addendum A human rights analysis of economic and other land concessions in Cambodia, 10 October 2012

19. CCHR, 2013.

20. CCHR, 2013.

21. Guttal, S., 2007.

22. Asian Farmers Association for Sustainable Rural Development (AFA), 2012. Cases on Large Scale Land Acquisition in Asia, October 2012, International Land Coalition (ILC) for the Asian Farmers' Association (AFA)
Writer-Editor: Ma Josefa Petilla.

23. Asian Farmers Association for Sustainable Rural Development, 2012. These instruments include provisions in the 1993 RGC Constitution, Land Law of 2001, sub-decree on economic land concession and sub-decree on land management. The Royal Government of Cambodia is also party to key international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and International Convention on the Elimination of All Forms of Racial Discrimination. These treaties, together with the Universal Declaration on Human Rights, guarantee the rights to own property and not be arbitrarily deprived of property; to an adequate standard of living, including food and housing; to self-determination and not to be deprived of one's means of subsistence; to freedoms of expression and assembly; to equality before the law and equal protection of the law; and to an effective remedy.

The Rectangular Strategy Phase 3 of the Royal Government of Cambodia emphasizes the commitment of the government to continue the land reform program aimed at strengthening the system of land management, distribution and utilization of land, ensuring the security of the titles of land ownership, eliminating illegal and anarchic land grabbing, and preventing misuse of land acquisition and landholding of concessions for speculative purposes or without any productive purpose. The strategy also provides the action for achieving the above mentioned objectives.

24. Food and Agriculture Organisation (FAO) 2012. Foreign Investment in Agriculture in Cambodia CDR Working Paper Series No. 60. Saing Chan Hang, Hem Sochet and Ouch Chandarany with Phann Dalis and Pon Dorina.

25. AFA, 2012.

26. Food and Agriculture Organisation (FAO) 2012.

Commissions, Administrative Commissions, National Authority for Land Dispute Resolution, and the Courts. The mandate of the commune council is to reconcile differences of opinion among citizens in the commune, however they have no decision-making authority.³¹ The Cadastral Commission's mission is to solve disputes related to unregistered property at the district, provincial and national levels. Land title disputes are formally mandated to be settled by the Courts. Three levels of jurisdiction exist, Courts of First Instance, the Appeals Court, and the Supreme Court.³² In-line with more traditional dispute settlement practices however, communities affected by land conflicts utilize the submission of complaints and petitions to a much larger number of authorities who, while they do not have the jurisdiction to resolve land disputes, may be able to favourably influence it.³³



“The root causes of land conflicts have been well-documented: a corrupt and politically-obedient judicial system, the misuse of armed forces, including soldiers, as well as collusion between well-connected companies and authorities. This toxic cocktail has been fueling conflicts throughout the country for too long.”
(LICADHO)³⁴

According to a range of NGO data, land disputes as of 2014 affected between 500,000³⁵ and 700,000 people,³⁶ in a country of 15.5 million. One of the most common ways through which people lose land is having it seized by powerful and wealthy individuals and private companies.³⁷ Lack of legal titles for many rural families in the 1990s and early 2000s also left many families vulnerable to the dispossession of their land. Private companies and people with political and financial connections were able to purchase fake certificates of land title, often working with a person of authority in a broker's role such as a village or commune chief or commune councilors, and supported by the local police and courts.³⁸

The granting of ELCs further solidified the large scale seizure of land. A lack of oversight and transparency of the granting, management and monitoring of ELCs by responsible authorities - a clear breach of the regulations - led to a dearth of publicly accessible data, transparency and unclear boundaries between concession and village lands.³⁹ For example, “while the law limits ELCs to 10,000 Ha, companies have been known to locate concessions next to each other, while companies have also received heavily forested areas despite their clear public interest value.”⁴⁰ Forest Trends in 2013 highlighted that ELCs provided an entry point for continued deforestation in Cambodia with virtually all forest clearance associated with ELCs, with clearance extending beyond ELC boundaries in some areas into remaining areas of good forest in Cambodia.⁴¹ The national determination of ELCs also contradicted at times preliminary decisions made at the village and commune levels approving

27. The sub-decree on economic land concessions set the criteria for the granting of concessions to parties. Among the criteria include environment impact assessment, public consultations with territorial authorities and local residents, and resettlement of affected villagers. The sub-decree on state land management guarantees the granting of definitive land titles to individuals who have occupied or possessed a non-state public land uncontested for at least five years prior to the promulgation of the Land law. (AFA, 2012)

28. http://www.cambodiainvestment.gov.kh/sub-decree-l46-on-economic-land-concessions_05i227.html

29. Guttal, S., 2007.

30. FAO, 2012.

31. Dr Hean Sokhom, 2015. sourced from Art. 6, No 47 ANK.BK/May 31, 2002, Sub Decree on Organization and Functioning of the Cadastral Commission, and OHCHR 2012.

32. Dr. Hean Sokhom, 2015.

33. Ibid

34. Cambodia League for the Promotion and Defense of Human Rights (LICADHO), 2015. Media Statement, Renewed surge in land disputes must be addressed not denied, Feb 19, 2015

35. Cambodian League for the Promotion and Defense of Human Rights (LICADHO), 2014. Statement - Brings a New Wave of Cambodian Land Conflicts, April 1, 2014

36. CCHR, 2013.

37. Guttal, S., 2007.

38. Ibid

39. Cambodia League for the Promotion and Defense of Human Rights (LICADHO), 2009. “Land Grabbing and Poverty in Cambodia: The Myth of Development, and see Pel Sokha, Pierre-Yves Le Meur, Sam Vitou, Laing Lan, Pel Setha, Hay Leakhen & Im Sothy, 2008. Land Transactions in Rural Cambodia: A synthesis of Findings from Research on Appropriation and Derived Rights to Land, Coll. Études et Travaux, série en ligne n°18, Éditions du Gret,

40. Mark Grimdsditch, May 2016, The “Engine of Economic Growth”, May 2008

An Overview of Private Investment Policies, Trends, and Projects in Cambodia, Focus on the Global South,

Edited by: Shalmali Guttal, Clarissa Militante, Julia Laki

41. Forest Trends Report: Forest Trends and Finance, July 2015, Conversion Timber, Forest monitoring and Land-use governance in Cambodia”

land use at the disputed location in line with customary practice, however national decisions held greater power and required local authorities to follow their directives.⁴²

ELCs were created as a mechanism to facilitate opportunities to develop Cambodia for Cambodians with ‘the RGC claiming that ELCs are vital to the economic growth of the country, and bring numerous social and economic benefits, despite the lack of published data’.⁴³ As noted by the Special Rapporteur for UN-OHCHR (Office for the High Commission for Human Rights) however, “*no comprehensive evidence-based report has been officially published about the benefits of land concessions.*”⁴⁴ MAFF statistics (2014) identified that less than 20% of MAFF granted concessions were under cultivation, with many concessions simply used for speculation or to cut valuable trees, and then left.⁴⁵ Reports on the impact of ELCs have demonstrated a model which benefits only the powerful elite as the government seeks to increase exports and exploit its land and natural resources for quick unsustainable financial gain.⁴⁶ In 2012 in response to pressure from NGOs and international bodies such as UN-OHCHR in Cambodia, the RGC announced a halt on the granting of ELCs until an investigation was completed into the fulfillment of legal and contractual obligations,⁴⁷ with some ELCs revoked or halted pending investigation⁴⁸ – a positive step tempered however, as UN-OHCHR points out, by the “continued lack of access to information and a lack of transparency and accountability in the management of land concessions.”

Research indicates that when communities seek to dispute the loss of their land they are stymied by a dispute resolution system with multiple actors⁴⁹ with differing responsibilities as dictated by regulation, and shaped by corruption and patronage enabling little resolution in complex cases.⁵⁰ Local authorities are tasked with resolving complaints at a local level but without the authority to resolve land disputes, and are inclined to push their responsibilities to those above them, unwilling to disturb systems of patronage which keep them in office.⁵¹ Further, as a study commissioned by the World Bank Centre for Advance Study and the German Technical Cooperation Agency (GTZ) found, Cadastral Commissions struggle to resolve complex cases, particularly those involving multiple parties and parties with connections to the government or the military.⁵² Another World Bank study found that people involved in land disputes avoid filing complaints because “formal institutions of justice such as the Cadastral Commissions or the courts were perceived as costly, time consuming and biased toward the rich.”⁵³

As highlighted in various NGO reports, the Cambodian courts continue to use their power to support the interests of the rich and powerful, subverting quite progressive laws⁵⁴ to control land and other natural resources, and to intimidate, arrest and imprison activists.⁵⁵ The Cambodian Center for Human Rights concluded that “this is a clear violation of Cambodia’s constitution...and in the absence of accessible, efficient and independent mechanisms for land dispute resolution, the poorest and most vulnerable communities will remain at risk of having their lands appropriated

42. Dr Hean Sokhom, 2015.

43. CCHR 2013 and see Grimsditch, 2016. – The RGC National Strategic Development Plan for 2009–2013 stated the following: “Land concentration and landless people are on a rising trend, adversely impacting the equity and efficiency of land use. On the other hand, large areas under economic land concessions have not been utilized efficiently as targeted, needing strict government measures to tackle them.”

44. Ibid

45. McIness, 2015.

46. LICADHO, 2009., CCHR, 2013., and see Shalmali Guttal, 2007., see Dr. Hean Sokhom, 2015., and Barney, K., Canby, K., Oberndorf, R., 2012. Cambodia: Overview of Forest Law Enforcement, Governance and, Forest trends, August 2012

47. Barney (2012)

48. According to government data, as at April 2015, the commission had reviewed 230 concession projects, of which 117 concessions were under the jurisdiction of the Ministry of Agriculture, Forestry and Fisheries and 113 under the jurisdiction of the Ministry of the Environment. The commission revoked 34 concessions, readjusted the boundaries of six, and placed 26 companies under review. Five business enterprises voluntarily returned concession land to the Government.

Despite this positive step, still posed significant problems. (OHCHR, 2015)

See previous section on land administration

50. Guttal, S., 2007. and Dr Hean Sokhom, 2015.

51. Dr Hean Sokhom 2015.

52. Ibid and see Pel Sokha, Pierre-Yves Le Meur, Sam Vitou, Laing Lan, Pel Setha, Hay Leakhen & Im Sothy, 2008.

53. Dr Hean Sokhom, November 2015 sourced from World Bank/CAS. (2006a). Justice for the Poor? An Exploratory Study of Collective Grievances over Land and Local Governance in Cambodia.

54. Including Cambodia’s Constitution which guarantees that “Khmer citizens are equal before the law, enjoying the same rights, liberties and duties regardless of race, color, sex, language, beliefs, religions, political tendencies, birth origin, social status, wealth or other situations. (ADHOC, Feb 2013 ‘A Turning Point? Land, Housing and Natural Resources Rights in Cambodia in 2012)

55. LICADHO 2009., Guttal, S., 2007., CCHR 2013.

and being displaced with impunity.”⁵⁶ Across Cambodia, NGOs have documented the abuse of villagers at the hands of the court system, and other abuses including: the use of security forces to guard disputed land; threaten and intimidate community members resisting the loss of their land; the offer of poor compensation which is then not paid; the destruction of property and razing of land; the threat of arrest and holding of activists in detention, and then imprisonment on dubious charges.⁵⁷

Impact of Land Conflicts on Communities

Research reports by NGOs, research bodies and the OHCHR over the last decade have highlighted the impact of ELCs on the communities they afflict.⁵⁸ As stated above, reports identify a lack of data⁵⁹ to support the idea that ELCs have provided any benefits to the development and wellbeing to either the local communities within and around these concession areas, or to Cambodia in the form of diversified employment, increased local, provincial and national revenues and thus services, increased economic growth in the local and regional communities.⁶⁰ Reports⁶¹ have instead highlighted a range of consistent and negative impacts. These include the violent eviction of communities from their land and the control and refusal to grant access to agricultural and forest land and water sources.

In Cambodia, households which are landless or unable to purchase land is a reliable indicator of poverty,⁶² while one of the most important indicators for food security in rural areas is the amount and quality of land to which households have access and control.⁶³ With a reduction in land, families are pushed to rely more heavily on fish and

forestry products to support their livelihoods, both natural resources to which access is being curtailed through ELCs.⁶⁴ At the same time deforestation has left only 46% of the forests in Cambodia intact as of 2013, reducing access to this vital natural resource.⁶⁵

Additional impacts include: daily insecurity with the presence of military and private security forces around land and in their communities; the loss of their livelihoods and food security leading to greater vulnerability; poverty and debt; and the resulting impact on health, wellbeing and access to services, such as payment of school fees for children when it is difficult to put food on the table. Migration and the subsequent break-up of households with men and women seeking work in urban centers in Cambodia or regional countries, is widely reported in communities affected by land disputes as desperation pushes family members to find alternate income sources often at the risk of exploitation.⁶⁶ Case studies also draw attention to the impact on persons’ identity, a loss of position in their family and community and their future plans, when their land is taken away from them⁶⁷.

The environmental well-being of the land is also impacted with the logging of forests destroying habitats and biodiversity for native flora and fauna,⁶⁸ while mono-crops and commercial agriculture can reduce soil fertility through the heavy use of pesticides and chemical fertilisers, and damage an eco-system for which it is not well suited.⁶⁹

All of these impacts are compounded by a lack of effective and fair solutions for the affected communities.⁷⁰

56. Dr Hean Sokhom, 2015.

57. Licadho, 2009., see also Guttal.S., 2007., OHCHR, 2015.

58. Licadho, 2009., Guttal.S., 2007., OHCHR, 2012., CCHR, 2013

59. FAO, 2012.

60. OHCHR, 2012.

61. For some further information see Licadho, 2009., Guttal.S., 2007., Sokhom, 2015.

62. Ibid

63. Ballard.B.M., 2006. Land tenure database development in Cambodia, Cambodia Development Resource Institute, 2006/1, Phnom Penh, Cambodia.

64. Transnational Networks, 2007. International Organizations and Political Participation in Cambodia: Human Rights, Labour Rights and Common Rights Democratization Vol. 14, Iss. 5, 2007

65. Worrell, S. 2013. The Cambodian Internet Newspaper, <http://www.camnews.org/>

66. See AFA, 2012., OHCHR 2012., Lor Peang case study presentation

67. Ibid

68. Forest Trends, 2015. – “Extensive media, civil society, United Nations, and technical reports indicate that the main source of wood harvested in Cambodia since mid-2004 consists of 1) “conversion timber” from forest lands allocated to large-scale agri-industrial plantations, and 2) illegally harvested timber from adjacent lands. As a matter of fact, the Royal Government of Cambodia (RGC) itself has acknowledged that the conversion of forestland to large-scale agricultural plantations under ELCs has been the main driver of Cambodia’s deforestation”

69. Guttal.S., 2007.

70. AFA, 2012.

Resistance

In the face of an ineffectual, corrupt and at times threatening dispute resolution process and a governance and judicial system unwilling to provide protections or safeguards to communities involved in land disputes, research and media reports show that these communities are utilizing a range of strategies and actions to resist the seizing of their land.⁷¹ Communities have organized themselves to resist in a myriad of ways using the resources available to them. These include:

- ▶ The submission of petitions and formal complaints to local and national authorities; district and ministry officials; the courts and cadastral commissions; embassies and international donors,⁷² appealing also to parliamentarians and key figures with power in government to gain some leverage and hopefully be taken-up by an official with power to find an effective remedy to the conflict.⁷³
- ▶ Non-violent actions to generate public awareness including road blocks, marches, sit-ins outside key official offices, and blocking company workers and heavy machinery.
- ▶ Daily resistance including accessing disputed land, community organizing, non-compliance with local authorities.
- ▶ Media outreach through press conferences called at local and national levels to publicise demands and experiences, speaking on radio talk shows, giving interviews to print media, encouraging their presence at protests.

- ▶ Working with NGOs, in particular legal human rights groups who can assist communities to negotiate the legal judicial system, assist with investigating disputes and advocate with communities about the social and environmental injustices and proposed remedies.
- ▶ Developing partnerships and solidarity with communities across Cambodia and the region advocating and organizing against the destruction and loss of natural resources and broader social justice issues.

A number of reports show that while the abuse of communities within ELCs continues, there have been a small number of successes in some situations,⁷⁴ usually where communities have used a collective approach and appealed to powerful administrative officials, often a district or provincial governor to intervene on their behalf,⁷⁵ or where a company has initiated local level dispute and complaints procedures.⁷⁶ The moratorium on ELCs in 2012 was triggered by international and internal pressures to address the dire impacts and flouting of regulations by foreign and Cambodian investment companies and led to the revocation of some ELCs.

While “*the egg cannot crack the stone*”⁷⁷ at this time, the activism of communities, NGOs and other supporters continue to keep the scale of these land conflicts and abuse of communities alive and active as a political, economic and social justice issue in Cambodia. Research, reports and community activism on these issues clearly identify however that communities resisting dispossession of their land face a “powerful coalition of government authorities, concessionaires and the military”⁷⁸ unwilling to take-up their concerns⁷⁹, which is further bolstered by home governments of international investors who seem willing to

71. Dr. Hean Sokhom, 2015.

72. Of note – while donors and foreign governments are appealed to – in particular those working in the human rights space – assessments by human rights organisations point to their lack of leverage and influence over the RGC to generate substantive change. Guttal.S., 2007., LICADHO, 2009.

73. Justice for the Poor, 2008 Volume 2, Issue 2, Legal Pluralism and Equity: Some Reflections on Land Reform in Cambodia, written by Daniel Adler, Doug Porter and Michael Woolcock, April 2008

74. According to a report from September 2013 by GIZ Cambodia, the Cadastral Commission had processed nearly 5,000 cases and solved more than 2,500. Of these, almost 400 cases involved parties embroiled in a conflict, often involving a group of villagers against a powerful person. With land conflicts on the rise and a reported case

resolution of around 50 percent, the Cadastral Commission’s record demonstrates room for improvement (GIZ, 2013) sourced from Dr Heam Sokhem, 2015.

75. Ibid

76. OHCHR, 2012.

77. Cited from case study Touch and Need, 2015 – Old Cambodian proverb used by villagers fatalistically about the presence of ELCs

78. Ibid

79. OHCHR, 2007.

disregard the abuse and dispossession of rural Cambodians.⁸⁰ As noted by Hughes in 2007, with a restrictive civil society space in Cambodia, opportunities for resistance such as grassroots activism through which rural poor Cambodians can represent their collective interests⁸¹ appear to be limited.

METHODOLOGY

This case study report was developed from data collected from four primary sources:

01. Data collected through a qualitative participatory research process in 2014 by Action Research Team (ART) members (*see below for more information*).⁸²
02. Through an iterative process of discussion with Focus on the Global South's (FGS) Cambodian representatives to delve into the case data provided from point 1 for further understanding and detail.⁸³
03. A review of additional documentation and information collected by the FGS representatives to inform identified data gaps from the perspective of the affected communities.
04. A review and analysis of secondary data from internal documents provided by FGS, and external research reports and media, specifically about the PPM ELC land conflict in Kampong Chhnang and Pursat, and more broadly about land issues in Cambodia to provide an introduction to the broader framework within which this case study sits.

The research undertaken in 2014 was managed by FGS with ART members from across Cambodia. They were involved in the design of the research tools and key informant and focus group questionnaires as enumerators, and then participated in the analysis of the data. Target communities were identified in 2 communes in Krakor District, Pursat, and 1 commune in Baribor District, Kampong Chhang, as well as additional stakeholders, such as relevant NGOs.

The enumerators spent 4 days in the field and conducted household interviews and small group discussions.

The data analysis occurred in a series of workshops – the first was a validation workshop with initial analysis undertaken of the data, with two further workshops in Battambang and Kampong Chhnang reflecting on the findings at a provincial level. The ARTs utilised this multi-layered process to collect additional information to respond to gaps in their data and to explore ideas and experiences further. This data forms the core of the case study presentation and the key discussion in the challenges, resistance and reflections sections. The data identifying the history of the land conflict with PPM prior to 2007 is gathered from 2014 community responses looking back in time and external reports and case studies.

Of note is that the ART networks did not start to actively work on the Pheapimex dispute until 2007, at which point they facilitated the development of research and organising skills to support the communities to further develop their advocacy actions as the communities identified a need. The ARTs have sought to have low-key roles in their communities over the years, while the people who filled the ART roles have changed as their visibility as activists became a concern, and as new community members joined. Documentation of events and reflections over the years has largely been captured by the FGS Representatives at meetings in summary form. Considering this, the primary research source for the case study report is the data collected through the research activity in 2014. This is a limitation only from the perspective that when looking back over the last 17 years of activism the community perspectives shared in the research data in 2014 reflect their current synthesizing of these experiences and does not contain specific information from the reflections of the community at different points in time.

Due to ongoing sensitivities around this land conflict this case study report has sought to not use the names of people, except where their names have been publicly released.

80. Ibid

81. Hughes.C.,2007.

82. Action Research Teams are community activists who wish to take on a research and organizing role in their communities.

83. The role of the FGS representative is that of a facilitator, supporter and at times educator as requested by the ART members, who are recognized as the experts of their situation and the leaders of their dispute and resistance.

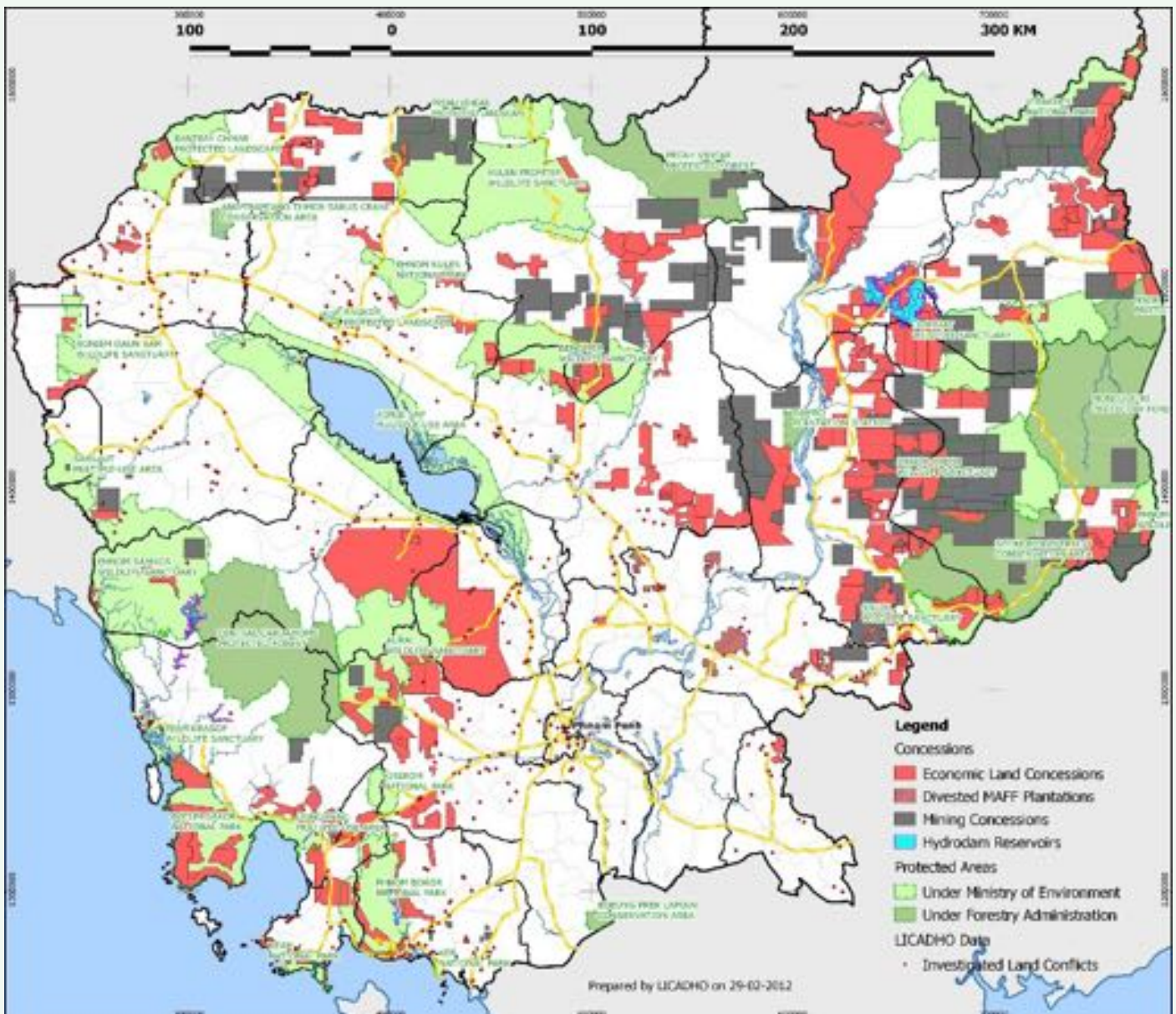


FIGURE 1: MAP OF CAMBODIA CONCESSIONS

Sourced from - http://www.licadho-cambodia.org/concession_timelapse/map-carving_up_cambodia-march2012.jpg

Pheapimex Economic Land Concession,
granted 2008.
315 028 Ha

Adjacent to 2 protected areas (light green)

Over 100,000 people affected living in 111
villages in Kampong Chhnang and Pursat
Provinces

Case Study Presentation

BACKGROUND PHEAPIMEX CO., LTD

“

“PPM is one of the powerful giant companies. They have power with authorities and they have a lot of money for operations, even the government is not willing to make trouble for them.” (Community notes, ART research 2014)

Pheapimex is owned by the Cambodian People’s Party (CPP) Senator Lao Meng Khin and his wife, Choeung Sopheab and is one of the most powerful companies in Cambodia⁸⁴ holding, as of 2015 research,⁸⁵ the rights to 335,142 Ha of land in Cambodia, equivalent to 13% of the total area of land leased to companies. In 1997, a permission letter from the Council of Minister was granted to PPM, for concessions for a total land area of 315,028 Ha in Baribo, Rolea B’ier, Tekphos and Sammeakki Mean Chey Districts in Kampong Chhnang Province and Krakor, Kravanh and Sampov Meas Districts in Pursat Province.⁸⁶ A scale that far exceeds the later requirements that

Economic Land Concessions not be greater than 10,000 Ha in size.⁸⁷

On Jan 8, 2000 the Royal Government of Cambodia (RGC) signed two contracts with PPM conceding 315,028 Ha of state land in Pursat (138,963 Ha)⁸⁸ and Kampong Chhnang (176,065 Ha) Provinces for a period of 70 years for the operation of an agro-industrial plantation.⁸⁹ A land utilization plan speaks to the development of a tree plantation and paper factory with the expansion of their land use of the concession area from 5,000 Ha in year 1 to 11,900 Ha 17 years later (Open Development Cambodia - See Annex 1). On the 25 December 2000, PPM and the China Corporation State Farm Group signed an agreement to invest US\$70million, financed with a loan from the Import Export bank of China to the government of Cambodia.⁹⁰

PPM has been involved in some of the most significant investments in Cambodia by China with another of their large concessions including a partnership with the Chinese owned Wuzhishan L.S group in Mondulkiri,⁹¹ a company which the High Commission of Human Rights in Cambodia notes was also working in a technical role supporting Pheapimex in Kampong Chhnang and Pursat.⁹²

84. Shalmali Guttal, 2013. Cambodia: The curse of the concessions, World Rainforest Movement Bulletin 195, September 2013 – “due to the close relations between its owners and Cambodian Prime Minister Hun Sen, and the large donations that Pheapimex makes to the CPP”

85. McInness, 2015.

86. https://opendevelopmentcambodia.net/profiles/economic-land-concessions?feature_id=elc_gdc_7

87. Guttal S., 2013. and Royal Government of Cambodia No. 146 ANK/BK, Sub decree on economic land concessions, unofficial translation sourced from http://www.cambodiainvestment.gov.kh/sub-decree-146-on-economic-land-concessions_051227.html

88. United Nations Cambodia Office of the High Commissioner for Human Rights, 2004. Land concessions for economic purposes in Cambodia, A human rights perspective, November 2004

89. Ibid

90. See OHCHR, 2004. and, McInnes, 2015. Discussion in Joshua Kurlantzick’s chapter “China in Southeast Asia (pg 207) flags China’s Export Import banks reportedly declining to sign environmental guidelines commonly adopted by Credit providers from most wealthy countries, observing that Chinese companies were exporting some of the poorer standards of environmental, labour and cooperate governance practices Chinese firms are struggling with in China also. Cited from Kurlantzick, J., 2008. China in Southeast Asia, Chapter 9 in China’s Expansion into the Western Hemisphere, Implications for Latin America and the United States, Brookings Institute)

91. McInness, 2015.

92. See OHCHR, 2004. and McInness, 2015. – Mr. Lao Meng Khin is also a director of Wuzhishan L.S. Group Co., Ltd. Pheapimex and Wuzhishan who share a common address in Phnom Penh

THE COMMUNITY AND LAND BEFORE THE CONFLICT

In the concession area to be covered by Pheapimex, well over 100,000 people reside in over 111 villages⁹³ located between two protected areas - the Tonle Sap Lake and the Aural Wildlife Sanctuary.⁹⁴

Before the land conflict with PPM, communities lived in small groups often with close family members, farming the land for rice for 4-6 months of the year in plots both around their homes and located in the forest.⁹⁵ The land granted to PPM included farmland, grazing lands, wetlands, forests, woods, lakes and watersheds, an integral system sustainably managed and utilized by the communities as a source of livelihood,⁹⁶ as well as their traditions, way of life and identity. They sourced timber and non-timber products for food security and personal use from the collectively managed forest land around their communities over the rest of the year, and grazed their animals.⁹⁷ Inside the forest there were no demarcations or boundaries with the ability to roam ensuring access to needed materials. Everyone in the family had a role to play in providing for the household.⁹⁸ Those communities that lived near Tonle Sap and fished, also relied on timber and forest products from the concession area, such as timber and resin for waterproofing their boats, and vines for fishing traps.⁹⁹ The communities describe there being wildlife in the forest, with some rare and endangered species.¹⁰⁰

OVERVIEW OF PPM LAND CONFLICT¹⁰¹

2000 - 2005¹⁰²

In March 2000, PPM started to log trees for export on the disputed land in Pursat¹⁰³ and located themselves in an area bordering the two provinces, close to existing roads and villages. The local communities began to protest.¹⁰⁴ They demonstrated and submitted petitions repeatedly, with the goal of seeing the PPM contract terminated. In 2002 PPM expanded their activities to Ansar Chambok Krakor, Pursat, clearing land, building roads and starting the development of a tree nursery. Community activists protested, and submitted petitions to the “royal cabinet in Phnom Penh”,¹⁰⁵ and mobilised to identify where illegal logging was occurring and to block the heavy equipment and trucks required to remove the logs. PPM continued to clear land and erect fences in other areas. The communities monitored and kept up their protests effectively blocking PPM from continuing their activities over the 4-year period.¹⁰⁶ In Pursat, communities requested that community forestry be considered for management of the disputed land, which was refused by local authorities on the grounds that PPM alone had authority over the land.¹⁰⁷

In 2004, the protests by the communities in both provinces escalated¹⁰⁸ with the start-up of activities by PPM and Wuzhishan L.S. Group, a Chinese partner providing technical support,¹⁰⁹ with approval by the local and provincial authority.¹¹⁰ PPM started to clear 10,000 Ha of land in each province and started work on a Eucalyptus plantation in Kampong Chhnang. The

93. Guttal, S., 2013.

94. OHCHR, 2004.

95. Community Notes

96. Guttal, S., 2013.

97. OHCHR, 2004; Community Notes

98. Community Notes

99. Ibid

100. Ibid

101. For more details on the events between 1997 – 2005 see OHCHR Cambodia’s case study from 2004, Annex 4 in United Nations Cambodia Office of the High Commissioner for Human Rights, November 2004, Land concessions for economic purposes in Cambodia, A human rights perspective

102. Community Notes are the primary source of data. Where there are direct quote will cite source.

103. McInness, 2015.

104. McInness, 2015. – She notes that PPM did not conduct any consultations with legitimate local land-owners, environmental impact assessments were never been done and details of the concession area (such as the maps) were not disclosed to locally affected households until 2010.

105. Guttal, S., 2013.

106. Ibid

107. OHCHR, 2004.

108. Guttal, S., 2013.

109. OHCHR, 2004.

110. Ibid

communities protested and identified that PPM was primarily interested in logging. In response, at the behest of PPM supported by local authorities and the court, prominent activists were arrested on spurious charges.¹¹¹ In late November 2004, over 700 villagers from both provinces came together for a demonstration in Ansachambok Commune, Krakor District, to block PPMs actions there. On the late evening of the demonstration a grenade attack occurred and 8 sleeping protestors were injured - an attack which was never investigated.¹¹²

One villager in Pursat said to OHCHR staff in early 2005 investigating after the grenade attack -

“

“The government talks about poverty reduction, but what they are really trying to do is to get rid of the poor. They destroy us by taking our forested land, 70% of the population has to disappear, so that 30% can live on. Under Pol Pot we died quickly, but we kept our forests. Under the democratic system it is a slow, protracted death. There will be violence, because we do not want to die.”¹¹³

The day after this attack, the protestors were joined by more villagers and a total of 1,700 protestors came together on national road number 5 and blocked it. The Pursat provincial Governor, district police and district governors negotiated with the protesters and promised that *“the Company will withdraw and they will stop clearing forest land.”¹¹⁴* The villagers followed-up this protest with a petition to King Sihanouk in early 2005¹¹⁵ requesting the termination of the PPM contract. While the letter was accepted, the

outcome was a letter from the Prime Minister attesting to the valuable contribution of the ELC to the community.¹¹⁶ PPM continued to establish worksites – four in Pursat and one in Kampong Chhnang, and to develop the tree plantations in Kampong Chhnang and Pursat planting seedlings and clearing land. The villagers continued their resistance patrolling and blockading at the worksites and in the forests while facing ongoing intimidation and insecurity.¹¹⁷

Three months later in mid-march 2005 without providing any reason to the community provided to the communities, PPM closed all its work sites *“leaving behind security to guard the sites.”¹¹⁸*

2006 – 2013¹¹⁹

In 2007, PPM was granted permission from the Prime Minister’s Cabinet for a contract renewal in partnership with a Korean company Booyoung Co. Ltd to develop a large tree plantation and build a paper factory utilising all of the 315,028 Ha of land. The government granted this permission and PPM and the local authority started to prepare pieces of land. Protesting by the affected communities against PPM (and Booyoung Co.) led to the halting of work on the Eucalyptus plantation.

In late 2007/2008, local authority and company brokers started to purchase farming land and local forest land from some villagers within the ELC where they wished to construct an irrigation system to support the development of a large cassava plantation and processing factory in Pursat.

Work started up again in Kampong Chhnang on the Eucalyptus plantation in 2010 with the active return of PPM to Pursat. Villagers in Kampong Chhnang united around this seizing of land for the irrigation system and eucalyptus plantation, and continued to protest, preventing its expansion. In 2011, PPM desisted with the eucalyptus plantation in Kampong Chhnang. While no reason was given

111. Ibid

112. McInness, 2015. and OHCHR, 2004.

113. OHCHR, 2004

114. Community Notes

115. OHCHR, 2004.

116. OHCHR, 2004.

117. OHCHR, 2004.

118. Ibid

119. Community Notes are the primary source of data. Where there are direct quote will cite source.



Farmers in rice fields,
Pursat.

Photo credit: Focus on
the Global South, 2010

by PPM, the community indicates that they pulled back due to both the ongoing protests and pressure applied by a provincial parliamentarian sympathetic to the villagers' plight.

In 2010, PPM returned to Pursat Province in partnership with a Chinese firm¹²⁰ to continue the development of the cassava plantation, the factory to refine the cassava into flour and to develop an irrigation system. They based their operations in Pursat and rapidly expanded their activities evicting residents from their land, blocking local peoples' access to forests, planting cassava and acacia trees, and building work camps.¹²¹ A gift-giving ceremony by PPM was organized in which residents in Ansa Chambak were given rice, noodles and scarfs as evidence of PPM's good intentions, with local authorities then instructing villagers to cooperate with PPM now they were recipients of the companies' gifts.¹²²

PPM hired workers from other provinces to reduce possible tensions at work sites with local hiring and established multiple worksites across Pursat,

making it difficult for activists to target multiple locations and the mass heavy equipment brought in. 115 – 120 worksites were established with larger worksites containing 200-500 workers and the smaller 120 - 150 workers, who often came with their families from other provinces looking for a more secure livelihood. These migrants viewed this as an opportunity to settle down rather than as a temporary migration, requesting a few acres of land to farm cassava on from PPM and cutting forest wood to sell to middle men, or offering their labour to chop firewood. The protests by the communities continued and were met by intimidation, bribery, and arrest of activists by government authorities¹²³ with PPM hiring private security, military and commune police¹²⁴ to intervene with protestors.

In 2011 the government handed back small parcels of land given to PPM to the villagers in both Ansa Chambak commune, Krakor District in Pursat and in Kampong Chhnang, primarily for community management of forests. This was however exploited by some local authorities as an opportunity for land grabbing, as seen below.

120. Community notes – the communities refer to the company in conversations since 2014 as the 'Chinese company' as the company representatives they deal with, such as foremen, are Chinese. The community does not know who the Chinese company is that is partnering with PPM reflecting the lack of information provided to the communities about PPM's activities.

121. Guttal, S., 2013.

122. Ibid

123. Guttal, S., 2013., McInness, 2015.

124. Guttal, S., 2013. makes the point that although local police empathise with affected communities, their orders are to protect the company, not communities.

The Irrigation System:

Villagers residing with the PPM ELC living along a strategic natural stream located between Cheatum Commune to Tnaot Chum AnLong Tnaot Communes in Krakor District through to Boribo District were approached by local authority and PPM brokers to buy some of their land. These purchases were done piecemeal, a strategy the villagers feel was designed to create tensions between different community members with some supportive of local authority and others not depending on whether they had received compensation for their land or not.

Between October 2009 and May 2010 an irrigation system was constructed and completed in only Pursat. In Kampong Chhnang the district governor requested the channel going to Boribor be left to flow as usual meaning the irrigation system could not be used there. In Pursat, the affected villagers had been informed that the irrigation system would enable them to increase the number of crops they harvested each year. Within a year however PPM claimed all the land along the irrigation system including the villager's houses, shelters and infrastructure along the river saying it fell within their ELC boundaries. Villagers' houses and farming land located along the river were razed and people prevented from accessing it.



The impact of the irrigation system in Cheatum commune, Krakor, Pursat: 5 villages and 100 households live in Cheatum commune which are relocated on either side of the river whose water was utilised for the irrigation system. When the company first started to build this system, they told the villagers that it was part of a large national development project being managed by the Cambodian Government and as such could not be prevented. The PPM foreman and local authority stated that the government did not have any compensation for the villagers as it is a government project, the communities identified however that if people got along with local authority then those people would get compensation. Government machinery was utilised for this development which was later changed to machinery hired by PPM. After they finished the construction of the irrigation system for their cassava plantation they started to block the flow of water without informing the people who lived upstream in advance. This led to upstream fields being flooded, while others did not receive water as the rains drained into the irrigation channels rather than their fields. The irrigation system itself was 7,184 meters long, 35m wide and 7 meters deep. In Kandal Village - in the center of the irrigation system - villagers were left with an irrigation system but very few accessible bridges for them or their animals to cross it and making it very difficult to pull out animals which might fall in - villagers would have to pay to hire the company excavator to pull out animals.

The options the company gave to the affected villagers were: to sell their land cheaply to PPM, rent their land to PPM, or to exchange their land for somewhere else.

In late 2012, early 2013, a new land titling and dispute resolution program, specifically targeting ELC areas, was implemented in Pursat and Kampong Chhnang Provinces (McInness, 2015). Order 01BB was publicly announced in May 2012 by the Prime Minister as an official effort to respond to the mounting evidence that the unregulated exploitation of land in ELCs by companies not complying with their contracted agreements was creating a rising number of land conflicts and not bringing benefits to rural Cambodians.¹²⁵ Order 01BB included a program to demarcate land for rural people whose land overlapped with ELCs. Student volunteers were trained and hired to carry out this land titling process with mixed results for the villagers affected by the PPM ELC in Pursat and Kampong Chhnang Province.¹²⁶ Of note was that the students were urban students utilising a set of directives to guide their work rather than the ability to listen to local villagers' knowledge about their land use and to incorporate this into their task. Students were directed to not demarcate land identified to them by local authority as under dispute or that had been partially or recently cleared.¹²⁷ Other concerns from the perspective of the villagers included:

- The students did not demarcate agricultural land which was enclosed by the forest. Valuable farming land in use by families for decades was left untitled and within the ELC.

- Even when students demarcated the land with villagers and were in accord with them, there were examples where actual land title was trimmed by local authority so that valuable land along a road for example was no longer included.

- Students actively demarcated land for all villagers in some areas, and in other areas only some villagers were able to participate, creating tensions and breaking solidarity between communities.¹²⁸

- Communal land in the forest where villagers harvested non-timber products for the livelihoods would be once again officially recognized as under the ownership of the PPM ELC rather than demarcated for community use.¹²⁹

THE MANIPULATION OF A DIRECTIVE AND GRABBING OF COMMUNITY FOREST:

In Krakor district, a local organization responsible for the demarcation of forestland worked closely with the village chief, commune chief and district governor to form community forests, in alignment with a directive from Phnom Penh (see footnote 95). The organisation demarcated farming land instead of forest land. The communities affected were very angry and said, *"actually, the community forest is not here, it is 3 – 5 km from here, but those in authority and powerful people cleared all this land, and now they have taken our land as community forest."*

Protests by affected families were met by local authority with intimidation and threats with one protestor arrested.

In late 2012, the communities in Kampong Chhnang identified that there were no longer any significant activities by PPM, while in 2015, the communities in Kampong Chhnang were notified by the deputy provincial governor that PPM's concession had been revoked.¹³⁰ They have not seen any legal documentation of the cancellation, and no formal process of return was established. It appears that the PPM ELC was under investigation for not bringing its holdings and actions into alignment with ELC regulations, in response to the 2012 01BB Order.¹³¹

Since 2015, while it appears that the land is under the control of government authority, it is not clear to the villagers who has responsibility for the disputed land. Some of the concession land is still allocated to the military for their use. The

¹²⁵ Focus on the Global South, 2013.

¹²⁶ Please see FGS report on the 01BB process including a case study of its implementation in the PPM ELC. Focus on the Global South, June 2013, Moving Forward: Study on the impacts of the Implementation of Order 01BB in selected Communities in Rural Cambodia

¹²⁷ Ibid

¹²⁸ Ibid

¹²⁹ Ibid

¹³⁰ Community notes – this notification occurred at a People's Forum in Boribo District, Kampong Chhnang

¹³¹ McInness, 2015., "The Government and the UN-OHCHR, Pheapimex has consistently refused to bring its concession within the law, has failed to pay its concession deposit and much of the land has remained unused since it was taken" (UN-OHCHR, 2007. p. II; Royal Government of Cambodia 2008. p. I)

villagers fear that the local authority has sold some of their land to other investors and outsiders, while in areas close to protected areas like the Aural Wildlife Reserve the villagers have seen outsiders logging both within and outside the concession area. Villagers also describe a situation where they have been encouraged to 'cut the forest to give logs to a broker for US\$100 per hectare, to then have local authority use the persons' identification and claim that this person was selling their forest land' leading to the loss of this land.¹³² Issues of deforestation and the seizing of villagers' land continue despite the withdrawal of PPM from the concession area in Kampong Chhnang. The villagers also continue to fear that they will once again have no recourse if PPM or another large company returns. With much of the land deforested it is now more likely to be allocated to an agri-business company as its' degraded status makes it no longer useable by the local community.

In 2014-2015 PPM was still operating in Pursat province, however the ARTs report that PPM has faced obstacles with finding workers to continue to develop the cassava plantation. Villagers continued to file complaints without response, for example a complaint filed with Pursat provincial court in 2010 was unanswered as of 2013.

As described in the Impacts section below, labour conditions were extremely poor and local community members have refused to participate in the companies' activities under such exploitative conditions. As of 2014 while a number of worksites remain open with 30 – 50 workers at each site, they were supporting roughly 20% of the cassava fields previously farmed in 2009-2010. Recent research by ARTs meeting with workers at the open camp sites in Pursat describe the continuation of limited work on the cassava plantation and in the processing factory with many worksites closed and the overall numbers of workers have reduced. As of 2016 the situation in Pursat remains tense¹³³ with PPM agreeing to return the disputed land to the villagers after intervention by CPP members, however the communities remain skeptical and fear that this resolution just reflects the current political environment with the commune elections occurring in June 2017. They are concerned that

PPM, as they have done in the past, will take this land from them again at a later time. As of March 2017, the ARTs identify that more than 130,000 Ha of land in the ELC in Pursat has been cleared by PPM.

132. Community Notes

133. see May Titthara, 2012. Villagers wary of Pheapimex olive branch, Phnom Penh Post 24 January, 2012



People trying to negotiate with PPM representatives, requesting they do not demarcate a boundary which overlaps with their farming land. If PPM goes ahead, they will be unable to access pasture for their cow or buffalo.

Photo taken at Pursat province in 2011

Impacts¹³⁴



*“Before the plantation, even 100 hectares of farmland and forest sustained hundreds of families; but now thousands of hectares are given to just one company and does not feed even one family fully.”
(Resident from Phsaar, Pursat, Cambodia, documented by Shalmali Guttal, 2013)*

The PPM ELC, has caused irreversible damage to the lives of the affected communities and the natural environment in which they live. Communities have endured daily injustice, insecurity, loss and hardship for 17 years. They have had to find the strength and perseverance over the extraordinary length of this conflict to resist and fight for the return of their land against a powerful system which asserts that they are living illegally on their own land, and oppresses and intimidates when they protest. They have had to take on new and insecure roles and responsibilities as land activists and organisers, while also finding new ways to generate a livelihood for their households.

The impact on families has been profound, with the loss of their land leading to a myriad of social, cultural, and economic harm. Families who had relied on a system of rice farming with supplemental income and food security provided from non-timber forest products, fishing, and the ability to find pasture for their animals, have been denied access to their way of life and sources of income and food security, for example, they have been forced to sell their animals or reduce their herds sizes as they lack access to grazing

land. The loss of access to water, agricultural land and community forest has also denied them access to traditional mitigation measures when responding to ‘shocks’ such as drought. They would supplement their income through sourcing traditional medicines, rattan, bamboo, fruit, small native fauna such as snails, frogs, turtles, from forest lands and waterways to use and sell locally. The decimation of community forests through deforestation is not only a loss of a livelihood and food source but loss of natural resources which the communities feel they are the caretakers of, which holds their history, traditions, spiritual places, and identities. Community members have described this loss as ‘destructive darkness’ and a ‘deep sadness’.

Families have been torn apart as they seek to find new ways to respond to their increased vulnerability. Community members speak of migration with family members going to Thailand or Phnom Penh for work so their families can survive. Almost every family has lost a member to migration. Of those families who cannot migrate a very few have been able to source work on the eucalyptus plantation and more recently on the cassava plantation of PPM where they had experienced harsh conditions and exploitation. Communities speak of the company only hiring the most able-bodied in a household, while destroying the resources (forest) that other members of the household would have traditionally used to supplement their food security and livelihood such as children collecting mushrooms and elderly in a household making traditional products such as handicraft from non-timber products.

¹³⁴. Community Notes are the primary source of data, other sources will be referenced

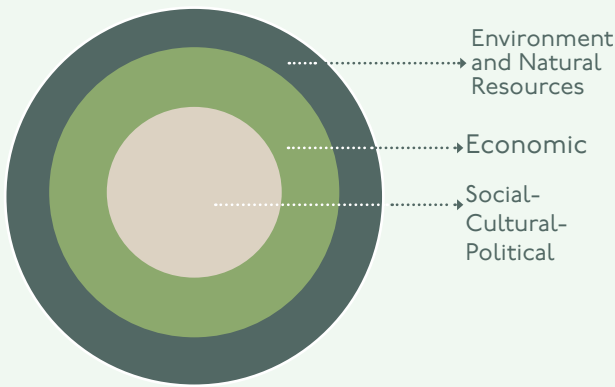


FIGURE I: THE IMPACT OF THE PPM ELC (CREATED BY ARTs)

Labour exploitation on the cassava plantation



“When they took the forest away we had to become workers...” “No forest, no job, then we became slaves...”

When PPM started the cassava plantation and factory some of the villagers in Krakor were hopeful that they would be able to gain employment and would not need to migrate and leave their families. They were informed by PPM that they would earn about 600,000 riel/month(US\$150) or 800,000 riel (US\$ 200) as a foreman. After starting work however, the villagers found that they had no job security, and were often not paid, or paid irregularly depending on the whim of PPM. Villagers were unable to sell their local produce within PPM worksites and instead, unable to leave the work site they had to purchase food from PPM. The Chinese foreman hired by PPM established work conditions in which Cambodian labourers were paid a lump sum dependent on the amount of work they did across a certain area within a timeframe. Each day the bar was set higher and workers urged to compete with each other, creating untenable work conditions.

If a worker challenged their conditions they were fired. The poor conditions led many local workers to choose to migrate instead. PPM then hired workers from other provinces, who were less willing to protest their conditions. The disharmony with the Cambodian workers however, according to the villagers, has made an impact on PPMs cassava operations, with the lack

of respect for the local communities’ traditions, ways of working and exploitative practices leading to difficulties for PPM to retain workers.

INTERVIEWS IN KRAKOR DISTRICT, PURSAT BY ARTs 2014

More recently in 2016–2017 ARTs interviewed workers in Pursat at a number of much reduced worksites. The workers explained that the Chinese company did not have a lot of work for the workers anymore and that they were not paying their workers regularly. What work was available was just for 7-8 months of the year during the busy periods. The company had paid 20,000 Riel and 1kg of rice a day but had only paid it once for one month as a lump sum while the workers were working 1.5 to 2 months in advance before payment. In early 2017, the workers had gone to protest this situation to the District Governor which had led to the company paying all the workers. Many workers had chosen to return home. Those workers who earned a monthly salary also explained that their payments were irregular.

In one location, a family had had their land cleared and used by the company to store their heavy equipment and to set up a worksite. The Chinese foreman had said that they would hire the land from the family however they had never paid them for the use of the land. The workers believed that about 80% of the fields used by PPM for cassava were now no longer in active use since 2017. Some of the reasons the communities believed were behind the reduction in work by PPM included: that machinery is imported from China and spare parts have to be brought in resulting in a delay; the company is waiting for a new partner (perhaps Japanese); local drivers are stealing gas and lubricants to sell locally impairing machinery; Chinese foremen are disrespectful and oppressive to workers; when workers demand better conditions they are fired; skilled workers do not want to follow orders of Chinese foremen; and no one is able to negotiate disputes between workers and between workers and foremen.

Families already separated through migration were further impacted by their time commitments to activism. As community members' activism became more visible to local authority, they faced intimidation, threats, arrest and at times physical violence from the local and private security utilised to repress the communities and guard PPM's land under active use. The communities' relationship with local authority was one of opposition and conflict with local authority subverting their roles and power to enforce PPM's rights over the rights of their communities, creating a difficult political and social environment in communes and districts and breaking solidarity and harmony often both between village members, and between village members and authority. Social cohesion within families was also eroded as the daily struggle to meet basic livelihood needs became harder to meet, with an anecdotal increase in family violence and negative impacts on people's health, and their sense of purpose and hopes for the future. Villagers spoke of high debts incurred as they tried to make ends meet after the loss of their land, with these debts also forcing families to have to accept migration as a livelihood option. Assets and connection to their land, way of life and history, for future generations is being lost as the communities are impoverished and their resources seized by PPM or sold by the villagers to make ends meet, further impacting on the villagers' sense of loss. Even where land has been demarcated to families, as under Order 01BB, the maximum amount of 5Ha is not enough to ensure the future of a communities' way of life,¹³⁵ especially when access to natural forest, water ways and the broader environment, integral to villagers' survival, is blocked by the fences and security of PPM or has been destroyed.

The process of clearing the forest alongside the impact of the mono-crop industrial plantations has led to a wide array of long term destructive impacts for the natural environment. The natural biodiversity is threatened by loss of habitat through deforestation, and this further compounds the ecological damage caused by soil erosion with loss of tree cover, and the manipulation of waterways shrinking water sheds and harming fisheries.¹³⁶ Soil and water are further harmed and polluted by the use of chemical fertilisers on industrial crops.¹³⁷

The community speaks of the PPM creating a bad smell which stretched for kilometers, while the manipulation of the Boribo river by the company led to the natural ponds used to water cattle, to be dry. Lack of water for animals – cattle being the way villagers bank money for investments or family problems – has led families to have to sell them.

As identified by villagers in 2013 in discussions with Shalmali Guttal, *“Residents worry that this will harm local fisheries, especially in the Tonle Sap Lake. Streams bring nutrition to the lake for fish and many fish travel upstream to spawn; if streams and ponds blocked, the overall health and quality of fisheries will decline. Farming has also become more difficult: residents are unable to grow vegetables and cash crops in gardens since the company dominates access to water.”* Loss of land impacts on a farmer's role and ability to fulfill one's responsibility within one's family and community, while the loss of land without warning, compensation or effective remedy has created long lasting harm for the communities within the PPM ELC.

¹³⁵ Guttal.S., 2013.

¹³⁶ Ibid and Community notes

¹³⁷ Ibid and McInness, 2015. and Community Notes

Challenges

In general, the communities' experiences, as captured in the 2014 research data, reinforces what recent research on land disputes across Cambodia has found, that the villagers have little power in the governance or legal system through which to successfully seek justice against the power of a company backed by the support of local, provincial and national authorities, and a corrupted policy and governance system that enables uncontrolled development to benefit the powerful elite in Cambodia.¹³⁸ As explored below, time and again the PPM villagers experienced the wielding of judicial, military, governance, political and private interest power as they sought formal and informal solutions to their land dispute.

Specific challenges highlighted as an outcome of the research process the ARTs undertook in 2014 are as follows:

COMPANY TACTICS

THE INVISIBLE COMPANY: The experience of the PPM communities is similar to other land conflicts, starting with a slow encroachment onto village land via local authority or rich investors looking for farming land, who acted as brokers between the company and villagers. The communities say that these brokers would buy 4 Ha from a family who owned 10Ha, while at the same time another broker would work with local authority to create false land title documentation claiming all the land. When villagers were approached to sell their land, they were intimidated to sell, threatened with the loss of all their land for nothing if they did not sell some of their land now. It is not clear to the community how much money was made by brokers through this land sale to PPM. All this land was then collapsed into one large land grab in the form of an ELC with PPM

stating that they had title over the land prior to the demarcation of the ELC. In the case of PPM, the company accessed a vast area of land across two districts in one of the earliest and largest ELCs granted by the RGC. Over the years, PPM has partnered with Chinese and Korean companies and established two different plantations, moving with little warning to establish work sites, and to seize, fence, and raze different areas of the ELC depending on the activities being implemented. While there is strategy to their expansion and movements it is usually invisible to the affected communities.¹³⁹

This is made possible by the weakness of the enforcement of regulations and absent accountability by the appropriate governance and regulatory bodies in their oversight role for PPM. The experience of this PPM ELC demonstrates how lack of monitoring and data at a governance level hides any accountabilities the company has to the government and the government to the Cambodian people. This lack of oversight and timely provision of clear maps showing boundaries, also enables companies to encroach on land not in an ELC, with PPM an example of the additional danger of having an ELC located next to protected areas in an environment of weak enforcement of regulation and contractual agreements, with local communities identifying logging in these protected areas by actors possibly connected to PPM or local authority.

The communities have observed that the movement of the company over the years has changed and evolved, possibly in response to their activism, learning from their engagement and refining their strategies to diminish the impact of protests, again making their movements and plans less visible. For example, in the early 2000s PPM established their company site close to villages and existing roads. The continuous protests and blockades by protesting villagers was met by

¹³⁸ Guttal, S., 2008., Licadho, 2009.

¹³⁹ Guttal, S., 2013.

intimidation and violence by PPM hired security – who the community has identified as military - and local authority culminating in the grenade attack in 2004. After this period, PPM became much more strategic, establishing multiple work sites, hiring workers largely from outside the province, fencing and guarding their borders, and undertaking activities on a much larger scale thereby making it a lot harder for the communities, even united, to resist their many activities. The community has also cited that at times these workers from outside the local area were used to oppose the resistance by the local villagers. They also moved their headquarters away from villages into dense forest and built their own road in to their property which they could control access to. They undertook logging activities and cleared land starting in multiple areas difficult to access and monitor and away from villages. All the while they also maintained their pressure on community activists through threat of arrest and intimidation by local authority.

DISPUTE MECHANISMS AND THE COURT:

The PPM case clearly demonstrates over the years both the weakness of the formal land dispute mechanisms and the complicity and collusion of the court and local authority to validate and uphold PPMs ELC, to erode the dispute processes and to repress any resistance. The affected communities have identified that PPM utilised its power and authority over local authority, the court system, the local police and military police in a number of ways:

- PPM worked with courts to issue warrants for the arrest of activists on questionable grounds, bringing them to the commune office, or putting them in detention for short period based on accusations by the company. Between 2000-2013 17 community activists have been summoned by the provincial court in Pursat.
- Neither court in Pursat or Kampong Chhnang has responded to a complaint lodged with the court over the last 17 years. *“When villagers filed*

CASE OF MR KUCH VENG:¹⁴⁰

Mr Kuch Veng was arrested on May 19, 2013 when meeting with villagers who had been impacted on by the PPM land conflict, in Kbal Trach Commune, Krakor District, Pursat. He was arrested by 4 police officers who did not have an arrest warrant or knew what the charges were.¹⁴¹ He is a prominent land activist working with communities in Pursat to find justice and resolution to the taking of their land through the PPM ELC. The charges were later clarified as incitement (which was dropped later) and fraud for allegedly misappropriating US\$4,500 of funds donated by another villager to him in 2010. Community members rallied around him with numerous protests of hundreds of people outside the Pursat court. These community members said that the charges were designed to threaten community members and stop them from protesting against PPM. After 3 months in jail a verdict was handed down as guilty with a one-year jail sentence given with three quarters of the year suspended. Legal representatives for Mr Kuch Veng said that there was no evidence to support the charges.

hundreds (many) of complaints¹⁴² to the court but we have never seen the court take any action over company, whenever the company do even it just phone to inform them the court immediately will summon and take action to arrest people to keep in jail.”¹⁴³ The court also implemented administrative barriers such as costly fees, which prevented villagers from pursuing their complaints. In Kampong Chhnang community members say they submitted petitions to the provincial governor and provincial lawmakers with some positive responses from lawmakers in particular.

- Commune police and military police are called in when the company is actively destroying homes,

140. See three articles by Titthara.M., 2013. Phnom Penh Post, 9 July “Hundreds’ demonstrate on activist’s behalf” and 20th August, 2013, “Verdict today in case of jailed land activist” and 21 August “Land activist to be released”

141. See <http://iphndefenders.net/cambodia-arbitrary-arrest-of-human-rights-defender-mr-kuch-veng/>

142. Community Notes – community submits petitions to village, and then commune and then provincial authority about their dispute. When this occurs within an ELC the size of PPM this is hundreds of petitions. The experience of the community is that each authority passes the responsibility to those above them to resolve, or community has identified that they say they will resolve but then do not take any action

143. Community notes 2014

land and crops.¹⁴⁴ Community members cited the example of PPM using military officers when clearing 11 cottages at the Khsach Hab site – Tien Prey Village, Chheu Tom Commune, Pursat.

- Local authority defended PPM for example by telling the villagers *“This PPM ELC is part of the government’s development plan, if you stand up to this you are challenging the government.”*¹⁴⁵

- The villagers identified that local authority, as well as some community members, who actively supported the company accessed gifts like a motorcycle, hand tractor, land or a monthly salary, usually framed as *“the authority taking a stand for the government.”*¹⁴⁶ The community has also identified that at certain times government representatives have listened to their situation, but it has not led to any resolution. The villagers explained that the local authority was utilised strategically by the company, asked to set-up barriers that would prevent community activism on an action by PPM such as preventing communities from holding meetings to disseminate information about legal supports or enabling the building of solidarity between villagers through sharing of experiences.

- When parliamentarians or senior government officials listened to their experiences and demands no further action was then taken.¹⁴⁷

CHALLENGES FOR COMMUNITY

INSECURITY OF THE LAND TENURE SYSTEM: The experiences of the communities affected by the PPM ELC clearly depicts the vulnerability villagers face when the regulation and legal frameworks establishing formal land

tenure are not rapidly enacted to ensure rural communities receive a fair, just and accountable determination of their land title, thus granting them formal ownership and rights over family title and community forestry designations. The power of PPM to enforce this ELC is such that despite proof of land use in the form of family books and physical evidence of use on agricultural land, and clear local knowledge about community forest and waterway use, PPM was able to bring in bulldozers without hesitation or warning. Community forestry approvals over the years were ignored,¹⁴⁸ while the community describes collusion by district leaders with PPM instructing commune authority to clear forest land in certain areas, which is then claimed by the subnational authority. The community explained that some government officials who assist the PPM will receive from 10 to 50 hectares of land after it is cleared by PPM causing local authority to not plead the case of the affected communities.

Where the land tenure system attempted to address the grievances of villagers in Kampong Chhnang and Pursat through the 01BB land titling program, some villagers’ access to farming land was granted and formal land title enacted, however as discussed earlier there were concerns with the process in different communes with some disputed areas left alone and some villagers disagreeing with the final demarcation of land. The 01BB process also did not take into account the broader access to community forests and waterways inherent to the villagers’ way of life and well-being, while the weakness of land tenure governance when challenged by the interests of the powerful elite continues to create uncertainties for the villagers even where formal title has been received.

Of note with the PPM experience for the affected communities is that even after PPM’s ELC in Kampong Chhnang was revoked, the legacy of their ways of working and the corruption in the governance system has meant that while there have

144. McInness, 2015. - “Pheapimex has enjoyed a long relationship with the Cambodian armed forces, and has used members of the military to provide security and exert control over its forest concessions. These relationships were cemented in February 2010, when the company was included in a list of ‘official partnerships’ announced by Prime Minister Hun Sen, between private businesses and Cambodian military units (Phalla and O’Toole, 2010; Brady, 2010). This policy officially sanctioned an arrangement wherein selected businesses were reported to get military protection in return for financial backing (Global Witness, 2010)”.

Community notes – site examples including the clearing of 11 cottages in Tien Prey Village, Chhoeur Tum Commune, Krakor District Pursat Province.

145. Community notes – 2014 research. Of note here also is the idea that they are caught up in a system of power where those at a local level are expected to do as requested by those above them, and they could be removed from their positions if they actively support the interests of the community

146. Community notes 2014

147. The villagers identified that local authority who actively supported the company accessed gifts like a motorcycle, hand tractor, even land or a monthly salary, usually framed as *“the authority taking a stand for the government.”* (Community Notes)

148. McInness, 2015. - “In 2011 the Council of Ministers awarded communities in Pursat province rights to manage 6,000ha of forest, under the Community Forestry model.²⁵ This included 500ha located within Pheapimex’s concession and should have been returned to the community, but up to the date of publication in 2013, the company has yet to give this land back”

been some small wins and reprieves for the local community, there is still tremendous uncertainty about whether they will have access to their land again, and if they will be able to keep the land they have had returned to them.

TRADITIONAL EXPECTATIONS OF GOVERNMENT – PATERNAL ROLE: A challenge the communities identified was that they were not informed about the land law, their rights and processes through which to dispute and appeal the ELC. They also felt uninformed from a political-cultural perspective. They had a traditional view that the government was like their parent and had authority over them, so if the government made a decision what could they do if they did not agree? They also believed that the government and their representatives required their respect and could be relied on to resolve issues they

had in their communities. Local authority continues to articulate this to villagers saying that “the government knows how to deal with the situation, don’t worry.” This was a challenge for communities and created a sense of hopelessness and powerlessness in some villagers as their trust had been broken by those they had thought would protect them, which was compounded by the reality of their precarious situation as their livelihood was taken from them.

People meeting to support and plan with each other before going to stop a bulldozer from clearing forestland near their village. During the meeting ARTs were talking about non-violence and assisted the community to select the representatives who would negotiate with the PPM representative and authorities. **Photo taken at: Pursat in 2011**



RESISTANCE AND ADVOCACY: Informal dispute mechanisms utilised by the community included petitions to people of authority in power, at times delivered as the final step in a demonstration - for example when community members lodged a petition with the National Parliament in Phnom Penh. The communities' activism coupled with their petitions for example to the King Sihanouk in late 2004, led to some intervention and generated much broader national awareness about the conflict and their concerns. As identified above, formal dispute mechanisms were felt to be ineffective and corrupted. Petitions however were used by the community activists over the years to keep their dispute alive and present for parliamentarians and ministry officials, and to generate awareness and advocacy through donors and UN-OHCHR.

While the communities were very active at different periods over the years with protests and demonstrations, living in an environment marred by such insecurity and the constant presence of police and military was difficult and as the communities said, they also had to struggle to provide for their family members. As discussed earlier, their initial tactics of direct but non-violent confrontation, blockading equipment and protesting at locations of land clearing, while effective were also unsustainable as PPM changed its strategies. A further key hurdle for the activists has been the scale of the land concession and the sheer numbers of communities affected. In the early years, the location of PPM made it somewhat possible for more coordinated actions across provinces, however as discussed above, this has become harder as PPM has moved locations and started to work across a large number of sites, some of which create barriers between communities preventing access by local people.

During these early years, the activists in both provinces were also able to more easily support each other in their struggle as PPM was located in a place accessible by both provinces. As identified in discussion with the FGS representative, the movement of PPM between provinces with different locations of activities however made it harder for the solidarity between the activists to remain strong enough to galvanise collective actions. Communities note that after villages received land title of more than 5 hectares through Order

01BB they no longer continued to participate in the land dispute with PPM weakening the activism of the communities. Further criticism of Order 01BB included the constraining of villagers to one piece of land "like putting a free-range chicken in a cage", separating them from their traditional life which relied on use of the forest. Order 01BB separated people from their forest land and further strengthened PPM to take ownership of the forest now that community members had officially been given farming land instead. In contrast in Pursat, PPM remained a constant presence while an active ART membership continued to work with community members to better understand the situation and ways forward. The communities in each province also had different leadership and approaches to their activism. This also reflected the resources and supports for the villagers in each province with for example Kampong Chhnang communities supported in their struggle by an opposition parliamentarian, thus they potentially focused on less active demonstrations, while the slow-down of activities by PPM in their province after 2011 and the implementation of 01BB Order in their communes led to a less confrontational approach with PPM.

Resistance

Since 2000, the affected communities in Pursat and Kampong Chhnang, have maintained an active visible presence in their local communities and at a provincial level. With the escalation of their protests against PPM in 2004, this conflict garnered some national attention, however it was not until 2008 with the broader networking of land activists with the increase in land disputes across Cambodia that the impact of the ELC on their local communities became more widely known. The use by communities of formal and informal dispute mechanisms at a local and national level, combined with a range of resistance strategies, has further helped to keep their dispute visible over the last 17 years. Key strategies have included protests at the site of company activities; protests at the offices of key representatives often tied to the submission of a complaint at local and national levels; blockading of heavy equipment preventing the clearing of land; protesting and blockading of traffic on national road 5, monitoring and reporting of forest clearing across the concession area; and use of media in particular radio and speaking to the national press. Communities have also been hesitant to use the media depending on the security implications they perceive may occur if their situation received greater national attention.

The communities have also actively linked through the ART network with other land activists since 2007, finding strength in developing ways to support and build themselves and others working on natural resource issues across Cambodia including exposure visits to other conflicts, training in forestry law, training in human rights, which is then shared within their communities. Partnership with other civil society groups working on land conflicts has been an important step for the PPM activists as it provides needed motivation, mentoring, sharing and support and solidarity. There have also been challenges with some NGOs lacking trust in the capacity of the communities to determine their actions, or some NGOs/CBOs having different goals to the community members disputing the ELC, with some supporting local authority and the company. The community has

identified the importance of discerning the motives of NGOs and CBOs seeking to work within their communities.

What is clear from the history of protest by these communities over the years though is that despite these numerous challenges, they persisted and they have had some successes. Their networking with various national and international organisations alongside their ongoing advocacy in particular at a national level in recent years with parliamentarians, led to pressure being applied by 2011/2012 on the RGC to make some changes recognizing the devastating impacts of the ELCs on local populations and the disconnect between the rhetoric and intent behind their creation and reality.

Since 2007 the ART networks have sought to provide support to the community representatives willing to play an activist role, assisting them to develop the skills to better understand and organize within their communities and to assess risk. The ART members are fluid in that active members build leadership across their community rather than becoming the leaders themselves. This allows the network to stay sustainable also as people need to move in and out of activism depending on their livelihood situation and their security. Youth and other strong leaders in the community were over the years encouraged to participate in the ART network and to maintain a level of support for organizing, research and awareness raising about the current situation with PPM. This was necessary due to difficulty of maintaining a network of collaborative activists able to mobilise across many communities over the years. Obstacles for maintaining an activist network included the activists' daily livelihood struggle and the insecure environment. For more information about how the ARTs have worked with the PPM communities please see [Annex 2](#). Key however is the idea that strong advocacy is grounded in the villagers' connection to their land and that this is the starting point of their resistance.

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Whatsoever, we realise that the most effective advocacy should be taken at the ground. Ground here means the communities' homeland or conflict site. The more they stay close to the ground the more they stay strong. Why? Because people are bonded to their land through a memory of love and connection as children to their homeland. (ART voices from 2014 research study)

While there have been some successes for the communities with the closure of PPM in Kampong Chhnang in 2013 and the scaling back of the cassava plantation, leaving much of the company land unproductive in recent years in Pursat, there is still tremendous uncertainty. The political and economic policies of the government remain unchanged and the power wielded by PPM in this environment remains inflexible to any grassroots resistance. The communities affected by PPM are also potentially no longer a group prepared to undertake collective actions as their circumstances have changed. Actions like Order 01BB while assisting some villagers have also weakened the solidarity between villagers and communities with their unequal application, while those who gained some land while they no longer have access to the forest can feel less able to legitimately fight for their traditional livelihood. While it is clear however, that survival and resistance for the affected communities is grueling and discouraging as the years go by, what is also clear is that some villagers still speak with hope that things will change for the better and remain committed to asserting their rights into the future.¹⁴⁹

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“We will never lose hope and will fight for our forestland. Even though the forest has gone we still hope one day when the company withdraws that people will still have the opportunity for using the land and forest again.” (ART network member from Community Notes)

¹⁴⁹ Guttal, S., 2013.

Conclusion and Reflections



“The forest, land and our natural resources are like our cooking pots” – indispensable. (Community members from Community Notes)

The communities’ research has explored their situation and highlighted the many facets of the land conflict with PPM with a focus on the local realities and impacts. The lack of protection afforded them by local authority, and the absence of accountability by local authority, ministry officials and PPM to the community have shaken the foundation of the villagers’ way of life and belief in an inherent social cohesion in their community within and beyond the borders of their districts, where the state will provide and care for its citizens. This has been compounded by the use of high ranking government officials, the courts and the military to block, threaten, and oppress any actions by the community to assert their rights, creating an environment of conflict and insecurity which has continued with varying intensity over the years. Common tactics have included using the courts to issue warrants and to arrest and imprison activists; insurmountable financial and administrative barriers in the formal dispute system; accusations of being against the government and members of the opposition marking them as problem makers; using the military and private security to intimidate, threaten and use physical violence against protesters; preventing access to land and monitoring villagers movements; and then just ignoring or not responding to petitions and complaints or passing

the petition up the chain of command and not taking any responsibility leading to a never ending spiral of inaction. The ongoing expansion by PPM into communal forests within and on the edges of the concession into protected areas continues to generate more land conflicts and to decimate the ecological diversity contained within these forests and waterways.

Despite this, the communities’ activists have found a range of avenues through which to assert their rights and have their voices heard. They have petitioned, marched, protested, filed complaints through the courts, raised awareness through the media, and worked tirelessly to organise and educate those in their communes and villages about PPM, the concession, and their rights. Over the years they have provided their communities a link and connection to the broader movement of people and organisations across Cambodia working to protect the rights of rural farmers and the natural environment and its biodiversity. They have also taken on a monitoring and tracking role, trying to make visible the actions of the company on their land. More covert forms of protest have included not following the directions of local authority and continuing to access their communal or farming land. Of note is that this type of long term activism led by those most greatly impacted upon requires a tremendous amount of emotional, personal and physical energy from the community in extremely challenging circumstances. They have had to take on their activist and organising roles within the realities outlined above, and at times

this has added to challenges they face with internal leadership differences, the movement of activists with migration in and out of communities, and the moving tensions between affected communities as PPM and local authority undertake actions which find unequal remedy. While this is not an evaluation of the effectiveness of the ART network, the data informing this report indicates that the ART network is one approach to supporting the communities while accommodating some of these realities. It works with the communities where they are at and within the fluid dynamics of movement of members and evolving issues and concerns, supporting community members to research, understand and develop the knowledge they need to find pathways of resistance and to move forward.

The powers they are challenging however, and the entrenched systems of corruption supporting the extraction of resource wealth in Cambodia by national and international companies, have proven difficult to challenge. To date the claim that the PPM ELC has generated local employment, improved villagers' skills-base or generated additional revenue at a local or provincial level, remains unfounded with no evidence provided by PPM or the RGC.¹⁵⁰ This case study also points to collusion or at best wilful ignorance by the international firms who have partnered with PPM. While the communities affected by the PPM ELC have raised consciousness about their situation and more broadly in collaboration with local NGOs, the human rights impact of ELCs across Cambodia, this land conflict demonstrates the many difficulties communities and supporting organisations face to build a collective grassroots land rights movement representing the interests of the people. While there has been some push by donors and UN OHCHR to support processes to enable improved land administrative systems and implement effective forestry management, this case study of the PPM ELC from the perspective of the local communities demonstrates the power of PPM and the current political system in Cambodia. What the current situation in Kampong Chhnang further depicts, is that even if there were to be a shift or change to a more enabling environment for rural communities within ELCs, the broader governance and subnational officials have been so corrupted

that the exploitation of rural communities and their land will still continue, perhaps on a smaller scale. Even with land title communities have good reason to still feel insecure.

Please see in Annex 3 a list of suggested recommendations developed by ARTS and NGOs in a workshop held in 2014. While these recommendations do not directly reflect the thoughts of the villagers who live within the PPM ELC these suggestions are informed by the experience of these communities with PPM.

150. The Prime Ministers letter to the community in 2004 after the grenade attack identifies that PPM will - "The successful implementation of the investment will contribute to people's livelihoods, the reduction of poverty in rural areas, and to the economic and social development of Cambodia".

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Annexe 01

PHEAPIMEX PROFILE DATA

Sourced from Open Development Cambodia https://opendevdevelopmentcambodia.net/profiles/economic-land-concessions?feature_id=elc_gdc_7

And MAFF website via open development - https://data.opendevdevelopmentmekong.net/en/dataset/economic-land-concessions-profile-phea-phimex-co-ltd/resource/7f4dec61-18c4-4f13-b853-510559b88f61?type=library_record

Developer	Pheapimex Co., Ltd
Adjustment classification	Downsized
Developer country	Cambodia
Developer address	17 St. 55, Sangkat Chakto Mukh, Khan Doun Penh, Phnom Penh, Cambodia
Intended investment	Eucalyptus Tree Other crops - Cassava Paper processing plant Crop processing plant
Intended crop or project	Investors include – Wuzhishan L.S Group (Chinese) and Booyoung Co. Ltd (Korean) ¹⁵¹ Agro-industry Processing factory
Contract term (year)	70 years
Granted land area (hectare)	315,028
Source of land size	MAFF
Contract authority	MAFF
Director	Lao Meng Khin but mostly known as Cheng Sopheap (next name called Yay Phou)
Director nationality	Cambodian
Contract date	1/8/2000
Sub-decree reclassifying land use	Not found
Province/Capital city	Kampong Chhnang, Pursat

¹⁵¹. The source of investment companies is Community Notes

Granted land area (hectare)/ Khan(s)	Baribor, Tekphos and Sammakki Meanchey Districts, Kampong Chhnang Province. KraKor, KraVanh and Sampov Meas Districts, Pursat Province
Commune/Sangkat	Not found
Previous land use	Not found
Legal Papers and Right for investment	<ul style="list-style-type: none"> ○ Letter No. 78 R.BK dated 16 June 1997, Kampong Chhnang Department of Agriculture, Forestry and Fisheries, on result of investigation of agricultural land use in Kampong Tralach, Baribo, Tekphos, Roleaphaear and Sammakki Meanchey Districts with the total areas of 246,752 hectares ○ Letter No. 184/8 KSKH dated 13 August 1997, Pursat Department of Agriculture, Forestry and Fisheries, on result of investigation of agricultural land use in Krakor, Kravanh and Sampov Meas Districts with the total areas of 168,700 hectares. ○ Letter No. 852 SCN dated 23 September 1997, Council of Minister, on permission for providing land concession of 176,065 hectares in Kampong Chhnang Province and 138,963 hectares in Pursat Province, total land area is 315,028 hectares. ○ Letter No. 95 LK dated 27 July 1997, Kampong Chhnang Province, Agriculture, Forestry and Fisheries on 08 January 2000
Developer land use plan	<p>17 years:</p> <ul style="list-style-type: none"> year 1: 5,000 hectares year 2: 6,000 hectares year 3: 7,000 hectares year 4: 8,000 hectares year 5: 9,000 hectares year 6: 10,000 hectares year 7: 11,900 hectares year 8: 11,900 hectares year 9: 11,900 hectares year 10: 11,900 hectares year 11: 11,900 hectares year 12: 11,900 hectares year 13: 11,900 hectares year 14: 11,900 hectares year 15: 11,900 hectares year 16: 11,900 hectares year 17: 11,900 hectares

AMENDMENTS DOWNSIZING

Amendment to concession	1/28/2013	According to Sub-Decree No. 42, dated on 28 January 2013, 2565.19 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	1/6/2014	According to Sub-Decree No. 11, dated on 06 January 2014, 3586.39 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	1/6/2014	According to Sub-Decree No. 11, dated on 06 January 2014, 4800.66 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	10/19/2012	According to Sub-Decree No. 184, dated on 19 October 2012, 1020 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	10/26/2012	According to Sub-Decree No. 191, dated on 26 October 2012, 4158 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	10/4/2012	According to Sub-Decree No. 170, dated on 04 October 2012, 3204 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	12/21/2012	According to Sub-Decree No. 257, dated on 21 December 2012, 6188 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	12/3/2012	According to Sub-Decree No. 221, dated on 03 December 2012, 5818.81 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	2/10/2014	According to Sub-Decree No. 46, dated on 10 February 2014, 13 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	2/10/2014	According to Sub-Decree No. 48, dated on 10 February 2014, 448 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	2/10/2014	According to Sub-Decree No. 49, dated on 10 February 2014, 581 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	2/10/2014	According to Sub-Decree No. 51, dated on 10 February 2014, 3491 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	2/6/2013	According to Sub-Decree No. 56, dated on 06 February 2013, 427 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	3/17/2014	According to Sub-Decree No. 120, dated on 17 March 2014, 976 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	3/17/2014	According to Sub-Decree No. 126, dated on 17 March 2014, 982 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	3/17/2014	According to Sub-Decree No. 127, dated on 17 March 2014, 4572 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	3/17/2014	According to Sub-Decree No. 128, dated on 17 March 2014, 1261 hectares were excised from Pheapimex Co. Ltd.

Amendment to concession	3/17/2014	According to Sub-Decree No. 129, dated on 17 March 2014, 1763 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	4/1/2013	According to Sub-Decree No. 144, dated on 01 April 2013, 213.72 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	4/12/2013	According to Sub-Decree No. 168, dated on 12 April 2013, 1648 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	4/26/2013	According to Sub-Decree No. 207, dated on 26 April 2013, 5400 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	5/30/2014	According to Sub-Decree No. 192, dated on 30 May 2014, 1275.67 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	5/30/2014	According to Sub-Decree No. 194, dated on 30 May 2014, 1527.57 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	5/31/2013	According to Sub-Decree No. 292, dated on 31 May 2013, 8017 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	5/6/2013	According to Sub-Decree No. 218, dated on 06 May 2013, 1549.90 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	6/11/2013	According to Sub-Decree No. 345, dated on 11 June 2013, 1221.49 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	6/17/2013	According to Sub-Decree No. 402, dated on 17 June 2013, 294 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	6/2/2013	According to Sub-Decree No. 301, dated on 02 June 2013, 1916.30 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	6/2/2014	According to Sub-Decree No. 196, dated on 02 June 2014, 4090.14 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	6/21/2013	According to Sub-Decree No. 436, dated on 21 June 2013, 1524 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	6/5/2013	According to Sub-Decree No. 322, dated on 05 June 2013, 372 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	8/20/2014	According to Sub-Decree No. 234, dated on 20 August 2014, 2937 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	8/21/2014	According to Sub-Decree No. 235, dated on 21 August 2014, 7276 hectares were excised from Pheapimex Co. Ltd.
Amendment to concession	9/28/2012	According to Sub-Decree No. 161, dated on 28 September 2012, 3032.08 hectares were excised from Pheapimex Co. Ltd. in Pursat province. 451.83 hectares in Pen village, Leach commune, Kravanh district; 1545.95 hectares in Say village, Pro Ngil commune, Kravanh district; 186.94 hectares in Ou Arch Kok and Kraing Thom villages, Ou Sandan commune, Krakor district; 847.36 hectares in Toul Mkak village, Sangkat Roleap, Pursat city.

REFERENCE DOCUMENTS

Companies invested in economic land concession who registered their contracts with the Ministry of Agriculture: 9. Phea Pimex Co., Ltd

A webpage list showing the date of ELC contract, the ELC location and size, status of EIA and land registration, and type of crops invested by the concessionaire Phea Pimex Co., Ltd

Economic land concessions profile: Pheapimex Co., Ltd

A webpage list showing company name, address, director name and nationality, status of company registration with the Ministry of Commerce, legal papers and investment rights, ELC size and location with coordinates, purpose of investment, contract duration, land utilization plan, progress of implementation after contract signing, and any measures taken by the Ministry of Agriculture (MAFF).

Investment Agreement between Ministry of Agriculture, Forestry and Fisheries and Pheapimex Co., Ltd (01/08/2000)

Concession investment contract with 70 years term over 176,065 hectares of land in Toek Phos, Samaki Meanchey and Boribo districts of Kampong Chhnang between Ministry of Agriculture and Pheapimex Co., Ltd.

Letter from Kampong Chhang Governor to Samdech Second Prime Minister (07/27/1997)

Request for land concession of 236,100 hectares in Kampong Chhnang province of Pheapimex Co., Ltd for investment in agro-industry plantation and establishment of paper factory, and welcome the request and accept the result of the assessment survey of the agricultural land use in the concerned area.

Sub-decree No. 161 on cutting and reclassifying 6,751.29 hectares of land from ELC, forest cover in Pursat province (9/28/2012)

Cutting land from Forest Cover Map and reclassifying as state private land of 6,751.29 hectares of land in Phnom Kravine district, Kra Kor district, Bar Kan district and Pursat city of Pursat province: from 3,032.13 ha from economic land concession of Pheapimex; 893.61 ha from economic land concession of Touch Hav; 299.79 ha from forest concession; 2,525.81 ha from 2002 Forest Cover; granting donation of ownership to 2,735 families who are actually occupying, using and cultivating the land; and granting ownership rights to 1,086 land parcels.

Annexe 02:

Engaging Communities

The below was developed by ARTs as part of the analysis of research data collected in 2014 for this case study.

GUIDANCE USED BY ART MEMBERS TO MOBILISE COMMUNITIES

- Visit villager
 - To help them with their fear we have to be with them. When we are with them we will know their strength and weaknesses. We have many forms for visiting villagers such as informal group discussion, focus group discussion or home visit.
- Home visit
 - Some people may not speak in big groups, especially the young, the elderly and other respected people who may not be able to participate as they have to look after the house or take care of their grandchildren. To understand more deeply about a situation inside a community we have to spend time with them. Remember that land and natural resource representatives or so-called activists are different from community representative (who are elected or recognized/nominated by community). When we can hear from all sides then it will be easy for us to make a strategic plan and mobilize people to take action.
 - Try to persuade and disseminate information to people such as the elderly, pagoda committees, priest, Buddhist monks, village chiefs, labourers, skilled workers in the village (construction workers, carpenters and so on) and youth, in order to encourage support of us.
- Meet One and Explain One
 - This is another method of community empowerment. We can also talk in person to someone we meet who is interested about what is happening in community. It is a way to test with others how hot an issue is and how strongly people will be to take action. We also can talk to someone say at the market just going to buy something, or the seller. After listening for a while we can share experiences from other provinces with them.
- Pay a visit to other villages experiencing similar problems
 - We have to seek out villages close by who currently experience or may experience in the future a similar issue. This method will give us a better idea about how big and powerful the company is. We can learn how we might merge these two villages in solidarity to oppose the company.
- Debate with people while they are in a group
 - Don't think that you know everything. Please feel that different communities have different ways and resources to deal with issues. It is a big mistake to put people in your shoes; instead do whatever to support them by just debating and listening. It will be powerful when they come up with issues and solutions on their own.
- Make contact with the local authorities to win their support
 - Naturally, some people wish to help and others will not. Please do not stop trying. When you stay close to them you will better understand their position and ability to effectively work and respond to issues. We need to select the right person who is able to stay calm yet be effective without being perceived as a troublemaker.
- Raise awareness about the impact of the ELC with development partner organizations in the target area
- Hold meetings and disseminate information and laws on land law, forestry, human rights, constitutional law, social land concession, ELCs and so on.

ADVOCACY AND EMPOWERMENT: Additional points to consider

- It is important to empower villagers to understand their rights and the power they hold to select their representative through elections (sub-national and national level).
- Disseminate information and develop understanding about constitutional and forestry law, land law, human rights, mining, and hydro-dams, sub-decrees.
- Help villagers to understand how to use their rights.
- Mobilizing people and other networks to advocate and submit petitions.
- Educate communities about how to use the media and manage press conferences.
- Promote communication with local authorities and officers.
- Inspire villagers to understand the power of solidarity when seeking to change leadership and policies.
- Push political leaders to be democratic and neutral.
- Educate people to access independent information like independent radio.

Annexe 03:

Suggested recommendations

The below was developed by ARTs as part of the analysis of research data collected in 2014 for this case study.

DEVELOPED BY COMMUNITY

- Government must adhere to all Laws which govern the development and implementation of ELCs and require its officers and officials to do so. Government must ensure company adheres to contract. The Government should monitor the development of Company activities on ELCs and stop the company when the operation of the concession no longer serves the interests of the people.
- Identify the role of Ministers and associated institutions in charge of land conflict resolution clearly, to take up responsibility for solving conflicts when people file complaints or protest.
- Dissemination of key information about ELC, Human Rights, Land Law, Labour Law and the role of different ministries and local officials as part of the development phase of ELC.
- Government must not allocate land as state private land when it is clearly used by communities for their own benefit.
- Communities and Government identify and agree on the size of public use village and forest land before ELC granted.
- Government must assess the impact of ELC within the development period prior to the ELC being granted through a process which includes transparent and public debate.
- Where companies employ workers ensure public clarity about workers' salary, salary scales, working hours and conditions including provision of health care and leave in accordance with Cambodia's labour law.
- Government must use humanitarian strategy (follow international laws and norms) to evict people rather than using violence against Cambodian citizens.
- The government must ensure accountability and transparency regarding ELCs and share publicly the money generated by the ELC and granted to the government.

Annexe 04:

Key Legal Documents English and Khmer

Rg - Chhnang

KINGDOM OF CAMBODIA

Nation Religion King

Investment Agreement

On

Investment of Agriculture and Processing

Between

Ministry of Agriculture, Forestry and Fisheries

And

Pheapimex Co., Ltd

This Investment Agreement is made between:

Ministry of Agriculture, Forestry and Fisheries represented by H.E Minister of Ministry of Agriculture, Forestry and Fisheries. Address #200 Norodom Blvd., Telephone (855) 23 427 320, Account Number No. 01.063.220 at Foreign Trade Bank of Cambodia (hereinafter referred to as party A);

And

Pheapimex Co., Ltd represented by Mr. Ouk Nha Lao Meng Kheun, resides at #17 Street 55, Sangkat Chaktomuk, Khan Daun Penh, Phnom Penh Telephone (855) 12 827 888 Fax (855) 23 212 240, and holds an Account Number No. 0819-154288-402 at Bangkok Bank (hereinafter referred to as party B).

- With reference to the information letter No. 852 *Sor Chhor Nor* dated 23 September 1997 of the Council of Ministers on the Investment of Plantation and Creation of Paper Processing Factory.
- Based on the Investment Law of the Kingdom of Cambodia, both parties have agreed upon the terms and conditions set in the following articles:

Article 1: Subject of Agreement

The subject of this agreement is that party A agrees to grant land concession with the total area of 176,065 hectares located in Toek Phos, Samaki Meanchey and Boribo districts, Kampong Chhnang Province (map attached herewith) to party B for agricultural production.

The total land area of 176,065 hectares includes:

- 1.1 Land, which Party A can directly exploit.
- 1.2 Land, which is under the current legal ownership of the local people, the company can cooperate with the people for agricultural production upon mutual agreement.
- 1.3 Land that is mountain, reservoir basins and other forms must be kept in nature.

1.4 Land areas, which are stipulated in sub-articles 1.1, 1.2, and 1.3, must be conducted reconnaissance survey and demarcated the boundary by Party A and B in collaboration with the concerned state institutions by completion in a period of three months after its signatures come into effect. All expenditures on these works are covered by Party B.

Article 2: Time (Investment Agreement Duration)

- 2.1 This agreement lasts for 70 years from the date of 2000 to 2070. The land concession becomes its legal ownership during which the agreement comes into effect. The information on the completion of the agreement is given 90 (ninety) days prior to, or in the last year of the agreement, in case that the agreement will be continued over more than 70 years.
- 2.2 Party B has the right to renew the agreement after 70 years of production. While product derived from this land concession must belong to Pheapimex. If Party B decides to continue, the dates in previous agreement shall be automatically changed and Party B has the right to re-sign with MAFF. The information letter shall be handed over to Party A at least 90 days prior to the continuation of the new contract. The rental fee at which the new agreement is signed, shall be changed according to principle and decision by royal government. If either part does not agree the newly assigned fee, both parties shall discuss with other companies who have done the same business in the Kingdom of Cambodia, in order to determine the appropriate market prices necessary for continuous rent.

Article 3: Goals and Utilization Programs

- 3.1 Party B is of interest to operate the agro-business tree plantation and subsidiary agricultural crops over this land area with no prohibition on the business-production. Revenue generated from this land concession is an exclusive possession of Pheapimex Co., Ltd.
- 3.1.1 Main production: Tree planting and other agro-industrial crops
- 3.1.2 Subsidiary production: Other agricultural crops
- 3.1.3 Construction: Paper and agricultural product processing factories
- 3.2 Utilization Programs for Land Concession: Party B must use the land as clarified in article 1 of this agreement during 17 years from the date of its signature as follows:
- | | |
|---------|-------------------|
| Year 1 | : 5,000 hectares |
| Year 2 | : 6,000 hectares |
| Year 3 | : 7,000 hectares |
| Year 4 | : 8,000 hectares |
| Year 5 | : 9,000 hectares |
| Year 6 | : 10,000 hectares |
| Year 7 | : 11,900 hectares |
| Year 8 | : 11,900 hectares |
| Year 9 | : 11,900 hectares |
| Year 10 | : 11,900 hectares |
| Year 11 | : 11,900 hectares |
| Year 12 | : 11,900 hectares |

Year 13 : 11,900 hectares
 Year 14 : 11,900 hectares
 Year 15 : 11,900 hectares
 Year 16 : 11,900 hectares
 Year 17 : 11,900 hectares

Article 4: Deposit and Rental Fee

- 4.1 Deposit: Party B must pay USD20,000 (Twenty thousands US dollars) for warranty of agreement security. Deposit must be paid not later than three months after its signature. This deposit shall be repaid when Party B implements cropping completely as mentioned in article 3.
- 4.2 This agreement has not determined the annual charge fee rate, because the fee rate shall be passed by royal government. Therefore, at present royal government has not reserved the rights to collect the annual rental fee from this land concession. If the laws are made in the future, this agreement shall be conformed to the passed laws and other decisions of royal government; and the agreement shall be re-signed fro the charge fee.
- 4.3 The rental fee and deposit for agreement security must be paid to account of Ministry of Agriculture, Forestry and Fisheries at the Foreign Trade Bank of Cambodia.
- 4.4 Party B is obliged to pay other taxes to the state pursuant to the applicable laws.

Article 5: Rights Transfer, and Cooperation of Agreement

- 5.1 Party B can transfer the agreement, cooperate over the land concession and part of their own properties to either their own successor or any appointed person which is agreed by Party A. Party B must inform in writing to Party A 60 days prior to the transfer or any cooperation. Party A has the authority to cooperate to rent this land concession to the third party as long as that third party abide by the agreement made by Party A and Party B. Party A does not gain any benefit from this cooperation. Party B is still responsible for the applicable laws and the existing agreement with Party A.
- 5.2 Party B, in any form, is not able to sell this agreement to any badly documented Party. However, Party B, under its own responsibilities before the laws and this agreement, can cooperate with its partner company in order to develop business production under the terms and conditions stipulated in this agreement. In this case, Party B is still responsible for the applicable laws and the existing agreement, too.

Article 6: Rights and Obligations of Party A

Party A has the rights and obligations as follows:

- 6.1 Seeking the essential measures from the concerned institutions in order to solve any incidents/problems for which any offenders violate Party B under the terms and conditions of this agreement, such as development, use of land concession locations or claiming any part of concession area.
- 6.2 Monitoring on:

6.2.1 Implementation of Agreement

6.2.2 Environmental impacts

6.2.3 Technical practices and business production programs.

- 6.3 Party A guarantees and promises to request all permitted letters from Royal Government and concerned institutions in order that Party B is able to legally sign the agreement for the utilization of land area with the goals as indicated in Articles 3.1 and 3.2 at all time during which the agreement is still effective.
- 6.4 No other institutions such as Royal Government and any officials other than Party A can claim the land during which the agreement is still applicable.
- 6.5 Party A must inform in writing to Party B 3 weeks prior to monitoring property and any modification over the land concession area.
- 6.6 Party A guarantees and agrees that Party A has granted the land concession to Party B alone for this agreement mandate and has not related with the asset of any mortgager.

Article 7: Rights and Obligations of Party B

Party B has the rights and obligations as follow:

- 7.1 Party B agrees to pay the deposit and rental fee correctly as in article 4 of this agreement until the deadline of the agreement.
- 7.2 Party B agrees to cover all the expenditures on Monitoring and Research as shown in article 1.4.
- 7.3 Party B is eligible to recruit either local workers or foreign experts in order to advise or train local workers about cropping techniques of business production according to their immediate needs respective to the Laws of the Kingdom of Cambodia, in case that experts are not available in the country.
- 7.4 Taking care of living standards as well as health and education of staff, workers and their family members by assisting, by the company's ability, settlement buildings, hospital, religious buildings, school, recreational centers, etc.
- 7.5 Undertaking exploitation through already prepared plans such as: clear-cutting, roading, cropping, maintenance, etc, in respect to conditions of sustainable uses of concession and environmental impacts caused directly by business production.
- 7.6 Preparing business production in accordance with plans as clarified in its own technical-economic report and as in article 3 of this agreement on the land area granted by the state.
- 7.7 Party B has the rights to collect and distribute the products locally and internationally in conformity with the applicable principles.
- 7.8 The import of machinery, spare parts, chemical substances for the operation of business production and the duty payment are fully dependent upon the determination by the Kingdom of Cambodia.
- 7.9 Party B must allow Party A and concerned institutions to monitor and assess the environmental impacts; and must implement according to the advices by Party A and concerned institutions over the environment related issues.
- 7.10 Party B has the obligation to buy the agricultural products from Cambodian farmers depending on the product quality and the prices prevailing at the market.

Article 8: Permission to Construction

- 8.1 Party B is allowed to operate all construction work over the land area in conformity with the applicable laws of the Kingdom of Cambodia and with goals as shown in article 3 of this agreement.
- 8.2 Every construction of infrastructures like dam and canal vulnerably causing the severe environmental impacts to surrounding areas must be permitted by either Party A or concerned institutions as well.

Article 9: Rights for Management

All fixed assets and infrastructures together with achievements generated by Party B are under management of Party B until the deadline of agreement.

Article 10: Completion of Agreement

- 10.1 Party B has the rights to withdraw the whole project of the agreement or any parts that cannot be managed and shall be agreed by both parties. Royal Government guarantees the safe return of foreign staff including their family members and the withdrawal of or sale of facilities, processing factories, machinery and commodity ships, all kinds of vehicles and equipment together with transportation means and fixed instrument must be done according to the applicable laws and regulations.
- 10.2 In case that Party B withdraws by itself, party B must be fully responsible for the article 23 of the Investment Law.
- 10.3 If Party B has not completely implemented in accordance with any term and condition of this agreement or various decisions of the Kingdom of Cambodia, the Royal Government shall have the right to cancel this agreement unconditionally and with no compensation. The cancellation will result in the seizure of deposit of Party B to be the state property.
- 10.4 In case that Party B has not complied with this agreement by not commencing the production operation on the land concession area 2 years after the date of its signatures, the Royal Government has the right to cancel the agreement unconditionally and without any compensation. The cancellation will result in the confiscation of deposit of Party B to be the state property.

Article 11: Controversy and Solution (Referee)

- 11.1 In case that controversy occurs during which the agreement is still implemented, both parties shall coordinate and solve the problems pursuant to the rights and obligations of each party as stipulated in this agreement.
- 11.2 In case that both parties can neither coordinate nor resolve these controversial problems for the period of 60 days, the controversial shall be filed to the Council for the Development of Cambodia for further coordination and resolution.
- 11.3 In case that the Council for the Development of Cambodia has not been able to resolve this controversial for the period of 30 days following receiving the request as mentioned

in article 11.2, both parties shall submit the controversial documents to the court of Kingdom of Cambodia for judgment according to the applicable laws.

- 11.4 Both parties shall work out their differences with best regards in Cambodia. In case that the differences cannot be smoothly resolved, both parties shall agree that the problems somewhat external to or relevant to this agreement including questions related to either stability or otherwise cancellation must be filed to the central court of commerce capable enough and publicly recognized in the Kingdom of Cambodia. If there is no central court capable enough, the judgment shall be transferred to the Judge at Singapore depending upon the tribunal prescriptions that were created by the Judge and are considered as corporation standard. According to this judgment, both Khmer and English languages are used for the Judge. Both parties are individually responsible for the translation and interpretation.

Article 12: The Entire Agreement

This document of agreement has been wholly approved by both parties, representing for communication, symbol and agreement in whatsoever either orally or in writing relative to this land concession. This agreement cannot be changed, otherwise there is an agreement letter signed by both parties.

Article 13: Logo

Pheapimex Co., Ltd is able to establish the advertising logo or advertisement information relevant with its business. All logos and advertisement information related to business of Pheapimex Co., Ltd must be conformed to the laws of Kingdom of Cambodia.

Article 14: Taxes

Part B agrees to pay taxes or other charge fee that are obliged by the Royal Government, including export duties compatible with the future laws.

Article 15: Nullification on Any Article of Agreement

If any clause or phrase in this agreement can be considered void or otherwise cannot be implemented, the rest must be considered valid according to the laws.

Article 16: Governance Law

The approval over this agreement is administered by the laws of the Kingdom of Cambodia.

Article 17: Unnecessity On Any Part of Agreement

Document Maintenance:

- Council of Ministers
- Council for the Development of Cambodia
- Ministry of Planning
- Ministry of Economy and Finance
- Ministry of Justice
- Ministry of Industry, Mine and Energy
- Ministry of Environment
- Governor Hall of Kampong Chhnang
- Department of Agronomy
- Department of Forestry and Wildlife
- Department of Agriculture, Forestry and Fisheries
- Party A
- Party B
- File

Kingdom of Cambodia
Nation Religion King

The Council of Ministers
No. 852 Sor Chhor Nor

Phnom Penh, 23 September 1997

Co- Ministers in charge of the Council of Ministers

Addressed to
Excellency, Minister of MAFF

Subject: - Request for land concession 236, 100 hectares in Kampong Chhnang and 168,700 hectares in Pursat provinces of Pheapimex Co Ltd. for investment plantation and establishment paper factory.

Reference: - Letter No. 184/8 Kor Sor Khor, dated 13/08/97 of Pursat
- Letter No. 95 Lor Sor , dated 01/09/97 of Kampong Chhnang
- Letter No. 78 Sor Chhor Nor, dated 28 /01/97 of The Council of Ministers
- Annotation of Samdech Second Prime Minister, dated 22 /09/97

As described in subject and references above, The Council of Ministers would like to inform Minister of MAFF that the RGC has agreed and decided according to reference letter request from Kampong Chhnang, 176,065 hectares of land, which has already surveyed to be added into development project of plantation and establishment paper factory in order that company can immediate signature. In addition, 138,963 hectares of land in Pursat should be included in this project also in order that company has ability to sing of immediate investment, which have totally land concession awarded 315,028 hectares.

Please, Minister accept my highest respectful.

[Sealed and signed]
Secretary of States Under Secretary of States
Nouv Kapon Bon Ouy

Copies:

- Ministry of Economic and Finance
- Provincial Governor office, Pursat and Kampong Chhnang
- Cabinet of First Prime Minister
- Cabinet of Second Prime Minister
- Files

Kingdom of Cambodia
Nation Religion King

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- Cabinet of First Prime Minister
- Cabinet of Second Prime Minister
- Files

Kingdom of Cambodia
Nation Religion King

Kampong Chhnang
No. 95 Lor Sor

Kampong Chhnang, date 27/ 07/1997

Kampong Chhnang Governor

Would like to Inform
Samdech Second Prime Minister

Subject: Request land concession 236,100 hectares of Pheapimex Co, Ltd in Kampong Chhnang for investment of plantation and establishment of paper factory.

Reference: - Letter No. 315 Kor Sor Kor, dated 21 /01/97 of MAFF
- Letter No. 78 Sor Chhor Nor Kor Sor dated 28/ 01/97 of The council of Ministers
- Annotation of Second prime Minister, dated 22 /01/97

Attachment: Report from the committee of Survey and Assessment of Agricultural Land Use of Department of Agriculture, Forestry and Fishery in Kampong Chhnang, dated 27 / 08 / 97

As mentioned in subject, references and attachment above, I would like to inform Samdech Prime Minister that:

1. We are welcome and have agreed in the principle of RGC and MAFF for investment plantation and establishment paper factory, which was on depleted forest areas and not impact to local people property according to referred to letter No. 315 Kor Sor Kor dated 21 /01/97 of MAFF.
2. Agreed to report requested by the committee of survey and assessment of agricultural land use, studied by Department of Agriculture, Forestry and Fishery in Kampong Chhnang added more 144,800 hectares to company for investment of plantation and establishment paper factory. While the tree nursery station covering an area of 21,065 ha and fuel wood concession on an area of 7,000 ha should be transferred to Pheapimex for additional tree planting.

The total land area given to company is 176,065 ha. It is necessary that the company allocate the land area for its own production and another part of the concession to encourage local people to plant the trees that are raw materials to be supplied to the processing factory.

As mentioned above, Samdech Second Prime Minister, please, check and decide in favour.

Please, accept my highest respect.

Governor of Kampong Chhnang

Copy to:
- MAFF
"For information"

[Singed and Stamped]

Phouk Samoeun

Kingdom of Cambodia
Nation Religion King

Department of Agriculture
Forestry and Fisheries
in Kampong Chhnang
Commission of Reconnaissance Survey
and Assessment for Agricultural
Land Use
No. 78 Rour Bor Kor

Kampong Chhnang, 16 June 1997

Respected To:

HE Minister of MAFF in Phnom Penh

Through HE Governor of Kampong Chhnang

- Subject:** Report on Reconnaissance Survey and Assessment for Agricultural Land Use over the land area of 246,752 ha in Toek Phos, Samaki Meanchey, Rolea Pha Ear, Kampong Tralach and Boribo districts.
- Reference:** - Letter No. 4469 Kor Sor Kor Phor, Phor Kor dated 7 August 1996 of MAFF on the request of land concession of 100,000 ha by Sok Ann Masteron JV Ltd in Kampong Chhnang province.
- Letter No. 315 Kor Sor Kor dated 21 January 1997 of MAFF on the request for land concession of 315,000 ha in Kampong Chhnang and Pursat by Pheapimex Co., Ltd
- Provincial warrant No. 50 Dor Kor dated 9 September 1996 of HE governor of Kampong Chhnang on the creation of Commission of Reconnaissance Survey and Assessment for 100,000 ha.

As mentioned in above subject and references, I director of DAFF and chief of Commission of Reconnaissance Survey and Assessment for Agricultural Land Use, have the honour to inform that the result of reconnaissance survey and assessment for agricultural land use over an area of 246,752 ha in Kampong Chhnang as follows:

I. Survey Methodology

After preparing the schedule and reconnaissance survey process for the agricultural land use in order to assess the land as appropriate, the commission has appointed five teams responsible for separate tasks. Each team is organised by chief of Office of Agriculture Forestry and Fisheries of each district. The five teams have to perform separate tasks as below:

- Statistic of each family's land use area
- Interviewed with chief of village, commune about to the situation of land use in this areas.
- Chhuk Sor commune has 14 villages in total 14 villages
- Ta Ches commune has 4 villages in total 15 villages
- Se'b commune has 4 villages in total 12 villages

E. Samaki Meanchey district: 9 communes, 85 villages in over-total 85 villages

- Chean Lornng commune has 8 villages in over total 8 villages
- Peam commune has 12 villages in over total 12 villages
- Svay Chhuk commune has 10 village in over total 10 villages
- Thlok Vien commune has 7 villages in over total 7 villages
- Krang Lvear commune has 10 villages in over total 10 villages
- Khna Chmar commune has 7 village in over total 7 villages
- Tbeng Khpus commune has 9 villages in over total 9 villages
- Sethey commune has 9 villages in over total 9 villages
- Svay commune has 13 villages in over total 13 villages

* Over of 286,752 hectares of land were surveyed, classification as below:

- Resident's Settlement land : 5,191 hectares
- Public construction land : 475 hectares
- Total Agricultural land : 241,086 hectares
 - Paddy : 61,591 hectares
 - Farming : 4,585 hectares
 - Grass land : 1,365 hectares
 - Shrub forest land : 39,809 hectares
 - Depleted forest land : 11,499 hectares
 - Regenerating forest land : 675 hectares
 - Mixed depleted reforested land : 121,562 hectares

* Definition of identifying on forest and land types

1. Paddy and farming land: are identified as the land that local villagers are using for agricultural purposes by planting rice, and other crops. The majority of land uses have not yet issued the land ownership according the law.
2. Grass land: is identified as abundant or free public land which is geographically as small hill and abundant paddy rice without any crop planting on.
3. Shrub forest land: as identified area is young trees growing with high 3 meters to 5 meters, constructed or valuable trees species are rarely found. The trees are supplying firewood for local people.
4. Depleted forestland: as defined the forest were depleted in several times. Presently there are young trees are being regrowing. The regrowing tree can provide firewood and poles for local people consumption.
5. Reforestation area: as defined the forest area were severely destroyed in the past but today, there is reforesting many young trees in that area following to an annual Tree Planting Day and other tree planting supported by CONCERN.
6. Depleted mixed forest area, is being reforested: as defined the forest area were severely destroyed. Presently, The trees are regrowing well. About 5 to 10 percents of total regrowing trees have diameters 10 to 15 cm.

III. The assessment of ability land concession to be awarded and Social Impact

By analysis data received from the survey and current village land use map requested which are attaching, the committee of conducting survey has indicated that the land concession that high ranking government officials are considering to award to company for investment of plantation as below:

1. Grass land : 1,365 hectares

2. Shrub forest land	: 39, 809 hectares
3. Depleted forest land	: 11,499 hectares
4. Mixed reforested land	: 121, 562 hectares
Total	: 174,235 hectares (ha)

However, some forestland areas are withdrawn as:

1. Tree nursery station, Samaki Meanchey : 21,065 ha
2. Firewood and seedling area (Toek Phos) : 7,000 ha
3. Depleted forest land have been issued land title to villager for farming: 6,348 ha

Finally the result of total land concession to be awarded to company is 140,000 ha only. There are 2 negative options for 140,000 ha of awarded land concession should be considered:

1. Some part of land covered with forest that they are regrowing well and its will be harvested if there will be good conserved and protected.
2. This forest will be depleted by any anarchic cutting tree if there is no protection, lack of finance, materials for implementing in the areas. Moreover, unclear planning of forest management results in depletes forest.

Besides of these two points mentioned, the public grassland, Slashed and burned agricultures should be taken into account.

The committee of Survey and Assessment of Agricultural Land Use of Department of Agriculture, Forestry and Fishery in Kampong Chhnang have welcomed to the investment of plantation in the plateau land of Kampong Chhnang that is poor soil become to green forest area without impact to local villagers livelihoods in around the areas. The investment will bring more incomes, new technologies to farmers to extend their crop farming production, new works and productive marketing to local people.

Request to prepare statue and principles in the framework of smooth co-operation between investment with local authorities and skilled technologies.

As informed above, Excellency, be informed, check and decide as favour.

Director of Depart of AFF
 Chief of Committee of Survey and
 Assessment Agricultural land Use
 [Sealed and Singed]
Chhut Sothour

No.....
 Seen and Sent
 H.E of MAFF
 "Check and Decide as favour"
 [Sealed and signed]
 Governor
 Phouk Samourn

Copies (unclear to read)

Kingdom of Cambodia
Nation Religion King

Kampong Chhnang Province
The commission of Reconnaissance
Survey and Assessment For Agricultural Land Use

Results of Reconnaissance Survey and Assessment For Agricultural Land Use
In Selective Districts in Kampong Chhnang

No	District and Commune (I)	No. Of Family	Total Land Area	Land For Housing	Public Land	Farmland	Classification Of Land Use									
							Rice Field	Plantation (Chamka)	Grassland	Dry Forest	Degraded Forest Land	Replanting	Regeneration of Degraded Mixed Forest			
1	Boribo	611	7,692	123	13	7,556	1,253	150	120	2,363	3,020				650	
1	Anchanh Rong	204	3,647	49	5	3,593	753	100	100	1,000	1,340				300	
2	Pieb Kumkea	407	4,045	74	8	3,963	500	50	20	1,363	1,680				350	
II	Rokea Pha Ear	5,028	25,970	888	108	24,974	9,504	55	1,245	11,135	479	25			2,531	
1	Chheung Trao	1,074	4,327	214	24	4,089	2,383	15	5	974	109	25			578	
2	Rokea Pha Ear	215	610	5	0	605	121	0	0	484	0	0			0	
3	Toek Hout	831	1,200	15	0	1,185	803	25	0	257	0	0			100	
4	Prey Muol	699	4,106	46	21	4,039	912	0	130	2,397	0	0			600	
5	Kraing Leav	793	2,943	102	20	2,821	1,185	0	0	1,266	370	0			0	
6	Banteay Preay	524	2,984	132	6	2,846	1,100	15	10	1,721	0	0			0	
7	Brasil	389	9,800	374	37	9,389	3,000	0	1,100	1,036	0	0			1,253	
III	Toek Phos	8,031	131,350	1,986	178	129,186	23,589	1,157	0	9,809	8,000	0			86,631	
1	Taing Krasung	1,451	13,100	805	33	12,262	2,605	154	0	1,400	750	0			7,353	
2	Akphl Wat	1,485	7,350	307	42	7,001	5,907	44	0	1,050	0	0			0	
3	Kaung Maung	1,009	7,300	131	36	7,133	2,463	148	0	2,250	0	0			2,272	

	1	2	3	4	5	6	7	8	9	10	11	12	13
4	Khlong Popok	964	9,400	131	11	9,258	2,132	72	0	0	1,850	0	5,204
5	Chheap	956	16,500	199	12	16,289	2,920	93	0	191	0	0	13,085
6	Kbal Toek	625	20,550	51	21	20,478	2,354	572	0	0	950	0	16,602
7	Toul Khpuos	615	8,350	60	5	8,285	933	61	0	0	600	0	6,991
8	Kraing Skea	926	48,800	302	18	48,480	4,275	13	0	4,918	3,850	0	35,424
IV	Kampong Tralach	4,348	14,901	726	33	14,142	9,080	171	0	4,241	0	650	0
1	Pea Ny	1,269	2,151	147	11	1,993	1,985	8	0	0	0	0	0
2	Dey Et???	784	3,750	157	5	3,588	2,274	16	0	1,231	0	67	0
3	Chhouk Sar	1,113	6,100	216	9	5,875	2,736	138	0	2,418	0	583	0
4	Ta Chase	536	1,250	107	4	1,139	930	4	0	205	0	0	0
5	Sep	316	1,650	99	4	1,547	1,155	5	0	387	0	0	0
V	Samaki Meanchey	11,397	66,839	1,468	143	65,228	17,165	3,052	0	12,261	0	0	31,750
1	Chhlean Leung	729	5,861	69	4	5,788	1,325	43	0	1,870	0	0	2,550
2	Peam	1,240	9,114	209	5	8,900	2,926	174	0	1,550	0	0	4,250
3	Svay Chhuk	1,373	9,591	110	16	9,465	2,683	82	0	1,850	0	0	4,850
4	Thlok Vien	920	7,106	236	10	6,860	1,315	145	0	1,600	0	0	3,800
5	Kraing Lvea	1,364	8,174	199	21	7,954	1,019	35	0	2,000	0	0	4,900
6	Klma Chhmar	1,037	2,521	155	11	2,355	1,223	382	0	0	0	0	750
7	Tbeng Khpous	2,154	17,122	139	16	16,967	2,655	362	0	3,300	0	0	10,650

(1): Bold letter represents "District", and Normal "Commune"

The below documents were transcribed from letters the communities provided to ARTs. They are formal documentation/approvals for PPM activities and company partnerships with foreign investment companies



ក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និង លេសាវ
(២៥២៥ ២០២៤)

លេខ ៨០២០ គណក

កុងតឺន័រពេញ ថ្ងៃទី ០៨ ខែវិច្ឆិកា ឆ្នាំ ២០០៨

អគ្គនាយក នៃក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និង លេសាវ
ជ្រុងស្រះស្រី
លោកនាយកក្រសួងហ្វឹម ភារីធីត

កម្មវត្ថុ: ការលើសលើសុំលើកកម្ពុជាដើមឈើស្រែចំការ ១០.០០០ហិកតា នៅខេត្ត
កំពង់ឆ្នាំង និង

១០.០០០ហិកតា នៅខេត្តពោធិ៍សាត់របស់ក្រសួងហ្វឹម ភារីធីត។

យោង: - លិខិតលេខ ០៨/០៨ ភករ ចុះថ្ងៃទី ២២ កុម្ភៈ ឆ្នាំ២០០៨ របស់ ក្រសួងហ្វឹម ភារីធីត
- ជំនាញសភាព របស់អគ្គនាយកក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និងលេសាវ
ចុះថ្ងៃទី២០ ខែកុម្ភៈ ឆ្នាំ២០០៨

សេចក្តីសង្ខេបណែនាំចែងក្នុងកម្មវត្ថុនិង យោងខាងលើគឺស្តង់ដារប្រកបលោកនាយកក្រសួង
ហ្វឹម ភារីធីត; ដើម្បីធានាបាននូវលើកកម្ពុជាដើមឈើស្រែចំការរបស់ក្រសួងកសិកម្ម រុក្ខា
ប្រមាញ់ និង លេសាវ អនុញ្ញាតអោយក្រសួងហ្វឹម ភារីធីតចេញក្រឹត្យ ចំនួន ៨
ក្រឹត្យ និង ក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និង លេសាវ ចុះថ្ងៃទី ០៨ ខែ វិច្ឆិកា ឆ្នាំ ២០០៨
នាពេលក្រសួង លោកនាយកក្រសួងហ្វឹម ភារីធីត អនុញ្ញាតនិងដើម្បីក្រសួងកសិកម្ម
រុក្ខាប្រមាញ់ និង លេសាវ កំណត់អោយបានច្បាស់លាស់ពីការដឹកនាំនិងការងារប្រើប្រាស់
បានអោយរៀបរយជាមួយភាគីពាក់ព័ន្ធនានា។

អនុប្រឹក្សាស្រុក: ស្នងការនាយកក្រសួងហ្វឹម ភារីធីត និង មាត់អនុក្រសួងកសិកម្ម

- សាលាខេត្តពោធិ៍សាត់
- សាលាខេត្តកំពង់ឆ្នាំង
- ក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និងលេសាវ ខេត្តកំពង់
ឆ្នាំង និង ខេត្តពោធិ៍សាត់
- ប្រឹក្សាស្រុក
- គណៈកម្មាធិការ

អគ្គនាយករង

សាង ឡេវី



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
កសិកម្ម រុក្ខាប្រមាញ់
និង ត្រីមាត

ក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និង ត្រីមាត
០៩០៩ ០១០០
លេខ ៨០៨ អសក

រាជធានីភ្នំពេញ ថ្ងៃទី ០៨ ខែ វិច្ឆិកា ឆ្នាំ ២០០៨

លិខិតបញ្ជាបេសកកម្ម
របស់
រដ្ឋមន្ត្រីក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និង ត្រីមាត

បានសំរេចចាត់តាំង : - លោក វ៉ី សុវិថ្លា អគ្គប្រធានការិយាល័យដែនការ ៃ ដែនការ ស្ថិតិ និងសហប្រតិបត្តិការអន្តរ

នាយកដ្ឋាន : - លោក ខេង យ៉ាសិទ្ធ ជាតិ មន្ត្រីការិយាល័យសំរេចស្រែកាម

ដាននិងតាយ : - លោក ឯក វិហារ កំសែត់រោង មន្ត្រីការិយាល័យតយក់សែរហាតុជន

បរិស្ថាន : - លោក ព្រាប សំ មន្ត្រី រដ្ឋបាលវិទ្យាស្ថាន

- លោក គឹម ធួនា មន្ត្រី រដ្ឋបាលវិទ្យាស្ថាន

គម្រោងបំប្រែប្រួលបេសកកម្ម : ខេត្តកំពង់ឆ្នាំង និង ខេត្តរោងាសីសាត

រើស្សី : ចូលរួមចុះកំណត់ថ្លៃសិប្បនិម្មិត ២០ ០០០ ហាត រោងខេត្តកំពង់

ឆ្នាំង និង ខេត្តរោងាសីសាត សំរាប់បើកការដ្ឋានដាក់ឈើសំរាប់ស្រុកសៀមរាប

ចា : រដ្ឋបាល

មធ្យោបាយរៀនសូត្រ : ថ្ងៃទី ០១ ខែ វិច្ឆិកា ឆ្នាំ ២០០៨

ចេញតំណើ : ថ្ងៃទី ០១ ខែ វិច្ឆិកា ឆ្នាំ ២០០៨

ក្រសួងកសិកម្ម : ថ្ងៃទី ០៨ ខែ វិច្ឆិកា ឆ្នាំ ២០០៨

វិស្វកម្ម រុក្ខាប្រមាញ់ និង ត្រីមាត អគ្គនាយកដ្ឋានបេសកកម្មរដ្ឋបាល

សំរេចការណ៍ខ្មែរ

លេខ៨០៨
- អាជ្ញាខេត្តកំពង់ឆ្នាំង
- អាជ្ញាខេត្តរោងាសីសាត
- មន្ត្រីកសិកម្ម រុក្ខាប្រមាញ់ និង ត្រីមាត ខេត្តកំពង់ឆ្នាំង
- មន្ត្រីកសិកម្ម រុក្ខាប្រមាញ់ និង ត្រីមាត ខេត្តរោងាសីសាត
- ក្រសួងកសិកម្ម
និង ត្រីមាត
- ឯកសារ-ករណីស្រុក

ក.ប រដ្ឋមន្ត្រី
អគ្គនាយក

ក/ ក

ប្រាកដថាឧបករណ៍ប្រកម្មជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
ព្រះរាជាណាចក្រកម្ពុជា



ក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និង ទេសាភិបាល
០១០៧៧១០១០
លេខ ១៦០៣/២៧៧ គណក - ចន្ទសី

កោះបាឆីជុំរោង ថ្ងៃទី ២៨ ខែ កញ្ញា ឆ្នាំ ២០២០

**មជ្ឈដាយក ខេត្តក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និង ទេសាភិបាល
ស្នងប្រកម្មជាតិ
លោកនាយកក្រសួង ភារីណីល ត្រុល**

កម្មត្រូវ: គ្រប់គ្រងវិស័យកសិកម្មអន្តរជាតិ និងសេវាសម្រាប់វិស័យកសិកម្ម រុក្ខាប្រមាញ់ និង ទេសាភិបាល

យោង: - លិខិតលេខ ០៣៣/២០ គណក ចុះថ្ងៃទី ០៧ ខែ កញ្ញា ឆ្នាំ ២០២០ ស្នងប្រកម្មជាតិ រដ្ឋបាល

- ជំនួញសម្រាប់ការប្រកម្មជាតិក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និង ទេសាភិបាល ចុះថ្ងៃទី ២០ ខែ កញ្ញា ឆ្នាំ ២០២០

ក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និង ទេសាភិបាល បានដាក់បញ្ចូលការប្រកម្មជាតិក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និង ទេសាភិបាល ក្នុងគោលបំណងជំរុញវិស័យកសិកម្មអន្តរជាតិ និងសេវាសម្រាប់វិស័យកសិកម្ម រុក្ខាប្រមាញ់ និង ទេសាភិបាល ដោយផ្អែកលើគោលការណ៍ប្រកម្មជាតិ និងសេវាសម្រាប់វិស័យកសិកម្ម រុក្ខាប្រមាញ់ និង ទេសាភិបាល យោងទៅលើលិខិតលេខ ០៣៣/២០ គណក ចុះថ្ងៃទី ០៧ ខែ កញ្ញា ឆ្នាំ ២០២០ និង ជំនួញសម្រាប់ការប្រកម្មជាតិក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និង ទេសាភិបាល ចុះថ្ងៃទី ២០ ខែ កញ្ញា ឆ្នាំ ២០២០ ។

អាស្រ័យលើការបញ្ជាក់ពីការប្រកម្មជាតិក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និង ទេសាភិបាល ដោយផ្អែកលើលិខិតលេខ ០៣៣/២០ គណក ចុះថ្ងៃទី ០៧ ខែ កញ្ញា ឆ្នាំ ២០២០ ។

- ប្រតិភូ
- លោកនាយករដ្ឋមន្ត្រី
- លោកនាយករដ្ឋមន្ត្រី លោកនាយករដ្ឋមន្ត្រី លោកនាយករដ្ឋមន្ត្រី
- លិខិតបញ្ជាក់
- រដ្ឋបាលក្រសួង
- រដ្ឋបាលក្រសួងកសិកម្ម-រុក្ខាប្រមាញ់ និង ទេសាភិបាល
- លិខិតបញ្ជាក់
- លោកនាយករដ្ឋមន្ត្រី



**ក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ
ជាតិ សាសនា ព្រះមហាក្សត្រ**

ទីស្តីការគណៈរដ្ឋមន្ត្រី
លេខ: ២៨៩ សណ

ភ្នំពេញ ថ្ងៃទី ០៨ ខែ វិច្ឆិកា ឆ្នាំ ២០០០

**របាយការណ៍ រដ្ឋមន្ត្រីទទួលបន្ទុកទីស្តីការគណៈរដ្ឋមន្ត្រី
ជំហរចុង
ឯកឧត្តម អភិបាលនៃគណៈអភិបាលនៃគណៈរដ្ឋមន្ត្រី**

កម្មវត្ថុ: ករណីសំណើសុំអនុញ្ញាតការពារសកលដីស្ទឹងឆ្នេរស្រុកកោះកុង ដីសង្កាត់សង្កាត់ស្រែក ក្រុង
ហ្វូង ភាសាជិច ក្រុមប័ណ្ណ ៦៧០៣ ហិកតា ស្រុកកោះកុង
១. សហគមន៍វិទ្យាល័យ ៦៨៧៨ ហិកតា
២. ដីប្រតិបត្តិការស្រែកចំនួន ២៣៨ ហិកតា
៣. ដីសង្កាត់ស្រែក ០៨ ហិកតា
- ច្បាប់ស្តីពីដីស្រែកចំនួន ០៦ ខែ ៤៣៣ ឆ្នាំ២០០០ ក្រសួងអភិបាលកិច្ច
ឧត្តម ស៊ុយ សែន ប្រធានក្រុមការងារ និងការរដ្ឋមន្ត្រីក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ

ឃោរ: - លិខិតលេខ ០៦៨ ចកស ចុះថ្ងៃទី០៩ ខែមេសា ឆ្នាំ២០០០ ស្តីពីការអនុញ្ញាតការពារ
- ចំណាស់សម្តីអនុញ្ញាតការពារស្រែកចំនួន ២៣៨ ហិកតា ដោយកម្មវត្ថុ ចុះថ្ងៃទី ០១ ខែ វិច្ឆិកា ឆ្នាំ ២០០០ ។

សេចក្តីច្បាប់នៃគណៈរដ្ឋមន្ត្រី និង ឃោរនៃការអនុញ្ញាតការពារដីស្ទឹងឆ្នេរស្រុកកោះកុង ដីសង្កាត់ស្រែក ក្រុង
ឯកឧត្តមរដ្ឋមន្ត្រី ចំពោះករណីនេះ គណៈអភិបាលនៃគណៈរដ្ឋមន្ត្រី បានពិចារណាស្តីពីការសុំដី
ស្រែកឯកឧត្តមអភិបាល នៃគណៈអភិបាលនៃគណៈរដ្ឋមន្ត្រី ដូចខាងក្រោម៖

- ១. ចំពោះដីស្រែកចំនួន ២៣៨ ហិកតា ដីសង្កាត់ស្រែក ក្រុង ហ្វូង ភាសាជិច ក្រុម ប័ណ្ណ ៦៧០៣ ហិកតា ក្រសួង
សេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ បានអនុញ្ញាតការពារដីស្រែកចំនួន ២៣៨ ហិកតា ដូចខាងក្រោម៖
 - ដីសហគមន៍វិទ្យាល័យចំនួន ៦៨៧៨ ហិកតា
 - ដីប្រតិបត្តិការស្រែកចំនួន ២៣៨ ហិកតា (ដីប្រតិបត្តិការស្រែក)
 - ដីសង្កាត់ស្រែកចំនួន ០៨ ហិកតា
- ដីទាំង ៦៨០៣ ហិកតា បានអនុញ្ញាតការពារដីស្រែក ដីសង្កាត់ស្រែក ដូចខាងក្រោម ៖
- ឃុំឆ្នេរស្រែក ៨០០ ហិកតា និងបរិវេណស្រែក ០៨ ហិកតា
 - ឃុំក្រុងស្រែក ៨០០ ហិកតា
 - ឃុំអន្លង់ខ្ពស់ ៨០០ ហិកតា
 - ឃុំស្រែក ៣០០ ហិកតា
 - ឃុំស្រែក ៣០០ ហិកតា
 - ឃុំស្រែក ៨០០ ហិកតា និងបរិវេណស្រែក ២៣៨ ហិកតា
 - ឃុំស្រែក ៨០០ ហិកតា
 - ឃុំស្រែក ៨០០ ហិកតា

- ក្រសួងកោះកុង**
- សង្កាត់ស្រែក ៣៨៨ ហិកតា
 - សង្កាត់បឹងក្រវាត់ ០២២ ហិកតា

- ស្រុកកោះកុង**
- ឃុំស្រែក ០៦៦០ ហិកតា (ស្រុកសហគមន៍)
 - ឃុំស្រែក ៨០០ ហិកតា
 - ឃុំស្រែក ៨០០ ហិកតា

ក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ បានអនុញ្ញាតការពារដីស្រែកចំនួន ២៣៨ ហិកតា ដោយកម្មវត្ថុ ចុះថ្ងៃទី ០១ ខែ វិច្ឆិកា ឆ្នាំ ២០០០ ។

ធុរកិច្ចកម្មការងារជាតិអន្តរាគមន៍សហការការងារអភិបាលកិច្ច និងធ្វើ ពិធីប្រជុំប្រគល់សិទ្ធិ ប្រាប់ការប្រើប្រាស់របស់សហគមន៍វិនិច្ឆ័យ និងប្រើប្រាស់ប្រាក់ប្រគល់ជូនគ្រប់គ្រងដោយគ្រួសារ ក្នុងគោលបំណងការងារសម្រេចបាននូវគោលបំណង។

ធុរកិច្ចកម្មការងារជាតិអន្តរាគមន៍សហការការងារអភិបាលកិច្ច និងធ្វើ ពិធីប្រជុំប្រគល់សិទ្ធិ ប្រាប់ការប្រើប្រាស់របស់សហគមន៍វិនិច្ឆ័យ និងប្រើប្រាស់ប្រាក់ប្រគល់ជូនគ្រប់គ្រងដោយគ្រួសារ ក្នុងគោលបំណងការងារសម្រេចបាននូវគោលបំណង។

ធុរកិច្ចកម្មការងារជាតិអន្តរាគមន៍សហការការងារអភិបាលកិច្ច និងធ្វើ ពិធីប្រជុំប្រគល់សិទ្ធិ ប្រាប់ការប្រើប្រាស់របស់សហគមន៍វិនិច្ឆ័យ និងប្រើប្រាស់ប្រាក់ប្រគល់ជូនគ្រប់គ្រងដោយគ្រួសារ ក្នុងគោលបំណងការងារសម្រេចបាននូវគោលបំណង។

ថ្ងៃនេះសហគមន៍វិនិច្ឆ័យសម្រេចបាននូវគោលបំណង ហើយគ្រប់គ្រងដោយគ្រួសារបានប្រើប្រាស់សិទ្ធិរបស់ខ្លួន ដើម្បីប្រគល់សិទ្ធិប្រើប្រាស់ដោយសេរី និងប្រកបដោយសុវត្ថិភាព ដល់គ្រួសារក្នុងសហគមន៍វិនិច្ឆ័យ និងប្រើប្រាស់ប្រាក់ប្រគល់ជូនគ្រប់គ្រងដោយគ្រួសារ ក្នុងគោលបំណងការងារសម្រេចបាននូវគោលបំណង។

សេចក្តីចង់បានដ៏ល្អប្រសើរជាងគេ គឺសម្រេចបាននូវគោលបំណង និងប្រកបដោយសុវត្ថិភាព ក្នុងការប្រើប្រាស់សិទ្ធិរបស់សហគមន៍វិនិច្ឆ័យ និងប្រើប្រាស់ប្រាក់ប្រគល់ជូនគ្រប់គ្រងដោយគ្រួសារ ក្នុងគោលបំណងការងារសម្រេចបាននូវគោលបំណង។

ធុរកិច្ចកម្មការងារជាតិអន្តរាគមន៍សហការការងារអភិបាលកិច្ច និងធ្វើ ពិធីប្រជុំប្រគល់សិទ្ធិ ប្រាប់ការប្រើប្រាស់របស់សហគមន៍វិនិច្ឆ័យ និងប្រើប្រាស់ប្រាក់ប្រគល់ជូនគ្រប់គ្រងដោយគ្រួសារ ក្នុងគោលបំណងការងារសម្រេចបាននូវគោលបំណង។

ផ្សេងទៀត
- ប្រកបដោយសុវត្ថិភាព
- គ្រប់គ្រងដោយគ្រួសារ
- គ្រប់គ្រងដោយគ្រួសារ
- គ្រប់គ្រងដោយគ្រួសារ
- គ្រប់គ្រងដោយគ្រួសារ
- គ្រប់គ្រងដោយគ្រួសារ
- គ្រប់គ្រងដោយគ្រួសារ

ឆ្នាំ ទី ១២ លេខ ៨០

សប្តាហ៍ទី ៤ ថ្ងៃ ទី ៣១ ខែ តុលា ឆ្នាំ ២០១២

រាជកិច្ច ទំព័រ ៨០៣៨



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

រាជរដ្ឋាភិបាលកម្ពុជា

លេខ: ១៤៤ អនក្រ.បក

អនុក្រឹត្យ
ស្តីពី

ការកាត់ដីចេញពីសម្បទានដីសេដ្ឋកិច្ចរបស់ក្រុមហ៊ុន ភាពិម៉ិច នូចផ្លែដីធំហាំ ១០២០ ហិកតា និងធ្វើអនុបយោគ ជាដីឯកជនរបស់រដ្ឋ ដើម្បីធ្វើប្រទានអង្គការកម្មសិទ្ធិ ជូនប្រជាពលរដ្ឋ ចំនួន ៧២៩ គ្រួសារ ដែលបានកាត់កាប់ ប្រើប្រាស់ និងដាំដុះជាក់ស្តែង និងរក្សាទុកជាដី ព្រៃបម្រុងសម្រាប់សហគមន៍ព្រៃឈើ នៅឃុំក្រាំងលាច ស្រុកអណ្តូង ខេត្តកំពង់ឆ្នាំង

រាជរដ្ឋាភិបាល

- បានឃើញរដ្ឋធម្មនុញ្ញនៃព្រះរាជាណាចក្រកម្ពុជា
- បានឃើញព្រះរាជក្រឹត្យលេខ នស/រកត/០៩០៨/១០៥៥ ចុះថ្ងៃទី២៥ ខែកញ្ញា ឆ្នាំ២០០៨ ស្តីពីការតែងតាំងរាជរដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជា
- បានឃើញព្រះរាជក្រមលេខ០២៧នសចុះថ្ងៃទី២០ ខែកក្កដា ឆ្នាំ១៩៩៤ ស្តីពីការរៀបចំនិងការប្រព្រឹត្តទៅនៃគណៈរដ្ឋមន្ត្រី
- បានឃើញព្រះរាជក្រមលេខ នស/រកម/០៦៩៩/០៩ ចុះថ្ងៃទី២៣ ខែមិថុនា ឆ្នាំ១៩៩៩ ដែលប្រកាសឱ្យប្រើច្បាប់ស្តីពីការបង្កើតក្រសួងរៀបចំដែនដី នគរូបនីយកម្ម និងសំណង់
- បានឃើញព្រះរាជក្រមលេខ នស/រកម/០១៩៦/១៣ ចុះថ្ងៃទី២៤ ខែមករា ឆ្នាំ១៩៩៦ ដែលប្រកាសឱ្យប្រើច្បាប់ ស្តីពីការបង្កើតក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និងនេសាទ
- បានឃើញព្រះរាជក្រមលេខ នស/រកម/០៨០១/១៤ ចុះថ្ងៃទី៣០ ខែសីហា ឆ្នាំ២០០១ ដែលប្រកាសឱ្យប្រើច្បាប់ភូមិបាល
- បានឃើញព្រះរាជក្រមលេខ នស/រកម/០៨០២/០១៦ ចុះថ្ងៃទី៣១ ខែសីហា ឆ្នាំ២០០២ ដែលប្រកាសឱ្យប្រើច្បាប់ស្តីពីព្រៃឈើ
- បានឃើញព្រះរាជក្រឹត្យលេខនស/រកត/០៨០៦/៣៣៩ ចុះថ្ងៃទី០៣ ខែសីហា ឆ្នាំ២០០៦ ស្តីពីគោលការណ៍ និងបញ្ញត្តិអន្តរកាលនៃការធ្វើអនុបយោគទ្រព្យសម្បត្តិសាធារណៈរបស់រដ្ឋនិងរបស់នីតិបុគ្គលសាធារណៈ
- បានឃើញអនុក្រឹត្យលេខ១២ អនក្រ.បក ចុះថ្ងៃទី២០ ខែកក្កដា ឆ្នាំ១៩៩៩ ស្តីពីការរៀបចំ និងការប្រព្រឹត្តទៅរបស់ក្រសួងរៀបចំដែនដី នគរូបនីយកម្ម និងសំណង់