

**REPORT  
ON  
DEFORESTATION IN PRODUCTION FORESTRY AREAS IN PUKONG VILLAGE, SRE  
PREAH COMMUNE, KEO SEIMA DISTRICT, MONDULKIRI PROVINCE**

**Executive Summary**

Most of the people living in Pukong village are Punong indigenous people, which shows an ethnic, social, cultural, and economic unity. They live in a traditional way making use of land collectively. The process of land registration of the indigenous community in Pukong village has reached the second stage, in which the statute of the indigenous community has been drafted pending adoption by the congress and official recognition by the Ministry of Interior. During this registration process, the community encountered losses of forest and resin trees, which are an important source of revenue. These resources have been destroyed in a systematic manner. For these offences, community members, officials of production forestry protection organizations, and competent officials have repressed, arrested offenders, confiscated proofs, and reported to technical authority. However, forestry offences and felling the community's resin trees have not been resolved effectively yet because these crimes have been settled via reconciliation and impunity for powerful offenders. At the same time, members of the indigenous community, the local authority, the provincial authority, and technical officials as well as working groups of civil society organizations have all recognized the issue of destruction of natural resources and shortcomings of the resolution. Moreover, all stakeholders are willing to continue collaboration and discussions in order to seek to solve the issue of destruction of natural resources and to enhance indigenous people's rights and livelihoods effectively.

**Introduction**

Indigenous people are ethnic people who live in the Kingdom of Cambodia, and these people show an ethnic, social, cultural, and social unity. They live in a traditional manner and farm on the land they have occupy in accordance with rules and customs of collective land use. According to researches, indigenous people in Cambodia consist of Punong, Kuoy, Tumpuon, Jaray, Kroeung, Preuo, Kavet, Stieng, Krol, Mil, Kajak, Por, Khonh, Jorng, Suoy, Tmuon, Lun, S'Och, Rodae, Khe, Eng, Stong, L'Oeun, Samre, and others, accounting for about one per cent (1%) of the total population. These indigenous people are living in some provinces, e.g., Rattanakiri, Mondulkiri, Kratie, Preah Vihear, Kampong Thom, Stung Treng, Uddor Meanchey, Kampong Cham, Pursat, Kampong Speu, Koh Kong, Battambang, Preah Sihanouk, Banteay Meanchey, Siem Reap, and other areas.<sup>1</sup>

Pukong is the name of one village situated in Sre Preah commune, Keo Seima district, Mondulkiri province and has 67 households in total with a total population of 320 people (167

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<sup>1</sup> National Policy on the Development of Indigenous People (Royal Government of Cambodia), 24 April 2009, page 1.

female)<sup>2</sup> who are indigenous Punong and Stieng ethnics. This village is surrounded by the Seima Protected Forest with a land area of 2,926,690 ha.<sup>3</sup> At present, the forest and resin trees of the indigenous community of Pukong village in this Protected Forest are facing very active destruction potentially leading to the loss of the forest in the near future and affecting the culture, tradition, and livelihoods of the people living around the area.

Having seen the losses of the forest and the environmental, social and cultural impacts on the Cambodian people, especially, the indigenous people living in the area, the NGO Forum on Cambodia coordinated Indigenous Peoples and Forestry Network (IPFN), partner organizations working on land and natural resources projects to conduct field study to collect factual and reliable information for use as specific evidence in advocacy for solutions.

### **Information Collection Methodology**

- ❖ Interviews with affected people in Pukong village, Sre Preah commune, Keo Seima district and visits to production forestry areas under destruction on 06-07 August 2013;
- ❖ Discussions between civil society organization work team and the authority of Sre Preah commune, Keo Seima district on 08 August 20013 to share and verify information and to seek solutions;
- ❖ Discussions between civil society organization work team and the relevant provincial authority, including the Chair of the Provincial Council; a deputy provincial governor; provincial officials; Directors, deputy directors, and officials of the Provincial Offices of Environment, Rural Development, Land Management, Urbanization, and Construction; and cantonments of Forestry Administration on 09 August 20013 to share and verify information and to seek solutions;
- ❖ Extraction of information from reports by DPA, WSC, CLEC, CYA, ARD, which operate directly in Mondulkiri;
- ❖ The Ministry of Agriculture, Forestry, and Fisheries' webpage: [www.opendevdevelopmentcambodian.net](http://www.opendevdevelopmentcambodian.net)
- ❖ Monthly update of information from members of the Indigenous Peoples and Forestry Network (IPFN) based in Mondulkiri on destruction of forestry and resin trees of the indigenous people in Pukong village after missions to investigate and collect information until April 2014.

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<sup>2</sup> Mr. Klot Ke (Councilor of Sre Preah commune), interviewed by Mr. Em Trai, 09 August 2013.

<sup>3</sup> Sub-Decree on Establishment of Seima Protected Forest and Biodiversity Conservation No. 143 dated 02 September 2009.

## 1. Background

### 1.1 Indigenous Communities

The livelihoods of the 67 households of the indigenous communities in Pukong village depend completely on forest and traditional farming (growing rice, crops, and slash-and-burn plantation), collection of forestry by-products, such as vine, resin and animal husbandry, etc. There is no development of infrastructure, such as roads and bridges in this area.<sup>4</sup> Access is extremely difficult during rainy seasons. People have little understanding of health care, and health service is far from their village. When they are ill, they still use traditional medicine and a little modern medicine sold by a Khmer family in the village. Women give birth with the help of a village, traditional midwife who does not have proper medical skills. As a custom, a pregnant woman must engage the village midwife in advance; otherwise the midwife will not accept to help with giving birth. Researches show that 42 households in Pukong village have between 25 and 300 of resin trees (Chboh tree).<sup>5</sup> The average annual income from Chboh trees that one household can generate is between \$750 (seven hundred and fifty) and \$9,000 (nine thousand) (one tree can provide at least thirty dollars of product per annum).<sup>6</sup>

In this regard, two organizations, i.e., Development and Partnership in Action (PDA) and WCS Cambodia, have selected Pukong village as the target for implementing their project activities.

Development and Partnership in Action (PDA) has implemented a multi-development program since 2004. The multi-development program focuses on three main projects<sup>7</sup>:

1. Agriculture: the organization has assisted people by providing rice and vegetable seeds, farming equipment and techniques;
2. Natural resources protection project: PDA has empowered indigenous communities through awareness training on laws, human rights, and benefits of natural resources;
3. Establishment of resin community: In 2006, PDA helped Pukong villagers to establish a resin community to enable the community to whole-buy resin from residents at reasonable market prices. The profits made from sales of resin are used to develop their community.

In 2006 WCS Cambodia initiated the establishment of a Community-based Production Forestry and requested the local and Monduliri provincial authorities for a land area of 120,000 ha situated in Sre Ampil commune, Keo Seima district. This land area overlaps the Seima Protected Forest. The establishment of the Community-based Production Forestry was to conserve the forest and wildlife, to prevent forestry offences, and to enhance indigenous communities' traditional livelihoods. The community allows the people to extract wood in the Community-based Production

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<sup>4</sup> NGO investigation team (coordinated by the NGO Forum on Cambodia), on-spot visit, 05-09 August 2013.

<sup>5</sup> Report on survey of resin trees of Pukong villagers in Sre Preah commune, Keo Seima district, PDA, 08 August 2013.

<sup>6</sup> Mr. Vanna Khvoek (Head of Punong indigenous community in Pukong village), and Mr. Khey Phon (Project Coordinator, ARD), face-to-face interviews, 06 August 2013.

<sup>7</sup> Mr. Nhoek Tho Dolla, (Advocacy Assistant, multi-development program, Development and Partnership in Action (PDA), face-to-face interview, 05 August 2013.

Forestry area for use using appropriate techniques. At present, land area of the Community-based Production Forestry has been reduced to 9,070 ha with recognition and support by local and provincial authorities. However, it has not been officially recognized by the Ministry of Agriculture (Forestry Administration) because it is in conflict with the Forestry Law, which does not allow establishment of community forestry or production forestry within a protected forest area. Nonetheless, WCS Cambodia is lobbying the Forestry Administration to recognize and support the Community-based Production Forestry pilot project on a land area of 60 ha in Ja village, Sre Preah commune, Keo Seima district.<sup>8</sup>

## 1.2 Conflicts

Research results show that on 24 October 2011 the Royal Government of Cambodia signed off an economic land concession for the Benh Hoeurk Kratie Rubber 1 Company Limited) with a land area of 8,925 ha in Keo Seima district, Monduliri province. This 70-year concession is for development of rubber agro-industrial development. This Company is foreign with Mr. Phan Si Bihn as the Director (Vietnamese).<sup>9</sup> The grant of this economic land concession (ELC) to the Company did not follow due ELC procedures. For example, there were no public consultations on the project, impacts, and solutions with the people and local authorities for them to be informed sufficiently and to make decisions on the development.<sup>10</sup> Concerning this Company, NGOs has not receive the environmental and social impact assessment report yet to give constructive inputs. Meanwhile, local commune and Keo Seima district authorities have not received any legal documents concerning the Benh Hoeurk Kratie Rubber 1 Company Limited yet.<sup>11</sup> Since the Company has started its activities in luxurious wood, all kinds of construction wood, and wood, 2,322 resin trees (Chboh trees) of the Punong indigenous community in Pukong village situated in the community-based production forestry outside of the Company's land concession area were destroyed.<sup>12</sup>

The systematic logging has been most active since 2012 until now. People from other provinces, such as Kampong Cham, Prey Veng, and Kratie, have come in to cut down trees for sales to 3-4 intermediaries who would then re-sell to a powerful trader who transported the woods into the Benh Pheud 1 to transform them into legal log for export to the market. Moreover, villagers reported that people from outside had cut down their Chboh trees and sold them to two main intermediaries, namely Chan and Kong (with unknown background). Then, they resold the logs to Oknha Soeng Sam Ol, and after that Oknha Soeng Sam Ol transported the logs into the compound of the Benh Hoeurk Kratie Rubber 1 Company Limited to transform them into legal logs with proper licenses, and finally transported them to the market for sales.<sup>13</sup> With these activities, they have cut down their resin trees both days and nights. These activities have been known to and recognized by

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<sup>8</sup> Mr. Hing Mesa (Coordinator, Community-based Production Forestry Project), WCS Cambodia, interviewed by NGO work team, 09 August 2013.

<sup>9</sup> [www.opendevdevelopmentcambodian.net](http://www.opendevdevelopmentcambodian.net) (Ministry of Agriculture, Forestry, and Fisheries), accessed on 17 December 2013.

<sup>10</sup> Pukong villager, interviewed by NGO work team, 06 August 2013.

<sup>11</sup> Meetings with the Governor of Keo Seima district and the Chief of Sre Preah commune, 08 August 2013.

<sup>12</sup> Survey report on resin trees of the people in Pukong village, Sre Preah commune, Keo Seima district, PDA, 08 August 2013.

<sup>13</sup> Pukong villagers, interviewed by NGO work team, 06-07 August 2013.

both local and provincial authorities, but there have been no effective solutions because the Company did not respect the authority of the local administration.<sup>14</sup>

On 17 May 2013, Benh Pheud Kratie Rubber 1 Company carried out logging in the community-based production forestry of Pukong indigenous people at O'Too to Sre Ampuoy village and moving on to O'Rang Loeu.<sup>15</sup> Then, on 18 May 2013, eight community members patrolled the production forestry. They saw many workers felling their resin trees. At that time, they managed to seize 05 (five) logging machines, each marked with Forestry Administration's logo. These proofs have been kept at the headquarters of the community commission. The offence has been reported to the village and commune chiefs, but there has been not solution by local authorities for the people.

After that, on 20 May 2013, Benh Pheud 1 ELC guards led by Oknha Soeng Sam Ol armed with two hand guns and four AK rifles came to negotiate with the community and asked to take the logging machines back. As a result of the discussion, the community decided to return the logging machines to Oknha Ol after an agreement was reached to pay 200,000 (two hundred thousand) Riels per machine. At the same time, the community was also intimidated by the Oknha Ol's team, i.e., they had fired two shots in the forest before they got to the village, and then they fired another shot when they left the village.<sup>16</sup> The residents lodged a complaint with the competent authority, but there has been no solution.

### **1.3 Registration of Indigenous Communities' Land**

The indigenous communities of Pukong village have already been recognized by the Ministry of Rural Development as indigenous people. At present, the statute of the indigenous communities have already been drafted, pending adoption by the congress and official recognition by the Ministry of Interior before reaching the 3<sup>rd</sup> stage of land survey and issuance of an indigenous community land title.

Pukong villagers have decided to register indigenous community land in order to maintain the identities, culture, customs, and traditions of Punong indigenous people. Currently, this community is still in the process of indigenous land registration under the coordination and support by DPA.

## **2. Impacts**

### **2.1 People's Culture and Livelihoods**

The research has noted that logging activities and felling of Chboh trees affected the culture and livelihoods of the Punong indigenous people in Pukong village, Sre Preah commune, who have a tradition of believing in spiritual and ancestral forests, and live on two main occupations, namely, traditional farming and collection of forestry by-products, in particular, resin products from Chboh trees. In fact, the destruction of the community's resin trees have made the residents lose a

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<sup>14</sup> Notes to Mr. Sin Vannvuth, Governor, Keo Seima district, to deal with the Company, HE Eng Bun Heang, (Mondulkiri Provincial Governor), 25 June 2013, and Letter No. 273 SSM on collection of wood in the ELC compound of Benh Hoeurk Company (1), Mr. Sin Vannvuth, Governor, Keo Seima district, 25 June 2013.

<sup>15</sup> Pukong residents, interviewed by NGO work team, 06-07 August 2013.

<sup>16</sup> Pukong residents, interviewed by NGO work team, 06-07 August 2013.

household income between \$750 (seven hundred and fifty) and \$9,000 (nine thousand) per annum.<sup>17</sup> They apply traditional, slash-and-burn farming without using any chemicals. At present, their rice yield have declined due to losses of forest, fertile soil, and irregular rain. Revenue from honey collection have gone down as a consequence of depletion of forest as shelters.<sup>18</sup> Moreover, community members do not have sufficient time to generate income to support their families because they have to spend their time patrolling and protecting the forest and their resin trees. Lack of access roads is also a factor affecting the livelihoods and education of the people in this area.<sup>19</sup> Children have access to primary education only, and most of the children do not continue their study further because their families cannot afford to support them.<sup>20</sup>

## **2.2 Environment**

Felling of trees and resin trees of the Pukong community affects not only their traditional occupations, but also the environment, biodiversity, and losses of wildlife. At present, tigers have become extinct; people have never seen them, not even their footprints while in 2003-2005, they saw many of them live in this production forestry area. At the same time, the number other animals, such as deer, have declined significantly. Further, losses of the forest have led to climate change and natural disasters, such as droughts, floods, storm, and decline in soil quality.

## **2.3 Security**

The research found that there were cases of intimidation, both in words and frequent shootings to frighten the indigenous villagers, committed by powerful traders and Oknha OI as well as the soldiers, police, and gendarmerie defending the Company.<sup>21</sup> Moreover, there were coercion of some people by traders to sell their resin trees at a cheap price. They said that “if they don’t sell, then they will cut down and take them for free”. At the same time, the community patrol members are also concerned about their personal safety as the offenders may fight back using their chainsaws against them during their repression of offences.<sup>22</sup>

## **3. Legal Analysis**

Based on the results of the fact finding research by the NGO work team, the following four key issues can be analyzed:

1. Indigenous people’s rights to their traditional occupations and establishment of indigenous people’s communities. Collective ownership and traditional occupations have been recognized and protected by laws of the Kingdom of Cambodia and international laws that Cambodia has endorsed. Indigenous communities have the right to collective

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<sup>17</sup> Mr. Vanna Khvoek, (Head of Punong indigenous community in Pukong village) and Mr. Khey Phon (Coordinator, Actions for Research and Development (ARD)), interviewed by NGO work team, 06 August 2013.

<sup>18</sup> Pukong residents, interviewed by NGO work team, 06-07 August 2013.

<sup>19</sup> Mr. Nhoek Tho Dolla, (Advocacy Assistant, multi-development program, Development and Partnership in Action (PDA), face-to-face interview, 05 August 2013.

<sup>20</sup> Pukong residents, interviewed by NGO work team, 06-07 August 2013.

<sup>21</sup> Pukong residents, interviewed by NGO work team, 06-07 August 2013.

<sup>22</sup> Pukong residents, interviewed by NGO work team, 06-07 August 2013.

ownership.<sup>23</sup> At the same time, the rights to customary use of forestry by-products by local communities living in or nearby Permanent Forest Reserve areas do not require permission to collect the products.<sup>24</sup> Indigenous people's resources are not subject to destruction.<sup>25</sup> Indigenous people's rights have also been incorporated by the Royal Government into the National Policy on Development of Indigenous People. This Policy has a vision and focus to develop all sectors in areas where indigenous people live in order to alleviate poverty and enhance indigenous people's livelihoods.<sup>26</sup>

2. Results of the research show that the grant of economic land concession to the Benh Pheud Kratie Rubber 1 Company did not follow due ELC procedures, i.e., the ELC was not consulted publicly on the project, impacts, and solution with local people and authorities so that they would have sufficient information to make a decision on the development, and the environmental and social impact assessment report was not released to stakeholders so that they can give feedback or inputs. This is in contrast to the Sub-Decree on Economic Land Concession, Chapter 2, Article 4, points 2 and 5.
3. Logging activities and felling of resin trees of the Punong indigenous community in Pukong village in the production forestry area outside of the ELC area. These activities are a forestry offence that are punishable with imprisonment, fines, and civil compensation.<sup>27</sup> Felling, sawing, splitting and chopping of logs within the Permanent Forest Reserve, or using chainsaw as a means to harvest forest products without permit or tag are a tier 1 forestry offence, which is punishable with five (5) to ten (10) years of imprisonment and is fined by the Forestry Administration with two (2) to four (4) times the market value of evidence.<sup>28</sup>
4. The research found that there were issues of impunity for offenders of logging crime. Perpetrators and proofs used as means to commit the offences were seized by the members of the indigenous community and staff of forestry protection organizations, and arrested and seized by the gendarmerie, and reported and handed over to relevant authorities, including the commune chief, the post head, and forestry technical officials. However, no serious measures have been taken in accordance with existing laws, i.e., the case was not referred to court for investigation and judgment. What the work team has observed was that the logging offences were dealt with by ways of reconciliation and little fine, and some chainsaws were returned to the traders committing forestry offences. In contrast, the owners of the destroyed resin trees did not receive any civil compensation. To keep the criminal case from being acted upon by judicial police officers is against the Penal Procedure Code, which states that a judicial police officer's mission is to accept demand complaints and libel complaints, review the offence, and

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<sup>23</sup> Constitution 1993 (Article 44), and 2001 Land Law (Articles 25 and 26).

<sup>24</sup> Law on Forestry, Chapter 9, Article 40, pages 31-32.

<sup>25</sup> UN Declaration on Indigenous People's Rights, Article 8.2.b, page 23.

<sup>26</sup> National Policy on Development of Indigenous People (Ministry of Rural Development), 24 April 2009, page 15.

<sup>27</sup> Law on Forestry 2002, Article 90, Chapter 15 (Forestry Offences and Penalty), page 58.

<sup>28</sup> Law on Forestry 2002, Article 96.9 and Article 97, Chapter 15 (Forestry Offences and Penalty), page 65.

investigate the office.<sup>29</sup> Judicial police officers cannot keep a case from being acted upon neither if the victim revokes the complaint nor if there been a negotiated settlement between the offender and the victim or the withdrawal of the complaint. A judicial police officer who intentionally holds back a written record or evidence or conceals the existence of such record or evidence from the judicial authority commits an offense punishable pursuant to the provisions of the Criminal Code, as foreseen in the chapter relating to search for evidence.<sup>30</sup>

## 4. Advocacy Activities and Solutions

### 4.1 Communities' Advocacy Activities

- ❖ After the logging activities and felling of indigenous people's resin trees in the production forestry area in Pukong village took place, an advocacy assistant of DPA went down to collect information immediately and to coordinate the people to discuss in order to seek preventive strategies and to find solutions on 19 May 2013.
- ❖ On 19 and 20 May 2013, the community patrolled the production forestry. As a result, the patrol team seized 5 chainsaws with Forestry Administration logos stuck to each chainsaw. These proofs were kept at the headquarters of the community commission. At the same time, the community reported this action to the village and commune chiefs for solutions, but the authorities did not take actions to deal with the issues.<sup>31</sup>
- ❖ On 25 June 2013, the indigenous people in Pukong village lodge a complaint to HE Mondulkiri Provincial Governor to seek interventions to prevent fraudulent people from cutting down their resin trees.<sup>32</sup> As a result, HE Mondulkiri Provincial Governor wrote a note to Keo Seima district to deal with the Company. In response to this note, the Keo Seima district governor sent a letter to Oknha Soeng Sam Ol, President of the company buying timber in the Benh Hoeurk (1)'s economic land concession, requesting the Oknha to help find appropriate solution for the owners of the resin tree cut down in the past.<sup>33</sup> But the arrangement was not effective, and logging activities and felling of resin trees remained continued.
- ❖ On 15 August 2013, the community patrolled the production forestry. As a result, the patrol team seized four chainsaws and handed them over to local authorities for legal process.

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<sup>29</sup> Penal Procedure Code of the Kingdom of Cambodia, 2007, Chapter 2, Section 4 (Mission of Judicial Police Officers), Articles 71-74, pages 26-28.

<sup>30</sup> Penal Procedure Code of the Kingdom of Cambodia, 2007, Chapter 2, Section 4 (Mission of Judicial Police Officers), Articles 75, page 28.

<sup>31</sup> Study on destruction of community-based production forestry of Punong indigenous people in Pukong village, PDA, 23 May 2013.

<sup>32</sup> Complaint by Pukong villagers (represented by Mr. Vanna Khvoek), 25 June 2013.

<sup>33</sup> Letter No. 273 SSM on collection of wood in the ELC compound of Benh Hoeurk (1) Company, Mr. Sin Vannvuth, Governor, Keo Seima district, 25 June 2013.

## 4.2 Civil Society Organizations' Advocacy Activities

- ❖ On 26-30 August 2013, a work team of 6 NGOs<sup>34</sup> coordinated by the NGO Forum on Cambodia, conducted a fact-finding investigation on logging and felling of resin trees of indigenous people in Pukong village. As a result, on 28 August 2013, the civil society organization work team, community members, and two gendarmerie officers visited the site where felling of resins in the production forestry area took place, and saws offenders cutting down community's resin trees. At that time, WCS, community members, and the gendarmerie officers arrested two offenders (couple) and some proofs, including one truck transporting timber and one chainsaw. The outcome of this investigation was used in intervention to competent authorities through presentations for local and provincial authorities.<sup>35</sup>
- ❖ On 25 December 2013, the civil society organization work team raised the case of logging and felling of resin trees in the production forestry area in Pukong village for discussion and solutions. As a result, the work team decided to go down to the area to update the case and to help empower the community further in the third week of January 2014.

## 5. Outcome

After the interventions by the NGO work team, the Royal Government convened a meeting held at the Kratie district office in September 2013 with participation of representatives of three Vietnamese ELC companies (Benh Pheud 1, Benh Pheud 2, and Eastern Rubber Companies, which are investing in Snuol district, Kratie province, and Keo Seima district, Mondulkiri province, a Kratie deputy governor, the commanders of armed forces of the two districts, and many relevant officials of forestry cantonments under the chairmanship of HE Ith Nody, Under-Secretary of State, Ministry of Agriculture, Forestry, and Fisheries. As a result, the Royal Government issued a decision on three points:<sup>36</sup>

1. Urge the ELC companies to continue to collaborate with authorities to clearly demarcate land boundaries between investment land and State forest reserve and ask the authorities to clearly identify species of trees;
2. Ask the district authorities to establish committees to exclude land from the companies' land for the residing people;
3. The companies must submit clear reports to the Forestry Administration and the authorities on logging in order to facilitate identification of anarchic logging and timber transport.

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<sup>34</sup> The six organizations include: NGO Forum on Cambodia (NGOF), Community Legal Education Center (CLEC), DPA, CYA, ARD, and WCS.

<sup>35</sup> Discussion with Keo Seima district Governor and Sre Preah commune chief, 28 August 2013, and discussion with HE Chair of the Provincial Council, provincial deputy governor, and directors of all relevant provincial offices, 29 August 2013.

<sup>36</sup> Koh Santepheap Newspaper No. 7970 (taking strong measures on three ELC investment companies in two provinces, 06 September 2013).

The indigenous people are better aware of the rights, power, advocacy strategies, and protection of the forest in the production forestry area through participation as speakers in VOD radio conversation on losses of forestry and natural resources on 25 October 2013 and they have established patrol teams to protect the production forestry.

## **Conclusion**

The Punong indigenous people living in Pukong village were recognized by the Ministry of Rural Development as indigenous people. They are facing losses of forest and resin trees (Chboh trees), which are the main source of income for their livelihoods. After the presence of the Benh Pheud Kratie Rubber 1 Company, the resources were destroyed systematically. Concerning these offences, community members, officials of production forestry protection organizations, and competent officials arrested offenders in one case and seized a number of proofs (chainsaws), which were referred to local authorities and reported to technical officials for solutions, but there has been no effectiveness yet. However, it has been recently noticed that community members, local authorities, provincial authority, technical officials, and the civil society organization work team have been improving good relations and collaboration in order to seek solutions to the issue of destruction of natural resources and to enhance effectively indigenous people's rights and livelihoods.

Phnom Penh, 22 August 2013

Reported by

- Members of Indigenous Peoples and Forestry Network,  
Facilitated by the NGO Forum on Cambodia
- Community Legal Education Center (CLEC)
- Development and Partnership in Actions (PDA)
- Cambodian Youth Action (CYA)
- Action for Research and Development (ARD)

## Appendix

### Pictures of Activities



Group discussion with indigenous community in Pukong village to collect information



Indigenous community in Pukong village and NGO work team visited production forestry area



Destruction of indigenous people's resin trees in the production forestry area





Chainsaw with Forestry Administration Logo and 800,000 Riels in cash



- Home
- News
- Overview
- Objective
- Justification
- Criteria
- Procedure
- Laws
- Profile**
- Contact Us

## Profile

### BENH HOEURK KRATIE RUBBER 1 COMPANY LIMITED

- Company identity
- Legal papers and right for investment
- Land area
- Location of land site
- Coordinates
- Purpose of investment
- Duration of contract
- Land utilization plan
- Progress of implementation after signing contract
- Measures of Ministry of Agriculture, Forestry and Fisheries

#### Company Identity

**Name:** BENH HOEURK KRATIE RUBBER 1 COMPANY LIMITED  
**Nature:** Foreign Company  
**Address of Local Office:** # 92, Street Norodom, Phnom Penh, Cambodia  
**Name and Nationality of Director:** Mr. PHAN SI BINH, Vietnam  
**Company Registration:** Registered

#### Legal Papers and Right for Investment

- Proposal By **BENH HOEURK KRATIE RUBBER 1 COMPANY LIMITED** dated on 15, October, 2010
- Letter No. 1302 SCN dated 12 November 2010 by Council Minister.
- Letter No. 45 SBT dated 01 April 2011, Royal Government of Cambodia.
- Anukret No. 55 ANK.BK dated 25 March 2011, on permission for providing land concession 10,000 hectares located in Keo Sey Ma in Mondulkin.
- Signed contract with Ministry of Agriculture, Forestry and Fisheries on 24 October 2011.

#### Land Area

8,926 hectares

#### Location of Land Site

Keo Sey Ma District, Mondul Kiri Province

#### Coordinates

A:X: 691799-Y:1364923, B:X: 692822-Y: 1364849, C:X: 695988-Y: 1361198, D:X : 700056-Y: 1358720, E:X: 700361 Y: 1357516, F:X: 692260-Y: 1354294 , G:X: 681949-Y: 1359449, H:X: 681949-Y: 1360600

#### Purpose of Investment

Rubber Plantation.

#### Duration of Contract

70 years (Seventy Year)

#### Land Utilization Plan

**KINGDOM OF CAMBODIA  
NATION RELIGION KING**

**I, Vanna Khvoek, Representative of Pukong Village Community**

To

**Excellency Eng Bun Heang**

**Governor of the Monduliri Provincial Governing Board**

**Subject:** Request for interventions to prevent a group of fraudulent people who have felled resin trees of indigenous communities in Pukong village.

I, representative of Pukong village community, am concerned and would like to inform **Excellency Governor** that a large number of community resin trees in the Pukong village, Sre Preah commune, Keo Seima district, Monduliri province are currently being destroyed by a group of fraudulent people of Oknha Ol. This has significantly affected people's livelihoods. DPA has supported and coordinated collective registration of indigenous people's land in Sre Ampil village, and its statute has been recognized. The registration of indigenous communities as legal entities and demarcation of village boundaries as well as mapping of key land use of the whole Sre Ampil village has also been completed.

Therefore, please, **Excellency Governor**, take measures to prevent and intervene in the destruction of resin trees.

Please, **Excellency Governor**, accept our highest esteem.

Sre Ampil, 25 June 2013

Head Pukong Village Community

*[Thumbprint]*

Vanna Khvoek

To Mr. Sin Vannvuth: Please work out with the companies that affected people's land.

*[Signature & Stamp]*

**Eng Bun Heang**

**KINGDOM OF CAMBODIA  
NATION RELIGION KING**

**Mondulkiri Provincial Administration  
Keo Seima District Administration  
No. 273 SSM**

Keo Seima, 27 June 2013

**To**

**Oknha Soeng Sam Ol, President of the Company Collecting Wood in the Area of Economic Land  
Concession of Benh Pheud (1) Company**

**Subject:** Cutting and collection of wood in the economic land concession area of the Benh Pheud (1) Company.

**Reference:** - Request by the representative of the Pukong village community dated 25 June 2013 requesting HE Provincial Governor to intervene in and to prevent felling of people's resin trees.

- Note by HE Eng Bung Heang, Provincial Governor, dated 25 June 2013, requesting Keo Seima district governor to settle and coordinate.

Based on the subject and reference above, I kindly inform you that currently a small number of fraudulent people have cut down many resin trees of the Pukong village community and trees outside the boundaries of Benh Pheud (1)'s ELC area, which affects people's daily livelihoods and causes significant grievance.

Therefore, please, Oknha, instruct the workers who cut trees to avoid affecting people's resin trees and please find an appropriate solution with the owners of the resin trees that have been felled.

*Please, Oknha, accept my sincere respect.*

Governor of the District Governing Board

*[Signature & Stamp]*

Sin Vannvuth

Cc:

- Mondulkiri Provincial Administration
- Benh Pheud (1) Company
- Pukong village community
- Jakja village community
- Sre Preah commune chief
- Sre Chhouk commune chief  
(for information)
- Documentation