

វេទិកាសម្រាប់ការងារមិនមែនរដ្ឋាភិបាល ស្តីពីកម្ពុជា
THE NGO FORUM ON CAMBODIA

May 30, 2005

Samdech Hun Sen
Prime Minister
Royal Government of Cambodia

Dear Samdech,

Ref:

- Speech by Samdech Prime Minister at the National Forum on Land Management, Oct. 18, 2004.
- Letter of Samdech Prime Minister to His Majesty Samdech the King, February 24, 2005.
- *PM Reverses Freeze on Land Deals*, The Cambodia Daily, March 15, 2005.
- *Hun Sen Praises Pheapimex Land Concessions*, The Cambodia Daily, March 18, 2005.

In the spirit of mutuality and respect, NGOs humbly request Samdech's resolve to solve the growing land conflicts between economic concessions and rural farmers whose very survival depends on access to land and natural resources. We therefore would like to provide the suggestions of international and local NGOs, based on their knowledge and experience as development practitioners who are witness to the problems faced daily by rural villagers.

Please be assured that NGO's acknowledge the sovereignty and authority of the state. It is not our purpose to challenge that. NGOs accept that we are non-government, and thus must remain non-partisan. Our interests lie in working constructively with communities, authorities, departments, ministries, donors, private sector and government for the development of the nation through the fulfillment of the Cambodian Millennium Development Goals, and the realization of the International Covenants of Human Rights and poverty reduction.

We are encouraged by Samdech's referral to the implementation of public law, the needs and rights of the people and the good will of the Wuzhishan Company. We also acknowledge the recent public meeting on the Pheapimex/Wuzhishan land conflict led by the provincial government of Kampong Chhnang as a step toward the type of collaboration we seek.

It is therefore from this basis and on these common goals for the common good of all Cambodians that we engage Your Excellency Samdech in dialogue on how government and non-government agencies together can achieve:

- The right for people to continue their livelihoods through sustainable access to, and management of their natural resources.
- Compliance with Cambodian law and progressive measures to ensure local participation in land management policies.
- Transparency in all land management policies and processes to provide for accountability and to ensure that transactions are executed in a fair manner.

NGOs recognize the potential benefits economic concessions may have for the development of Cambodia. However, to ensure that land management policies work for the good of all Cambodians, we believe that the process of granting and exploitation of economic concessions must be consistent with existing Cambodian law. Thus, in accordance with the sentiments of Your Excellency Samdech's October 10, 2004 speech at the National Forum of Land Management, we respectfully request more effective enforcement of Cambodian law by ensuring:

1. Lands granted for economic concession are limited to registered State private property, and do not encompass areas used by people in their daily lives, indigenous lands, or monastery property: Articles 20, 28 & 58, Land Law.
2. Environmental Impact Assessment Studies are undertaken with the open participation of the public prior to the granting of any concession, and made publicly available: 1996 Law on Environmental Protection and Natural Resource Management, Chapters 1-7.
3. Economic concessions do not exceed 10,000 hectares; and any single concession, or number of concessions owned or controlled by a single entity, which exceeds this area limit be immediately reduced: Article 59, Land Law.
4. Economic concession agreements are publicly registered with the Ministry of Land Management, Urban Planning and Construction, and specify the amount paid to the Government. Articles 51 & 53, Land Law.
5. Concessions are revoked for any concessionaire who fails to comply with the terms of the concession agreement or Cambodian law. Article 55, Land Law.

While we expect, at a bare minimum, compliance with the above, we hope that further steps will be taken to ensure that the development of Cambodia's resources does not come at the expense of its rural inhabitants. In particular, we are concerned that the continued issuance of economic concessions deprives communes of access to resources which their livelihood depends upon, and of land which could be used for social concessions, which their growing populace may require. While the Government's Rectangle Strategy states, "the Royal Government will create a favorable environment conducive to private sector participation in the agriculture sector enterprise by accelerating the distribution of land and the issuance of secure land titles within the framework of social land concessions, particularly in rural areas," we have seen little progress in the granting of social land concessions. Instead, we have seen quite the opposite: rural communities dispossessed of their lands by the granting of large economic concessions to private companies. The shortcomings of this system have been amplified by the growing unrest and sporadic violence in some communities. In an effort to remedy this situation, and prevent future problems, we hope that the Government will provide the following:

1. A moratorium on new economic concessions and a stop to the implementation of existing economic concessions until the government has facilitated participatory land use mapping and planning in which boundaries between private land and state land are clarified.
2. A public participatory process whereby local communities are made aware of, and actively participate in all land management policies which may affect their livelihood or community growth.
3. Education programs which inform communities of their rights and responsibilities under the law, and of their roles in the development of sustainable agricultural and forestry projects.
4. Social impact assessments and economic impact studies are carried out by independent consultants for all existing land concessions, and prior to the grant of any new land concessions. These assessments and studies should be publicly available and interested parties should be encouraged to participate in their development.
5. Distribution of state private land in the form of social concessions and reservation of state private land for future distribution to communities as their populations increase.
6. Open, fair, and protected grievance and dispute resolution procedures for anyone affected by land development policies.

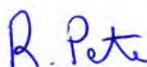
7. Freedom of information legislation to create transparency and accountability in the development of land concessions.

We hope that these suggestions are responsive to Samdech’s statement of “ensuring a sustainable and equitable economic growth”; for without a comprehensive social development plan, economic development policies will do little to alleviate poverty in Cambodia. Social and economic concessions must be linked with supportive rural development programs, and all records must be transparent to create accountability in the administration of land. It is our sincere belief that social concessions, linked with improved social services and rural infrastructure development, can contribute more to the development of Cambodia than logging, agricultural, and other economic concessions. The rural communities are willing and able to make lands productive; it is our task—NGOs, IOs, the Government, and private sector—to constructively support their efforts and ultimately reduce poverty in Cambodia.

We humbly request that Samdech take the above information into favorable consideration, that justice may be done, and so that the people will face a brighter future.

Please accept, Samdech, the assurance of our highest regard.

Sincerely,



Russell Peterson
Representative
NGO Forum on Cambodia



cc. His Majesty Samdach Preah Barom Neath
Norodom Sihamoni
The King of Cambodia

cc: Senate
National Assembly
Ministers Council’s Office
Ministry of Interior
Ministry of Land Management, Urban
Planning and Construction
Ministry of Agriculture, Forestry and
Fisheries

Ministry of Environment
Forestry Administration
Ministry of Rural Development
Ministry of Woman's Affairs
Provincial Governor Pursat
Provincial Governor Kampong Chhnang
NGOs