**Joint Statement**

**on**

**Issues and Concerns over Serious Impacts Related to   
Governance of Natural Resources ​**

**Phnom Penh, 7 December 2012**

We, approximately 300 representatives from Battambang, Kampong Speu, Takeo, Banteay Meanchey, Uddor Meanchey, Pursat, Rattanakiriy, Mondulkiri, Phreah Vihear, Koh Kong, Stung Treng, Kampong Thom, Kampong Cham, Kampong Chhnang, Siem Reap, Sihanoukville Municipality, Svay Rieng, Kampot, Kratie, and civil society organizations, including Cambodian Human Rights & Development Association ​(ADHOC), Advocacy and Policy Institute (API)​, Cambodian Human Rights Action Committee (CHRAC), Community Legal Education Centre (CLEC), [Committee for Free and Fair Elections in Cambodia](http://www.comfrel.org/eng/) (COMFREL), [Cambodians for Resource Revenue Transparency](http://www.google.com.kh/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCkQFjAA&url=http%3A%2F%2Fwww.crrt-cambodia.org%2F&ei=NbDAUM3rHIWUiQfO84HYCw&usg=AFQjCNF4Pj_XFj9SDg5LM4pRi2wFDVpsDw) (CRRT), Cambodia Volunteers for Society (CVS), Development and Partnership in Action (DPA), Gender and Development for Cambodia (GAD/C) [Housing Rights Task Force](http://www.hrtfcambodia.org/) (HRTF), [Indigenous Community Support Organisation](http://www.icso.org.kh/) (ICSO), ​ [Khmer Youth and Social Development](http://www.iknow.com.kh/businessDirecnew/business_detail.php?companyid=2640), (KYSD) Life with Dignity (LWD), Star Kampuchea, NGO Forum onCambodia, Vigilance, World Vision Cambodia (WVC), Youth Resource Development Program (YRDP), and other civil society organizations in Cambodia would like to make a Joint Statement stemming from the issues identified in the 7th Annual National Advocacy Conference on “Working Together for Good Governance on Land and Natural Resources in Cambodia” held on 07 December 2012 at the Imperial Hotel.

We, as the communities and civil society organizations from all provinces above in Cambodia compliments the efforts by the Royal Government for good governance of land and natural resources in Cambodia. The 7th Annual National Advocacy Conference raises to raise the issues and recommendations, which reflect the great concerns over serious impacts as follows:

**1. Extractive Industry**

Extractive industry is a sector from which the Royal Government of Cambodia has been receiving important revenues for national eonomic development, but Cambodia has not been prepared for development of this sector yet. At present, the legal and technical frameworks are limited making it difficult to manage this windfall revenue. In contrast, extractive industry has caused negative impacts on the environment through use of chemicals, resulting in losses of water and soil quality, agricultural products, human and animals’ health. Communities ​have not received information and prior, comprehensive​​ consultations on decisions on mineral resource development projects, leading to violation of human rights, in particular, those of indigenous people.

* **Achievements by the Royal Government**

The Royal Government is drafting a number of laws to manage extractive industry, has developed some infrastructure in mining development areas, and has received a small number of compensation for communities affected by mining exploitation.

* ***Recommendations for the Royal Government***

1. The process of environmental impact assessment must have full participation of the public, and there should be notification at least one month in advance
2. Establish an inter-generational fund for the revenue from petroleum, mines, and gas with management by an independent commission, and there should be regular public dissemination of information on use of the fund.
3. Build technical capacity for Cambodians on extractive industry.
4. Strengthen better law enforcement on extractive industry.
5. Implement the Law on the Access to Information, and make information on extractive industry, including revenues, expenditure, contracts, and licenses, etc. publicly available.
6. Avoid and end mining concessions that affect the land of indigenous communities or the land under the process of registration of communities’ collective land.
7. Amend The Law on Mineral Resource Management and Exploitation, and encourage consultations with the public on revising the Law and new laws related to extractive industry in accordance with an international standard.

***Recommendations for the Private Sector***

1. Make information on plans, agreement with the Royal Government, licenses, revenues, and expenditures publicly available.
2. Implement requirements officially agreed upon and provide full compensation to affected communities.
3. Establish a social fund ​​ for community development projects and provide appropriate occupations.
4. Provide opportunities for comprehensive participation by communities and civil society in mineral exploration.

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***Recommendations for Development Partners***

1. Continue to provide financial support and technical capacity building, legal framework, and mineral exploitation for communities.

2. Indigenous People

Study and identification of indigenous people across the country has not been fully completed yet. There is a lack of awareness raising on the process of self-identification and registration of collective land, in particular, indigenous communities in areas where self-identification has not been conducted. Participation and awareness from local authorities on identification of indigenous people is limited. The process of provision of indigenous identity by the Royal Government is slow. The priority of collective indigenous land registration is determined after registration of private land. Further, indigenous communities were persuaded to accept private land ownership.

* **Achievements by the Royal Government**

The Royal Government has been assessing and registering communities as legal entities and collective land, produced legal documents for temporary protection of indigenous land, developed national policy on indigenous development, and established technical working groups, such as the Ministry of Rural Development, the Ministry of Interior, the Ministry of Land Management, Urbanization, and Construction, and the International Labor Organization.

* **Recommendations for the Royal Government**

1. Encourage and expedite collective land registration for indigenous communities in order to ensure the sustainability of the right to use land and natural resources, and to maintain indigenous people’s tradition and customs. ​
2. Respect and recognize the tradition and culture, which assures indigenous people’s rights and maintains their traditions and customs.
3. Widely disseminate the process of collective and private land registration.
4. Review companies that have already received economic land concession affecting communities’ land and forest, and return them to communities.
5. Provide information and conduct prior consultations with indigenous people on all development projects.
6. Pay appropriate and acceptable compensation to indigenous people who are affected by development projects.
7. Adopt the Law on Access to Information in order to enhance participation and the right to decision making on national development.

2. Forestry

Economic land concession overlaps community forestry and protected area communities. Some local authorities do not support community forestry, and some registered communities do not receive support from local authorities either. The procedure of preparation of community forestry is complicated with significant cost and delay. There has been clearance of community forestry and tree felling in the territories of community forestry by some powerful people, traders, and economic land concessionaires. Army barracks have been built on community forestry that has already been agreed with the Royal Government, such as: the cases of Dong Beng community, Andoung Bor, Rumduol Veasna, and the forestry salvation community in Uddor Meanchey. There has been intimidation against forestry activists by some companies, traders, and officials. There is financial shortage for supporting community forestry.

* **Achievements by the Royal Government**

Communities and NGOs working in the forestry sector recognizes the objectives of the Royal Government of Cambodia, in particular, reforestation of eroded soil by the Forestry Administration as indicated in the Joint Monitoring Indicators (JMIs). However, NGOs and civil society organizations are disappointed because “reforestation” includes plantation of rubber trees in economic land concessions, such as Acacia and eucalyptus trees.

Communities and NGOs highly appreciates demarcation of forestry boundaries and protected areas according to plans, but we deeply concerned over the rapid increase in the number of economic land concessions granted in protected areas, including the Bokor, Botum Sakor, Virak Chey, Oral, Boeng Per, Lumphat, Namlear, and Keo Seima.

As of November 2011, 130 areas of community forestry with a total land area of 141,031 hectares were approved by the Ministry of Agriculture, Forestry, and Fisheries. We congratulate this effort. However, NGOs and some communities have observed that the approval process of the Ministry of Agriculture, Forestry, and Fisheries has been slow and difficult, especially when compared with the process of granting economic land concessions; even members of the Technical Working Group on Environment and Forestry also recognizes this.[[1]](#footnote-1)

NGOs and civil society organizations recognize that the initiative to develop the road map of the national program on reduction of carbon emission due to losses of forest and eroded forest is more participatory than development of other forestry policies, giving opportunities for NGOs and civil society organizations to raise concerns and to contribute ideas. We also recognize that this road map structure allows NGOs and civil society organizations to have their representatives in groups that make important decisions.

* **Recommendations**

1. Revise the procedure for establishment of community forestry and expedite land granting for community forestry (identification of potential areas by the Ministry of Agriculture, Forestry and Fisheries.
2. Address impacts in a just and prompt manner.
3. Development must involve public consultations with the people as stipulated under legal standards.
4. Committee for Management of Community Forestry and people as well as local authorities must collaborate well with community forestry.
5. Disseminate the Laws on Forestry and Environment widely.

**4. Urban development, Resettlement, and Forced Evictions**

In the context of development of the Kingdom of Cambodia, a numnber of impacts arise from such development affecting people’s livelihoods, especially caused by eviction and resettlement. These issues include forced evictions without fair and just compensation, lack of prior, appropriate public consultations leading to losses of residential land. Eviction can lead to losses of daily occupations, children’s future, and indebtedness, losses of people’s assetts, affecting children’s emotion, and women, and ultimately resulting in people’s poverty. Moreover, due to resettlement, people face difficulties in receiving public services, such as: markets, schools, and hospital, etc. Lack of extensive information and consultations with the people on most development plans of the Royal Government has led to people becoming victimized as a result of violation of human rights, and inappropriate solutions by those development projects. In addition, we have observed that all eviction activities by competent authorities have always involved violence and intimidation. Some protesters were arrested by the authority and sent to court and put under detention, and tried unjustly. Solutions with compensation do not satisfy majority of the people, but they are obliged to leave their old settlement and move to a new settlement as required by the authority or the investment company without proper compensation. Some people were discriminated against by the authority during compensation. Sometimes, there were inactive demonstration caused by some competent officials, such as corruption and losses of responsibilities in the execution of duty to protect the people. As a result, these issues have led to losses of victimized people’s trust in State authority. ​​

* **Achievements by ​the Royal Government**

Along with these challenges, we have also seen some positive results from government’s development projects and policies in enhancing the beauty of some cities and urban areas, such as infrastructure facilitating people’s livelihoods, schools for people’s children’s education, hospitals, and health services (health centers, public and private hospitals) to meet people’s livelihoods, factories to give employment to the people, and buildings (condominiums, apartments, mansions, shopping centers, high-rise buildings, and modern centers.

* **Recommendations**

**For the Royal Government**

1. Implement systemic land registration for poor communities in provinces, cities, and capital cities and expedite granting land ownership to all people in the whole country.
2. Disseminate and consult extensively on development projects with people, especially the communities living in affected areas before approving an investment company.
3. All development must benefit in-place people in development locations.
4. Ensure independent and just judiciary, respect human, and end the use of judiciary to oppress the people who demand their land and housing rights.
5. End forced evictions, but carry out in-place development.
6. Immediately release from the prison the people who protested for land and housing rights.
7. End obstruction of non-violent activities by victims, e.g., petitions and requests.

**For donors:**

1. Continue to support all projects and activities to settle land and housing conflicts effectively. ​
2. Continue to collaborate with the Royal Government in systemic land registration and encourage the Royal Government to continue to address the requests and recommendations by victims.

5. **Land Registration, Land Conflicts and Implementation of Executive Order No. 001**

Although government’s old policies and new activities in recent land reform and Executive Order No. 001 are timely and laudable actions, to date we have observed that there have been some challenges in actual implementation and effective actions. For instance, land registration and land conflicts still occur and comprehensive solutions of the issue have not been possible yet. These challenges include the fact that the Executive Order No. 001 does not cover the areas of social land concessions, which results in the fact that solutions for people’s demand in some areas cannot be possible. Clearance of crops and land encroachment by companies still occur despite the government’s Executive Order No. ​001. Moreover, the work by a small number of youth volunteers who measured people’s land with dispute has not been implemented fully and according to concrete situation in compliance with the government’s Executive Order No. 001 yet.

Along with these challenges, we have also observed some progress in the issues above. Competent authorities have addressed the issues above. They have taken back some land from some companies and gave it back to the people. Some people who were not covered under the areas specified by the Executive Order No. 001​have also received land titles, which is satisfactory for the people and encourages more effective solutions. In some areas, after addressing land issues, the authorities also developed infrastructure for people in those areas.

**3. Requests or Recommendations**

**For the Royal Government:**

1. Address and measure land in disputed and problem areas rapidly.
2. Establish an effective mechanism to monitor and evaluate the work by youth volunteers and authorities in taking part in measuring and addressing land conflicts.
3. Develop ranking for use and grant social land concession to really poor, landless people.
4. Consult extensively with affected people and address issues in a peaceful manner and pay compensation at a price acceptable to affected parties. ​

**For donors:**

1. Monitor the implementation of government’s policies, especially the implementation of Executive Order No. ​001.
2. Continue to support the activities by civil society organizations and communities in their work in the land sector to ensure land safety and to contribute to reduction of people’s poverty.

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1. [↑](#footnote-ref-1)