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The NGO Forum on Cambodia

THE ASSESSMENT OF THE ECONOMIC LAND CONCESSION CANCELLATION

**CASE STUDY FROM
CAMBODIA'S NORTHERN PROVINCES**

Phnom Penh, Cambodia

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Acronym and abbreviation

ADHOC	Cambodian Human Rights and Development Association
CBO	Community Based Organization
CC	Commune Council
CDC	Council for the Development of Cambodia
DPs	Development Partners
ELC	Economic Land Concession
EIA	Environmental Impact Assessment
FA	Forestry Administration
FiA	Fisheries Administration
GPS	Global Positioning System
GIS	Geography Information System
MAFF	Ministry of Agriculture, Forestry and Fisheries
MEF	Ministry of Economy and Finance
MLMUPC	Ministry of Land Management, Urban Planning and Construction
MoE	Ministry of Environment
MoI	Ministry of Interior
NGO	Non-governmental Organization
NSDP	National Strategic Development Plan
NTPF	Non-timber Forest Product
PES	Payment Ecosystem Service
REDD	Reducing Emissions from Deforestation and Forest Degradation
RGC	Royal Government of Cambodia
RS	Rectangular Strategy
SLC	Social Land Concession
SEIA	Social and Environmental Impact Assessment
UN	United Nations
UNDP	UN Development Programme
UNFCCC	UN Framework Convention on Climate Change
WCS	Wildlife Conservation Society
WWF	Worldwide Fund for Nature

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Executive Summary

Ministry of Environment (MoE) and Ministry of Agriculture, Forestry and Fisheries (MAFF), are subordinated institutions of Royal Government of Cambodia, had granted economic land concession (ELC) and forest concession to private companies since 1995.

Large scale investment in agriculture and agro-industrial crops is part of government strategies focusing on economic growth. According to the 2001 Land Law, land concession can be granted for social or economic purpose. Only private state land can be granted as land concessions, and the area of one concession is not allowed to exceed 10,000 ha. One person or legal entity is allowed to hold several concessions, but the total area does not exceed 10,000 ha. A land concession is a long-term lease that can be granted for a maximum duration of 99 years, and concessions for economic purposes cannot lead to ownership of the land. Concessionaires of ELCs are allowed to clear the land in order to evolve agro-industrial cultivation.

Following to the analysis and four case studies, number of active ELC under MAFF's authority and MoE had about 229 companies with total land of 1.53 million hectares across Cambodia. The number of ELC cancellation about 34 companies (11 companies under MAFF's authority and 23 companies under MoE). The public accessing to ELC information and legal documents were very low transparency. Reflected to human rights, affected community from ELC granted could not access to information and were not fully participated in the decision-making process. Some ELC companies were not compliant to the legal requirements of Cambodia law such as EIA, land conversion, land registration, illegal logging, and overlap land boundary with communities, etc. Most of granted ELC were in forest land and protected areas. The compensation of ELC companies to communities were not acceptable because of lower market price or smaller land size, less fertilizers, and losing natural forest. Most of ELC cancellation did not follow the rule of Cambodia law and contribute to illegal logging as well as human rights abuse.

Recommendation

For concerned ministries of Royal Government of Cambodia

- a. Strengthen and enforce legal compliance of each ELC company related to public state land conversion, social and environmental impact assessment (EIA), private state land registration with MLMUPC, illegal logging around area of ELC grant, etc.
- b. Independent firms/companies for conducting Social and Environmental Impact Assessment (SEIA) should be screened and quality assurance recognized by Ministry of Environment (MoE). Affected community, NGOs, CBOs and other stakeholders should be meaningful participated, consulted, negotiated and inclusive at all steps of EIA process. Ensure that result of EIA should be accessed publicly, public hearing, understandable among local people language, local information board where nearby projects grant area as well as post on website.
- c. Following the new contract and master plan of each company, government ministry should be continuous strictly monitoring, review and evaluation annually performance. Provide opportunity the affected community to involve the process of annual performance evaluation and provide evident/inputs to support the decision making process.
- d. Land dispute between community and private companies should be address in prior to clear the forest. All clearances of land and forest should be approved by MAFF in advance.
- e. Traditional land occupied by indigenous community and heritage area should be mapped and demarcated for future planning and conservation purpose. The land concessions should not be granted on or near these areas.

- f. To avoid different interpretation of all stakeholders; particularly, NGOs versus Governments agencies on ELC statistic, The Ministry of Agriculture, Forestry and Fisheries should update and complete its list of active economic land concessions and forest concessions with full information, including the progress of the operations, and make it publicly available in timely manner. The list should include full company profiles, information of ownership, shareholders, parent company, and contact details of companies' local offices (including offices in the home state, where applicable), concession fees paid, and revenue generated from the concession. This information should be available in both Khmer and English.
- g. Following the suggestion of affected communities, ELC cancellation should be granted to landless households and poorest family for agricultural production purpose and income generation through existing government mechanism. Some remaining forest area from ELC revocation should be kept for forest conservation area or forest and reforestation. Concerned ministries should be provided technical support.
- h. The environmental degradation, soil erosion, social and economic impact, ecosystem and biodiversity lost due to illegal performance and activities of ELC company should be properly compensated and legal intervention.

For Economic Land Concession Companies

- a. Standard of corporate social responsibility (CSR) should be applied for all companies. Resettlement should be fully consulted with affected people and respect to the standard of human rights and basic need. Standards of free, prior and informed consent (EPIC) should be rigorously applied when consulting with all indigenous peoples.
- b. In contribution to poverty reduction policy of government, ELC company should employ more local community to work with company in appropriate labor fee/salary. The condition of employment should be follow the rule of labor law.
- c. All surrounding communities should be accessible new road and refrain from blocking transportation within the boundaries of the concession.
- d. Concession companies should be providing social benefits such as health services, educational opportunities and environmental protection measures as well as contribute for community development activities.

For NGOs/CSOs

- a. Keeping informed and sharing information on potential impact on local livelihood to affected community and providing technical and legal support as necessary.
- b. Following rule of new environmental and natural resource code, promote and strengthening public consultation on ELC development, EIA, legal compliance, and other legal requirements of active companies for better agro-industries development and improvement of local livelihood to contribute poverty reduction in Cambodia.
- c. Promote awareness raising and capacity development to local communities on human rights, legal framework, land rights, land registration process, advocacy strategy and other necessary.
- d. Following the EIA report and other source information about ELC Company, develop summary sheet/ IEC material for dissemination to affected community for their information.

I. Introduction

Ministry of Environment (MoE) and Ministry of Agriculture, Forestry and Fisheries (MAFF), are subordinated institutions of Royal Government of Cambodia, had granted economic land concession (ELC) and forest concession to private companies since 1995. Based on ELCs database showed that the total number of ELCs companies were rapidly increased between 2003 and 2012¹. However, these were decreased between 2013 and 2015 after the RCG issued directive # 001 according to in-depth land reforms, which had been executed by Ministry of Environment, Ministry of Agriculture, Forestry and Fisheries, and Ministry of Land Management, Urban Planning and Construction, etc.

The RGC's land reform programme focuses on the measurement and evaluation in order to strengthen land management, land distribution, and land use, to ensure the security of land ownership, to eradicate illegal land holding, and to prevent concentration of unused land in few hands. The programme is also the crucial factor for the increasing of agricultural land allocation within the framework of granting social land concessions to farmers to enhance agricultural productivity and diversification, and rural poverty reduction². ELCs provided both positive and negative economic impact on community livelihood; particularly, indigenous peoples, who are living in and outside of ELCs.

In 2014, the National Committee for solving land dispute led by H.E Bin Chhin, Deputy Prime Minister was established. The committee aimed to review and conduct in-depth performance assessment to all ELCs companies across the country. The sub-working group and ELCs secretariat comprised of two ministries (MAFF and MOE) have been established to support the process of assessment and report back to the chairman for later decision-making. ELCs Secretariat also comprised of concerned general departments of government ministries including MEF, MAFF, and MoE, which played important role to review field performance of each company in 19 provinces. According to the council of minister in 2015 there were more than 162 ELCs companies were identified and conducted in-depth assessment. As result of the assessment, the council of minister decided to cancel 32 companies, which had not obligated according to the rule of law, agreement, and master plan. While most companies were required to adjust their agreements including master plan, land size, demarcation, solving the land dispute area, agreement period, etc. After ELCs cancellation in 2015, the government has not released any information or data related to status of ELCs cancellation; whether the land was granted as social land concession (SLC) for community livelihood, restoration of soil degradation, or keep for regenerate forest cover, etc.

Though, the government have continuously reviewed and led to cancel some ELCs, land rights still remain a major concern in Cambodia as former landholders were not entitled to the land return. Also, there were cases of land disputes between communities and concessionaires still have not addressed and community people were arrested because of protesting and few of them were brought to the court. Moreover, Kui indigenous communities in Preah Vihear affirmed that their traditional land had been encroached even though they had completed the first two stages of land titling and had been recognized by the Ministry of Interior³.

¹ NGO Forum on Cambodia, 2015

² MAFF strategic development plan 2014-2018

³ Special rapporteur of UN issued in September 2016

II. Objectives

The NGO Forum on Cambodia through the land and livelihood programme and its NGO network members have proposed an assessment on the cancellation of the economic land concession located in four target provinces (Kratie, Steung Treng, Ratanakiri, and Oddar Meanchey). The study has four specific below objectives.

1. Understand the type of land use and its location of downsized and cancellation from ELCs boundary;
2. Highlights the number of ELCs and land dispute cases arising and its impetus to improve the implementation of legal frameworks related to ELCs;
3. Identify of how ELC cancellation contributing to improve the livelihoods of local communities, and support poverty reduction mechanisms of the government;
4. Give recommendations to stakeholders- the government, the development partners, private sector and academics on mechanisms of ELC cancellation.

III. Key questions

To achieve above objectives, research team shall answer the **guidance questions** as following

- What are purposes of land using after ECLs cancellation and downsizing?
- Will new ELCs be granted?
- Will the land be kept to regenerate forest cover or for local people to support their daily livelihood?
- What types of ELC land have been downsized and cancelled from ELCs boundary?
- Where locations of land are have been downsized and cancelled from ELCs boundary?
- What are statuses of land dispute on the current ELCs?
- How many ELCs have been downsized and cancelled?
- What are mechanisms for better implementation of legal frameworks related to ELCs?
- How are ELC cancellations contributing to improve the livelihoods of local communities and support poverty reduction mechanisms of the government?
- What would be the best way to support key stakeholders to deal more effectively with the current ELCs cancellation?
- What are the need of communities for the government to use ELCs cancelation?
- Have communities aware about ELCs revoke?
- What benefit communities have been receiving from ELCs revoke?
- What are mechanisms of the government toward revoked ELCs while the forest had been logged?
- What are the situation of revoked ELCs?
- What are differences of compensation from ELCs within indigenous people versa without indigenous people living?

IV. Research Methodology

4.1 Desk Review

Desk-based research is the first phase of research methodology to review the existing documents related to land governance, land legislations, legal frameworks and indigenous people's rights in Cambodia. The reviewing documents included the land law and policies, government strategies, NRM law, forestry law, protected area law, sub-decree on economic land concessions, sub-decree on the procedure of registration of land of indigenous communities, policy on registration and rights to use of indigenous communal land in Cambodia, etc.

4.2 Field works and data collection

Follow to the ToR and agreed work plan with NGO Forum on Cambodia, the second phase of the assessment was the fieldwork in four target provinces (Kratie, Steung Treng, Ratanakkiri and Oddar Meanchey). The study employed several research tools in order to collect information such as a household survey, in-depth interviews with key informants, observation and focus group interviews to collect both **quantitative and qualitative data**. The study would generate four case studies of communities who had been affected on their livelihood by economic land concession companies. Affected communities living in target provinces were interviewed by using attached questionnaire.

The research was studied by consulting and discussing with key stakeholders including Official of government ministries (MOE, MAFF, MLUPC), local communities, NGOs, academies, NGO Forum Network members, Human Right NGOs, UN agencies, etc. The desk review and consultation with key stakeholders provided the researcher the idea on how to formulate assessment approach to achieve above research objectives.

V. Scoping and Limitation

Based on the TOR of research study, the research team should limit scope of work and information source as followings:

- Research team could obtain the total ELCs in four provinces through interview with government staff (MAFF, MOE) and NGOs but all ELC databases (whole data) would be not accessed as the government keeps it as confidential information. However, the research team had find another way to meet provincial departments of agriculture, forestry and fisheries, provincial departments of environment, provincial officers, national government officials and NGOs for access those data as well as via online wherever available.
- There were 4 case studies had be selected from four provinces (one each) based on desk review and in-depth interview. The case selection will be focused only ELCs cancellation in four provinces.
- At least **20-25 key informants** had been interviewed including MAFF, MoE, provincial departments, local authorities, academic researchers, community leaders, etc.
- At least **100 people** in target communes of four provinces (25 affected community representatives of each province) were interviewed for each case study, data analysis and recommendations.

VI. Overview on Cambodia Economic Land Concession Grants

6.1 Legal framework on economic land concession

The RGC has promoted large scale investment in agriculture and agro-industrial crops in Cambodia through granting of economic land concessions (ELCs), as part of its strategies focusing on economic growth in the agricultural sector. According to the 2001 Land Law, land concession is "a legal rights established by a legal document" that can be granted for social or economic purpose. Only private state land can be granted as land concessions, and the area of one concession is not allowed to exceed 10,000 ha. One person or legal entity is allowed to hold several concessions, but the total area does not exceed 10,000 ha. A land concession is a long-term lease that can be granted for a maximum duration of 99 years, and concessions for economic purposes cannot lead to ownership of the land. Concessionaires of ELCs are allowed to clear the land in order to evolve agro-industrial cultivation. Within twelve months after the concession was granted, the concessionaire shall operate based on the agreement.

In 2005, a sub-decree No. 146 on ELC was established to grant private state land through a specific

ELC contract to a concessionaire to use for agricultural and industrial-agricultural exploitation⁴. The 2005 sub-decree declared that an ELC may be granted only on a land that meets all of the following five criterias: (i) the land has been registered and classified as private state land in accordance with the sub-decree on state land management and the sub-decree on procedures for establishing cadastral maps and land register or the sub-decree on sporadic registration; (ii) land use plan for the land has been adopted by the provincial-municipal state land management committee and the land use is consistent with the plan; (iii) environmental and social impact assessments have been completed with respect to the land use and development plan for ELC projects; (iv) land that has solutions for resettlement issues, in accordance with the existing legal framework and procedures. The contracting authority shall ensure that there will not be involuntary resettlement by lawful land holders and that access to private land shall be respected and (v) land for which there have been public consultations, with regard to ELC projects or proposals, with territorial authorities and residents of the locality⁵.

A sub-decree No. 118 on state land management was created restricts ELCs to private state land. If the land is classified as public state land, the state must re-classify it as private state land before granting a concession. Sub-decree No. 118 establishes: the specific authorities and institutions responsible for identifying, classifying, converting, and registering state lands; provides a basis for inter-ministerial collaboration on determining the use and management of state land; and includes some procedures for public comment.

In May 2012, the directive 01 was issued by the Prime Minister of Cambodia to moratorium on the granting of new ELCs and called for a review of all existing ELCs to check their compliance with existing regulation. Based on directive 01, land titles have been provided to existing land occupants through the "leopard-skin" with the aim to allow communities to live side by side with the concession land and protected areas. Following the issuance of Directive 01, the number of newly granted ELCs have dropped dramatically between 2012 to 2015⁶.

In May 2014, there was a Joint Prakas of Ministry of Environment and Ministry of Agriculture, Forest and Fisheries to ELC strengthening and management. The objective of the Joint Prakas aims to improve the implementation and relevant technical aspects related to management of ELC in Cambodia in order to assure that all ELCs are used in sustainable development, transparency, accountability and effectiveness.

On 18 August 2014, the RGC through its decision No. 125 SSR to establish the inter-ministries to monitor, survey and evaluate of ELC consisting of concerned ministries, institutions and board of provincial governments.

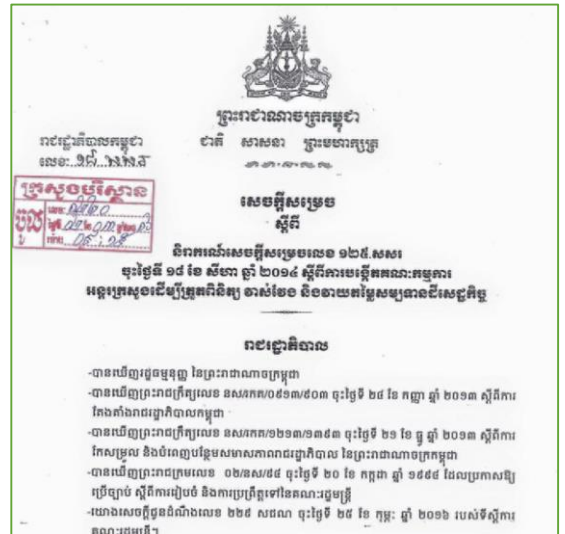
In November 2014, Minister of MAFF and Minister of MOE appointed working groups to conduct annual in-depth measuring, reviewing and evaluation of all ELC companies under MAFF, MoE, and provincial authority. Main tasks of working groups were to conduct field visit of each ELC area against master plan and contract agreement with ministries and provinces. The working group also review legal compliant, land dispute with community, technical issues, land titling, EIA, illegal logging and other legal performance. Then the result of evaluation from working group would submitted to ministers for review before submitting to council of ministers for further actions and final decision.

⁴ Article 2 of sub-decree 146 on ELC, 2005

⁵ Article 4 of sub-decree 146 on ELC, 2005

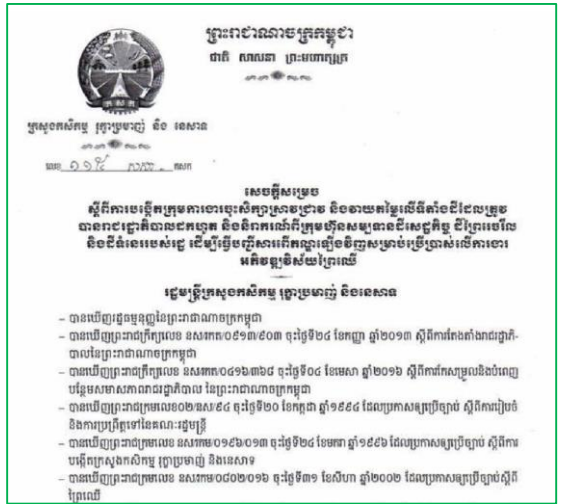
⁶ NGO Forum on Cambodia (2016). Statistical Analysis of Economic Land Concession in Cambodia.

In early 2015, the council of minister led by Deputy Prime Minister (H.E Bin Chhin) called for meeting with inter-ministries as result there were following notifications (Sar Chor Nar) showed that 23 ELCs under MoE authority and 12 companies under MAFF were revoked with total land areas of 90,682 hectares; 3 ELCs under MAFF gave back their land to government with total land areas of 25,855 hectares; 2 ELCs reduced land sizes and 138 ELCs were allowed to continue their activities and given specific timeline for resuming procedures based on the a company master plan and arranged a new contract with the government.



During the inauguration of new MoE office building on 25 February 2016, Prime Minister Hun Sen appreciated the inter-ministries committees' commitment that spent less than one year to complete ELC evaluation across Cambodia. PM recognized that the total land size of all ELCs were more than 2 million ha. The number was similar to total land size of ODC's ELC database, and also NGO forum's ELC analysis and statistic in 2015. After reviewing and revoked, the number decreased to about 1.9 million ha of ELC allowed to continue their contract agreements with strictly controlled by MAFF and MOE. Prime Minister also recommended that all revoked ELC would be converted to social concession for granting to poor people in the future⁷.

MAFF issued decision #115 on 06 February 2017, to establish a working group to conduct research and evaluation on the boundary of revoked ELCs, forest degradation, and state land inventory for future forest conservation. The working group had following roles and responsibilities i) incorporated with provincial authorities and other relevant stakeholders to evaluate revoked ELC, forest degradation, and state land inventory for future forest conservation; ii) facilitated relevant stakeholders to address land issues; iii) produced downsize boundary mapping, demarcation, land conversion, registration, which were recognized by local authority and other relevant stakeholders; and iv) proposed work plan for minister's decision making.



6.2 The situation of Economic Land Concession in Cambodia

6.2.1 ELCs under MAFF authority

In January 2015, H.E Eang Sophallet, MAFF ex-under secretary of state in charge for ELCs, raised that 71 ELCs companies covering a total land area of 656,380 hectares had been revoked and downsized because of those companies had broken their contracts with the government and did not respect Cambodia's Land Law. In 2012, Prime Minister called for temporarily suspend the issuance of new ELCs and review those granted ELCs; however, CSOs observed that some ELCs were on pipeline of investment principle did not cancel. The cancelled concessions were in Kampong Speu, Preah Sihanouk, Mondulkiri, Banteay Meanchey, Preah Vihear, Kampong Thom, Oddar Meanchey,

⁷ PM speech on 25 Feb 2016 (comments of PM)

Battambang and Kratie provinces⁸.

Based on sub-decree #69 dated 28 April 2016, MoE transferred 73 ELCs under MOE authority to MAFF while MAFF transferred 13 forestry protections and conservations and 05 protective forest areas to MoE. In article 2 of sub-decree #69 declared that forest area will convert into protected area and forest conservation area⁹.

ELCs data, number of companies, and land size of NGOs' database vs government's database were not consistent due to limitation of data availabilities, according to desk review. Based on the website of MAFF, during 1996-2012, MAFF signed ELC contracts with 118 companies covering a total land area of 1,204,750 hectares. NGO Forum's ELC statistical analysis report in 2015 and ODC database in 2016 reported of around 2 million hectares of ELC located across the country. Currently, ELCs on the website of MAFF does not available¹⁰.

During gathering meeting of ELCs companies on 21 July 2016, H.E **Veng Sakhon**, Minister of MAFF expressed in his speech that *"by the first semester of 2016, the Royal Government of Cambodia had approved investment principle of 223 companies. These ELCs were under MAFF and MoE authority"*. Regarding to this numbers, government officials explained that *"ELCs were under provincial authority (less than 1000 hectares) given back to MAFF in 2016 (around 34 ELCs companies) and transferred from MoE through sub-decree #69 about 73 ELCs companies. Until now, ELCs under MAFF authority increased about 229 to 230 companies. However, he did not tell us about the update of total ELCs land size, land classification, land revocation, downsize, etc. He added that Inter-ministries led by Deputy Prime Minister had been conducted ELCs review about 224 ELCs companies (missing 05 companies in Kratie) but he did not know the reason of missing"*. Deputy Directors of provincial department of agriculture raised that *" he did not well aware of ELCs number in Cambodia even these were under their authorities"*. National government official who has involved in ELCs assessment explain that *"MAFF leaders have not allowed any staff to release data of ELCs to public or to any NGOs without approval from Minister or leaders"*¹¹.

H.E Veng Sakhon, Minister of MAFF also added that *"there were 111 companies signed contract with the Ministry of Agriculture, Forestry and Fisheries and there were 7 companies have gotten investment principles from the RGC without contract signing yet, 32 companies have gotten less than 1,000 hectares of land areas, and 73 companies signed contract with the Ministry of Environment"*. The ELCs granted to the 223¹² companies are located in 18 provinces on a total area of about **1.59 million** hectares¹³. According to a media report, **1,934,896** hectares of ELCs were granted to a total of **230 companies**, of which 122 companies received licenses from MAFF to invest on 1,316,396 hectares of land, while others 113 got licenses from the Ministry of Environment, but 23 companies lost their licenses after failing to follow the investment contracts¹⁴.

⁸ <http://www.phnompenhpost.com/post-weekend/another-11-land-concessions-cancelled>

⁹ Sub decree #69, ANKR.BK, 28 April 2016, article 1, 2

¹⁰ Website of MAFF: www.maff.gov.kh/elc, 2015

¹¹ Interview with key government official in January and February 2017.

¹² ELCs in MAFF report that 229 ELCs under managing.

¹³ H.E Veng Sakhon's speech during gathering ELCs companies ceremony on 21 July 2016

¹⁴ Agency Kumpuchea Press 30 September 2015: <http://www.akp.gov.kh/?p=69494>

Table 6.1: ELCs issued by MAFF since 1996 to 2012 (other data from 2013-2017 not available)

Years	Number of ELCs issued by MAFF	Land size (ha)
1996-1999	7	44,124
2000-2001	6	408,404
2004	2	6,100
2005	8	67,580
2006	16	136,360
2007	05	32,185
2008	15	99,968
2009	16	117,785
2010	15	117,785
2011	24	185,576
2012	04	16,607
Total	118	1,181,523

Source: Forest Trend, 2015

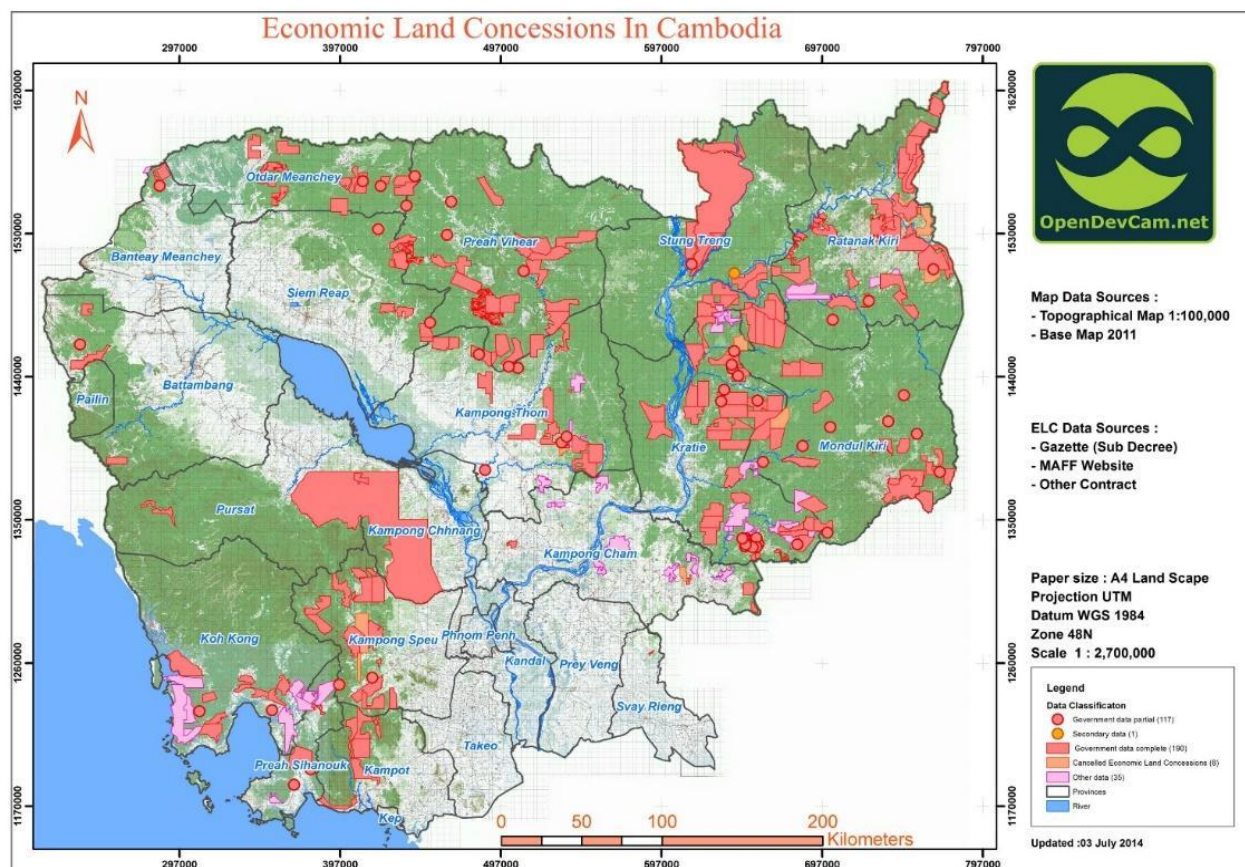


Figure 6.1: Economic Land Concession mapping in Cambodia based on ODC database

Source: ODC, <https://opendevelopmentcambodia.net/profiles/economic-land-concessions/> downloaded on 12 Dec 2016.

Based on research team verified the reliable data source in 2017, ELCs data of NGOs and ELCs data of government institutions particularly sub-national government of MAFF and MoE, the number of ELCs under authority of Ministry of Agriculture, Forestry and Fisheries and Ministry of Environment between **229 - 230 ELC companies** (about 1.59 million ha of landsize) across Cambodia while the NGOs data claimed of 257 ELCs (about 1.8 million ha).

In April 2016, former MAFF Minister H.E Dr Ouk Rabun raised that 1.4 million ha of ELCs located in 18 provinces throughout Cambodia have been granted to 173 companies. Mass media report that the Ministry of Agriculture, Forestry and Fisheries (MAFF) earned a total of around US\$5 million as state income from the economic land concessions (ELCs) in 2015¹⁵.

6.2.2 Status of ELCs under authority of Ministry of Environment

During inauguration of MoE building named "Morodok Techo", on 25 February 2016, H.E Say Sam Al, Minister of Environmental reported in his welcome speech that there were a total of **113 ELCs** companies (**646,296.75 ha**) under MoE authority had reviewed, measured and evaluated. According to the progress report of MoE (Sept 2013-April 2015) showed that **32 granted companies** of 113 ELCs submitted to inter-ministerial committees to review and sent to Prime Minister for decision making.

6.3 ELC cancellation and downsize under MoE authority

According to the report of MoE in 2015, there are **23 granted companies** (total land size 90,682 ha) under MoE authority were completely revoked by RGC and 03 ELCs (total land size 25855 ha) voluntary transferred back to government while 02 ELCs (total land size 10,389 ha) were downsized by government (to 235 ha) and other 04 granted companies were given deadline from 06 months to one year to continuous the necessary procedure and were under strictly monitoring of Ministry of Environment¹⁶.

The cancellation of ELC companies were welcomed by general public, NGOs, academy, national and international community particularly EU commission. Minister of Environment declared that "*the clearance (cancellation) of those ELCs are providing support to all concessionaires to avoid land disputes with Cambodia citizens. We also review legal aspect of companies and mandate of MoE before cancellation*". H.E Minister of MoE raised "land of ELC revoked are the special zone, tourist area, and mangrove conservation which located in Kampong Speu, Preah Sihanouk, Koh Kong, Preah Vihear, Kampong Thom, Mondulkiri, Ratanakiri, Oddar Meanchey, Battambang, Siem Reap, Kratie, and Banteay Meanchey. Furthermore reasons of ELC cancellation are longer delay of development, inactive investment and other areas are overlap with community land holders".

Table 6.2: ELCs cancellation and voluntary given back to RGC under MoE authority in 2015

No	Name of ELCs company	Land size (ha)	Location of ELCs		Remark
			Location	Province	
1.	BSC IMPORT EXPORT Co., LTD	4,557	Ronien Daun Sam Wildlife Sanctuary	Battambang	Sub-Decree no. 304, 28 November 2014

¹⁵ <http://www.akp.gov.kh/?p=79287>, 14 April 2016

¹⁶ H.E Say Sam Al 'speech during inauguration of new MoE building on 25 Feb 2016. Progress report of general directorate of local community 2016. <http://www.phnompenhpost.com/national/minister-says-23-elcs-nixed>

No	Name of ELCs company	Land size (ha)	Location of ELCs		Remark
			Location	Province	
2.	NEW COSMOS DEVELOPMENT (CAMBODIA), Co., LTD	900	Phnom Oral Wildlife Sanctuary	Kampong Speu	Sub-Decree no. 304, 28 Nov 2014
3.	JIAN KING (CAMBODIA) INTERNATIONAL INVESTMENT Co., LTD	8,568	Kirirom National Park	Kampong Speu	Sub-Decree no. 304, 28 Nov 2014
4.	SUON VATANAK Co., LTD	585	Preah Monivong (Bokor) National Park and Kirirom National Park	Kampong Speu and Preah Sihanouk	Sub-Decree no.270, 9 October 2014
5.	CHAN RAT	63	Dong Peng District	Koh Kong	Sub-Decree no. 270, on 9 October 2014
6.	KASEKAM KHMER ANGKOR Co., LTD	9,160	Phnom Prich Wildlife Sanctuary	Mondulhiri	Sub Decree no. 304, 28 Nov 2014
7.	LKL CONSTRUCITON Co., LTD	5,559	Phnom Nam Lyr Wildlife Sanctuary	Mondulhiri	Sub-Decree no. 304, 28 Nov 2014
8.	RITHY KIRI SEIMA COMPANY	5,000	Snoul Wildlife Sanctuary	Mondulhiri	Sub-Decree no. 304, 28 Nov 2014
9.	VIMEAN SEILA Co., LTD	987	Ream National Park	Preah Sihanouk	Sub-Decree no. 270, 9 Oct 2014
10	SREY PAGNHA DEVELOPMETN Co., LTD	588	Boeung Per Wildlife Sanctuary	Preah Vihear and Kampong Thom	Sub-Decree no. 304, 28 Nov 2014
11	KHUNSHEA IMPORT EXPORT Co., LTD	8,200	Kulen-Promtep Wildlife Sanctuary	Oddar Meanchey	Sub-Decree no. 78ANK/BK
12	Blue Metro Co., LTD	350	Ream Eco tourism	Preah Sihanuk Vill	
13	Heng Bunnath Company	963	Ream Eco tourism	Preah Sihanuk Vill	
14	Sean Heng Investment Company	988	Ream Eco tourism	Preah Sihanuk Vill	
15	Sean Heng Investment Company	350	Ream Eco tourism	Preah Sihanuk Vill	
16	Paradise Investment Co., LTD	9,137	Botumsakor	Koh Kong	
17	Sam Nang Sambou	1,783	Banteay Chhma	Banteay Meanchey	

No	Name of ELCs company	Land size (ha)	Location of ELCs		Remark
			Location	Province	
18	FU SHENG HAI Co., LTD	7,079	Virak Chey	Ratanakiri	
19	JING ZHONG TAIN Co., Ltd	9,936	Virak Chey	Ratanakiri	
20	Investment and Development Dai Nam (Cambodia) JSC Ltd	8,685	Phnom Prich Sanctuary	Mondulkiri	
21	Do Well Plus Co Ltd	3,110	Phnom Prich Sanctuary	Mondulkiri	
22	BVB Cambodia Agriculture Development Co., Ltd	3,134	Kulen Mountain	Siem Reap	
23	Yee Jia Tourism Development Cambodia Company	1000	Oral	Kampong Speu	
Three ELCs voluntary giving back to Royal Government of Cambodia					
24	Try Pheap Import Export	9,079	Virak Chey	Ratanakiri	
25	MDS THMORDA S.E.Z Co., Ltd	9,146	Virak Chey	Ratanakiri	
26	Future Environment	1000	Oral	Kampong Speu	

Source: MOE 2015

Table 6.3: Two ELC downsize and four giving deadline of improvement under MoE authority

No	Name of ELCs company	Land size (ha)	Location of ELCs		Remark
			Location	Province	
Two ELC downsizes					
1.	Kirirom Eco Tourism Investment	609	Kirirom Eco Tourism	Kampong Speu	downsized to 20 ha
2.	TTY Agriculture Plant Development and Imex Co., Ltd	9780	Snoul Wildlife Sanctuary	Kratie	Downsize to 215ha
Four ELCs were giving deadline from 06 months to one year with strictly control by MoE					
1	EVERGREEN SUCCESS AND ASIA RESORT DEVELOPMENT CO., Ltd	1,480	Ream	Preah Sihanuk	06 months for adjusting master plan
2	Royal Group Co., Ltd	1,408	Ream	Preah Sihanuk	06 months for adjusting master plan
3	Jing Zhong Ri Co., Ltd	9,224	Lumphath	Ratanakiri	12 months for signing agreement
4	Cambodia Blue Heven Limited	9,129	Kulen	Preah Vihea	Allow to sign agreement on remain land size

Sources: MoE 2015

6.4 Updating Cambodia Protected Area under MoE authority

In 1993-1999, there were 23 natural protected areas including Ramsa area (total 3,194,796 hectares which equals to 17% across Cambodia) established by royal-decree under MoE authority.

After in-depth government reform in environmental and natural resource sector, **08** natural protected areas were created based on request from MoE. According to authority transfer, **13** forest protections and conservation areas of MAFF were transferred to MoE authority starting from 2016 with total 2,710,087 hectares. Currently, Cambodia has 45 protected area with 5,904,883 hectares equal to 32% of total Cambodia surface¹⁷.

6.4.1 ELCs grant within Protected Area under MoE authority

Ministry of Environment was known by public and some researchers to grant ELCs within protected areas. List of 73 ELCs companies issued under MoE authority was presented in the annex of sub-decree #69 during authority transfer between MAFF and MoE in 2016. According to Forest Trends International organization (in 2011) analyzed that there were 109 economic land concessions granted within 16 of the 23 protected areas which established by the 1993 royal-decree.

Even the government transferred all ELCs to MAFF but there were some investment companies (focused Eco tourism, Hotel, Resort) still under MoE authority. Based on the progress report of MoE in December 2016 reflected that MoE was still managing 15 companies (about **89,252.78ha**) in five provinces (Kampong Speu, Koh Kong, Preah Sihanouk, Pursat and Oddor Meanchey) where were located in protected areas.

Below, it was the updated list of companies under MoE's authority after transferred to MAFF.

Table 6.4: update 15 granted companies under MoE authority in 2016

No	Investment Company	Land size (ha)	Location	Agreement status	Master Plan Status
1	Sok Kong Import-Export Co.,Ltd	2,200	Kirirom, Kg Speu	Done	CDC has approved
2	JW Cambodia Eco Holidays	5,000	Botumsakor, Koh Kong	Ongoing	On going
3	A2A Town (Cambodia) Co.,Ltd	2,000	Kirirom, Kg Speu	Done	Review and approval by MoE
4	A2A Town (Cambodia) Co.,Ltd	7,668	Kirirom, Kg Speu-Preah Sihanuk)	Ongoing	Review and approval by MoE
5	Kirirom Eco Tourism Investment	20	Kirirom, Kg Speu	Not yet	Not yet prepare
6	EVERGREEN SUCCESS AND ASIA RESORT DEVELOPMENT Co.,LTD	1,480	Ream, Preah Sihanuk	Done	CDC is on process to revise master plan

¹⁷ <http://moe.gov.kh/> download on 26 December 2016 and MoE Mapping on protected area 2016

No	Investment Company	Land size (ha)	Location	Agreement status	Master Plan Status
7	ROYAL GROUP Co., Ltd	1,408	Ream, Preah Sihanuk	Done	Submitted to MoE for reviewing
8	SINOMEXIM Investment Co., Ltd	4,280	Botumsakor, Koh Kong	Done	Ongoing
9	UNION DEVELOPMENT GROUP CO., LTD	36,000	Botumsakor, Koh Kong	Done	CDC approved
10	Yeejia Development Company Ltd	3,300	Reap, Preah Sihanuk	Done	Review and revised by CDC
11	Sokha Hotel	18,987	Bokor, Kampot-SHV	Done	Approved by CDC
12	Yun Khean Mineral (Cambodia)	290	Bokor (SHV)	Done	Not yet
13	MDS Thmor Dar (Special Economic Development)	2,265	Samkoh, Pursat	Not yet	Not yet
14	Cam-Ag Import	4,350	Kolen Phnom Tep(OMC)	Not Yet	Ongoing
15	Heng Huot Import Export and Transport	4.78	Kirirom Kg Speu	Environmental Protected Agreement	Ongoing
Total land size of company under MoE authority		89,252.78			

Source: MoE Progress Report (22 December 2016)

6.5 ELCs cancellation under MAFF authority

Based on discussion with government officials and key government informant interview on some reasons of ELCs cancellation that those companies had not applied according to Cambodia's rule, committed illegal logging, broke agreement and master plan, had land conflict, did not willing to develop, had less fertilizer land, returned back, etc. Below, it is the list of ELCs cancellation by Council Minister.

Table 6.5: Update list of ELCs cancellation under MAFF authority in 2015

No	Name of ELC revoked	Land size (ha)	Location of ELC grant			Legal documents
			Commune	District	Province	
1.	IPD instant pro trading Co., Ltd.	987	Kbal Domrei	Sambo	Kratie	#674, on 18 May 2009
2.	CIV development Agro Industry	769	Pi Thnou	Snoul	Kratie	# 1710, 30 Nov 2007

No	Name of ELC revoked	Land size (ha)	Location of ELC grant			Legal documents
			Commune	District	Province	
3.	Harmony Plantation Co.,Ltd	623	Changkrang	Chethborei	Kratie	Letter of MAFF, 2721/277 , KSK. NPPK, 30 May 2008
4.	Huot Sambath Co., Ltd	6432	2 Thnou	Snoul	Kratie	#461, 18 March 2009, Sub decree #128, on 13 Aug 2009, Sub decree #188 , on 30 Oct 2009,
5.	SOK HENG Co.,LTD	7172		Sesan District	Stung Treng	Sub decree #432, 20 April 2010 Sar Chor Nar No 35, 09 Jan 2015
6.	UN INTER TRADING AND DEVELOPMENT GROUP	7000	Kbal Romeas,	Sesan District	Stung Treng	SD #900, 22 June 2009 Sar Chor Nar# 35, 09 Jan 15
7.	Can and Sugar Welly Co.,Ltd	6594		Samrong &Chongkal	Oddor Meanchey	#1475, 05 Oct 2007 , #84, on 21 Jan 2008
8.	Tonle Suggar Can Co., Ltd	6618		Samrong &Chongkal	Oddor Meanchey	#1475, 05 Oct 2007 , #84, on 21 Jan 2008
9.	Angkor Sugar Co.,Ltd	6523		Samrong &Chongkal	Oddor Meanchey	#1475, 05 Oct 2007 , #84, on

No	Name of ELC revoked	Land size (ha)	Location of ELC grant			Legal documents
			Commune	District	Province	
						21 Jan 2008
10.	HENG HEAB Investment Co.,Ltd	7000		O'Yadav	Ratanakiri	#1146, 25 July 2006; #194, 21 Feb 2012
11.	RESEARCH MINING DEVELOPMENT	7,200	Kbal Romeas,	Sesan District	Stung Treng	Sub decree #899, 27 June 2008. Sar Chor Nar No 35, 09 Jan 2015
Total land size		64118				

Source: Research team reviewing based on sar chor nar of Council of Ministers, 2015

6.6 Update ELCs reviewing in 2016

Follow to the recommendation of H.E minister of MAFF on 11 May 2016, by the end of 2016, six technical assessment groups for ELCs in the Ministry of Agriculture, Forestry and Fisheries would conduct annual review (2015-2016) in 18 provinces. There were **229 ELCs** reviewing and evaluating their performance based on their agreement and master plan. The Objectives of reviewing reflected on status of ELCs master plan implementation, state private land registration process, legal performance, and land conflict, progress made compared to baseline in 2014, challenges and suggestion¹⁸.

Based on the interview with government officials who had involved in the ELCs evaluation process, they expressed that "*legal process were applied by the ELC companies under MoE authority were difference from MAFF*". For instance, MAFF required all ELC companies had to submit letter of request to MAFF in prior for any clearance land and/or forestry. Then, MAFF had to review master plan, progress report, legal frameworks, master plan and contract agreement before issuance an official letter to ELCs companies. However, some ELC companies under MoE authority particularly foreign investors expressed that "they followed their master plan and agreement, so they could clearance land and forestry within their land border, the request letter will do later". However, some companies under MoE also process as same as process in MAFF's.

¹⁸ Result of interview ELCs group members during assessment 20-30 Dec 2016, Preah Vihear

VII Key Finding

Field surveys were conducted in January-April 2017 to review the situation of four case studies of economic land concession within four provinces. There were 103 affected community representatives interviewed and discussed on ELCs performance, forest management, land rights, land dispute, and their view on ELCs revoke. At least 45 government officials including local authorities, village chiefs and community leaders were consulted and debated on their role and responsibility on ELCs management under their authorities; particularly, land conflict resolution mechanism. At least four case studies on status of ELCs cancellation were generated to support this finding. The following statistical analysis were focused on the quantity of information and data from the field work.

7.1 The situation of land use and its location of downsizing and cancellation from ELCs boundary

7.1.1 Situation of ELC in Ratanakiri Province

The land and traditional livelihoods of indigenous people in Ratanakiri province were gradually increasing pressures from foreign agribusiness, agro-industries, land concession, and illegal forest logging. Ratanakiri with its rich of red volcanic soil, pristine rivers, abundant hardwood forests, and relatively low population has become the new frontier for proposed industrial plantations, hydroelectric projects, and logging concessions.

Ratanakiri province covers area of 1.16 million ha includes four main agro-ecological zones, where is the central plateau, hilly region, mountainous region and low land plains region. According to the interview affected IP communities in Yatung Commune, O Yadav District, ELC companies did not care about their livelihood and did not respect their traditional culture. Affected community declared that company cleared everything including their food without prior consultation while their food shared with natural forest. Community was regretted that evergreen forest lost by company investment. They also raised that companies did not want to invest on their land; they only want to log forest to Vietnam.

The area of ELC grant located within forest area where shared food of indigenous community. Traditionally, they always went to the jungle to collect non-timber forest products (NTFP), to do shifting agriculture, to grow garden rice (Srov Chamkar), and to celebrate ancestor believe. Due to increasing illegal logging, Jaray community had mobilized villagers to establish forest community with support from local NGOs. The community was recognized by local authority (commune). Due to complexity of legal process, the community did not register their forest community with MAFF. Anyways, community still actively defend their forest area against illegal logging.



Photo 7.1: Consultative meeting with affected community and local authority at O Yadav District, Ratanakiri Province

Following the consultative meeting with local people, local authority and provincial departments showed that 74% of respondents were aware of ELC investment in O Yadav district. However, most of affected community particularly Jarai community did not aware the information of granting area, investment purpose, compensation guideline, ELC boundary, and potential impacts on their livelihood. Furthermore community, local authority (commune level) had never involved or engaged in the process of granting ELC. A few national government officials also complained that companies did not well cooperation with them to provide detail information of companies such as forest land clearance, progress of plantation, EIA, land disputes, wood inventory, taxation, etc. According to affected community around ELC of Heng Heap declared that there were illegal logging from ELC company area to Vietnam during the time.

In article 04 of sub decree #146 on ELC requires all concessionaires respect to five principles including land conversion and classification as private state land; land use plan; environmental and social impact assessment; land that has solutions for resettlement issues; the contracting authority shall ensure that there will not be involuntary resettlement; public consultations, with territorial authorities and residents of the locality. Even though, the company did not follow the rule of law and the requirement of article 04 and article 05 of sub decree #146. Furthermore, Heng Heap was granted in the area where Tanang Temple of Jaray located (case study #1) when the law on environment and natural resource management did not allow to do so.

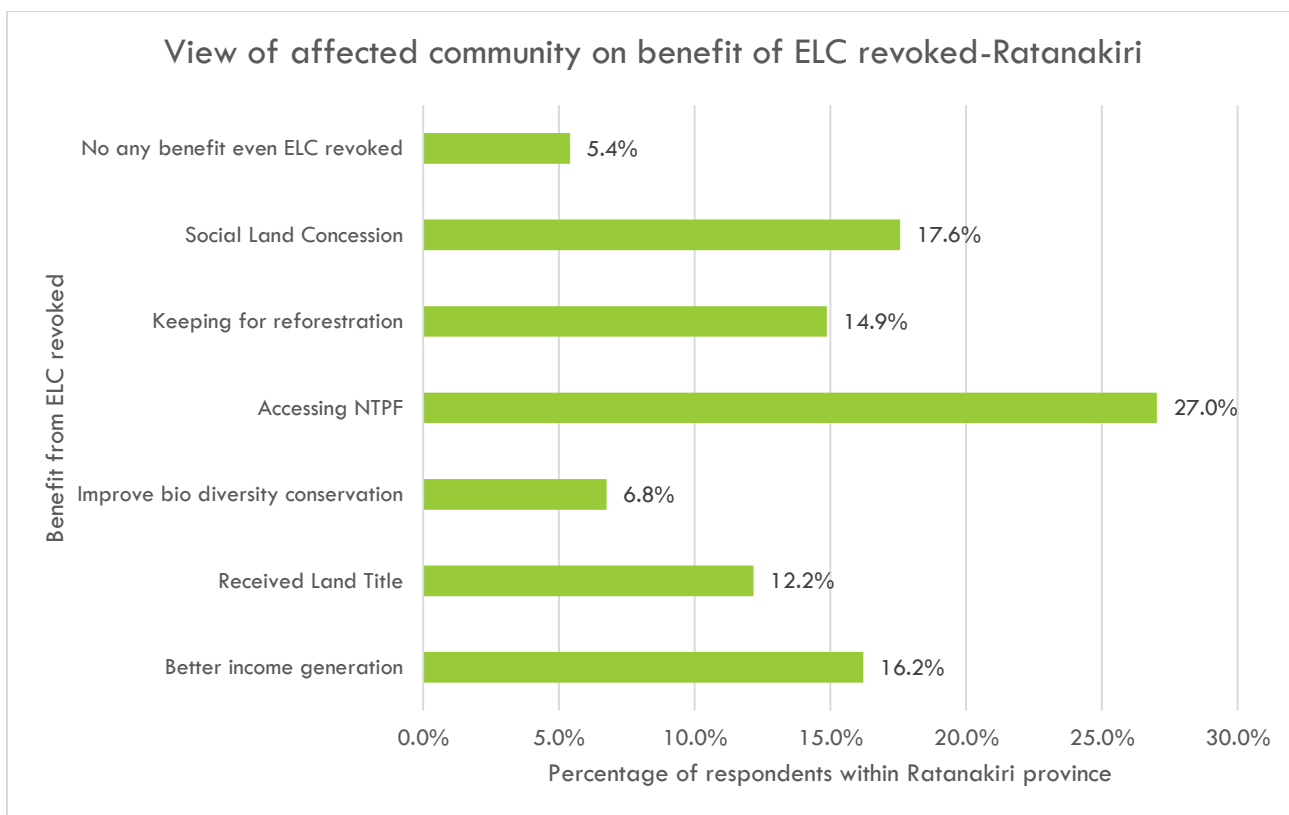


Figure 7.1.1: View of affected communities on benefit from ELC revoked at Ratanakiri

Following the interview with affected community people showed that the ELC revoked would provide them opportunities to access to NTFP where is available within remaining forest area in concession area (27%), while other 17.6% of community expected that government would grant those ELC area to community particularly landless households. 16.2% of respondents noted that since ELC revoked in 2015, affected people whose were involved in land disputes campaign against ELC company could save their times to grow agro-industry crop and traditional occupation such cashew nut, cassava, mango, honey harvesting, shifting agriculture and other alternative livelihood activities for income generating. Due to forest degradation and biodiversity lost, 14.9% of respondents indicated that ELC revoked area should be kept for reforestation in order to serve biodiversity and forest cover generation while other 12.2% of respondents expected that they would receive land title from governments through appropriate government mechanism after addressing all land disputes. Anyways, 5.4% of respondents complained that ELC revoked would not provide any benefits to community because company already cleared everything including their sources of food. They added that IP community's livelihood relied on natural forest and biodiversity for their income generation and daily food, but company destroyed all without compensation.

Case study No 01

HENG HEAP INVESTMENT CO.,LTD

JARAY Community “Our Food and Lives share with Natural Forest”

Rational

Ratanakiri Province is located in the Northeastern region of Cambodia covering an area of 10,782 km², and it is 588 km far from Phnom Penh via National Roads No. 6A, 7 and 78. Two major rivers, Tonle Se San and Tonle Sre Pork, flow through the province. The province is divided into 01 municipality and 08 districts comprising of 4 quarters, 46 communes and 243 villages. The provincial town of Ratanakiri is Banlung. The province is one of the poorest provinces in Cambodia; it is nestled on a highland plateaus, which is characterized by dense forest with cool weather. It riches of fertile red soil, which is potential for growing of cash crops. The province also has both cultural and natural resources, which offers a great opportunity for tourism development.

The ethnic minorities form about 75% of the total population, comprising 8 primary ethnic groups: Tampon, Kreung, Jaray, Pnov, Pnong, Kavet, Kachak, and Lun. Most of indigenous peoples' livelihoods are rely on non-timber forest products. The province also borders Vietnam, which is connected through O Yadav international border checkpoint where offers great potential for trade and investment.

The development of agro-industry crops such as rubber, cassava and cashew nut, corn, soya bean, etc. have been rapidly expanding due to high price and demand from both domestic and international markets. Based on provincial profile, 28 ELCs companies (173,668 ha) were investing on rubber plantation, eco-tourism and entertainment in 11 districts of Ratanakiri province. In few years ago, Ratanakiri experienced rapid development of conversion of vast area of forest to agriculture land. After revoking ELCs, there are 26 ELCs companies (16 ELCs are under MAFF's authority and 10 ELCs are under MoE's authority) operated in Ratankiri¹⁹.

Legal framework of Heng Heap Investment Co.,Ltd

Heng Heap Investment Co.,Ltd, was one of 32 ELCs revoked companies, located in Yatung commune, Ou Yadav district, Ratanakiri Province. Heng Heap Investment Co.,Ltd is a subsidiary company of Men Sarun company. It was granted by government for agro-industrial plantation through Sar Chor Nar No 1146 dated 25 July 2006 and No 194 dated 21 February 2012 of Council of Ministers²⁰. Based on authority delegation from Royal Government of Cambodia to MAFF No 128 dated 19 October 2006, the company was signed an agreement with MAFF on 31 July 2009 and got approval on their master plan on 26 October 2012 with total downsize of 5,667 ha.

According to evaluation report of MAFF's working group showed that this company did not compliant to some legal requirements such as EIA, no land conversion from public state land to private state land registration, lack of proper consultation with affected community; particularly, indigenous people living in the area. Follow Sar Chor Nar 626, on 08 June 2015, Royal Government of Cambodia decided to revoke the company and transfer all land size to MAFF and Ratanakiri governor to manage.

Company performed against agreement and master plan

The evaluation report of MAFF reflected that company had been delay its implementation accordance to master plan after clearance the land and forest. Prior to ELC grant, the area covered by evergreen

¹⁹ Interview Deputy Director of Ratanakiri Provincial department of agriculture, forestry and fisheries on 07 Jan 2017

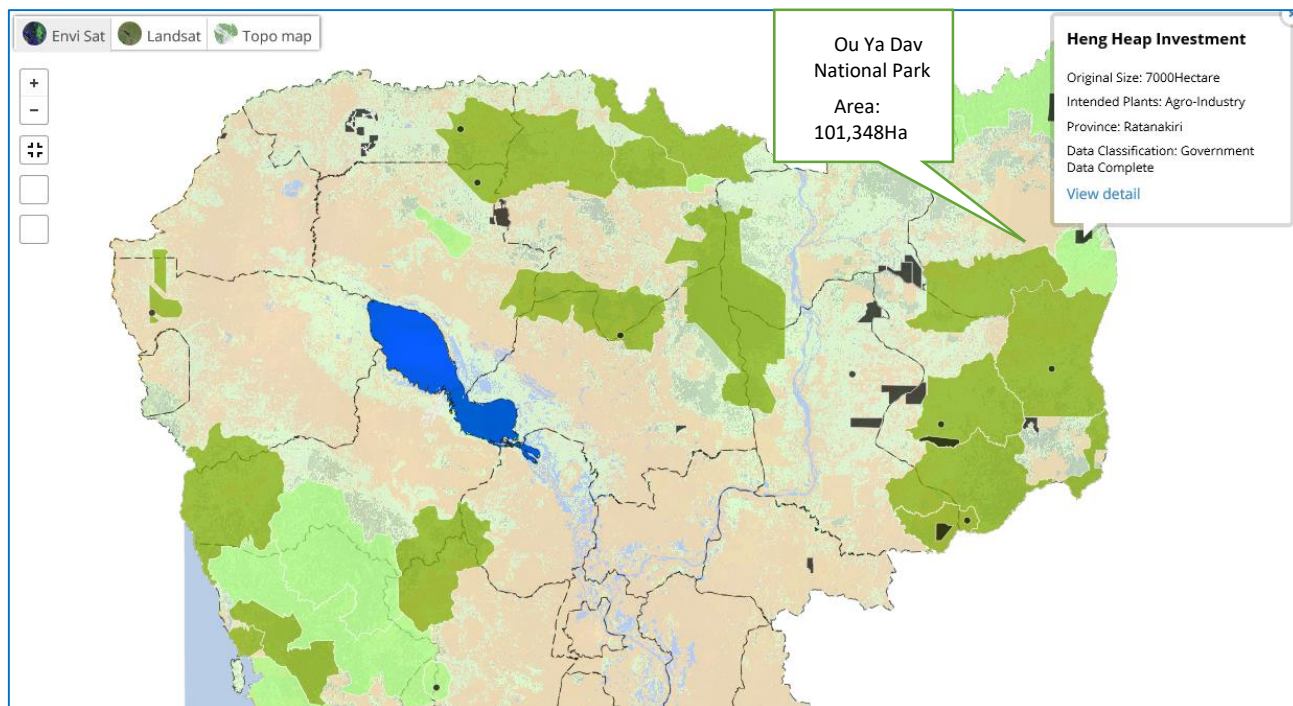
²⁰ Sar Chor Nar #626 on 08 June 2015

and semi-forest, where were community's livelihood. Government officials and community people complained that the company did not respect the rule of law, contribute to the illegal logging, abuse human rights, and create land dispute with IP communities.



Photo 7.2: Landscape of Heang Heap Investment Company, Yatung Commune, O Yadav District, Ratanakiri

Community also observed that company owner did not have commitment to invest on this land after clearance forest. Following the field survey, company planted in a small area of rubber and cassava along the stream and remain large area has not yet planted.



Print screen7.1: Boundary of Heng Heap Investment overlap boundary with O Yadav National Park
Sources: ODC interactive mapping (ELCs, Forest Cover 2009 and National Park), print screen on 03 Mar 2017

Land dispute with IP community

Jaray community had not aware the information of investment as company did not consult with them in prior investment²¹. The Jaray community did not support and they were disappointed with ELC grant within **evergreen forest** where community's livelihood rely on. **"Our food and lives shared with natural forest; they cleared everything and plant rubber instead"** community leader said. He added that *"I feel disappointed and very regret for ELCs investing within evergreen forest. This investment did not provide benefit to our livelihood, it destroyed natural forest and our traditional cultures"*.

Affected Jaray community group raised that they did not get any prior information about ELC investment within their location. Community was really surprised to see Heng Heap Company cleared their vast forest where they were sharing food and daily livelihood. *"They come and clear everything without prior notice at all; they do not respect our rights, traditional culture, and our livelihood"* Jaray community said.

Affected Jarai community pointed out that "before investment, this area was covered by evergreen forest where was the food of Jaray community through accessing natural resource, non-timber products, shifting agriculture, garden rice cultivation (Srov Chamkar), biodiversity resources, and traditional cultures; company left only 500m x 1000m for community forest and access natural resources. It is too small forest area that do not enough for us".

In 2013, Cambodia Daily released an article *"Ratanakiri Temple Now it in land concession"*²² confirmed that there was Jaray Temple named **"Tak Nang Temple"**²³ had constructed in many centuries ago where was situated within concession land of Heng Heap Investment Co.,Ltd. Company owner also aware this temple through information from provincial authority. According to the law dated 1996 on Protection of Cultural Heritage mention that *"any activity or construction work must stop where a heritage site is located until measures are taken for its protection"*²⁴.

²¹ Interview Jarai community leader at Yatung commune, O Yadav district on 08 January 2017

²² <https://www.cambodiadaily.com/archives/ratanakkiri-temple-now-in-land-concession-47779/>

²³ We can view TaK Nang temple by this link: <https://goo.gl/maps/g6n5f56hLGC2>

²⁴ Article 37 of law on Protection of Cultural Heritage 1996



Photo 7.2: Tak Nang Temple situated in Yatung Commune, O Yadav District, Ratanakiri Province.
Source: <https://www.google.com.kh/maps/>

Advocacy approach of community

At least three community gathering campaigns organized to defend and advocate for their land and forest lost. Jaray community tried to find other approaches to address these issues through engagement of NGOs, advocacy events related to IP rights, environment day, forestry and land governance both at local and national level. They also submitted the complaint letter to local authority and forestry administration in several times, but sub-national government could not stop Heng Heap activities. Based on legal review and analysis of existing report, the company had not yet gotten any land conversion from public state land to private state land, had not conducted EIA, clearance without permission, illegal logging, had not followed master plan and agreement with MAFF, did not have appropriate infrastructures, and others illegal performance²⁵.

²⁵ Interviewed with government officials and community consultation and field investigation

Related to ELC revoked process, community has not involved or consulted because government did not allow them to join the review of ELC. Until now, they have not gotten any information on revoking of Heng Heap Investment ELC. In case, government cancel this company; they were happy, but they were deeply regret the natural forest and biodiversity lost by company's activities. Anyways, local authority and sub-national department have not well aware the cancellation process and the future plan of government related to revoke ELC.

Related to ELC revoking and reviewing process, community was not invited to participate by the government. Until now, they have not gotten any information on revoking of Heng Heap Investment. Community were welcome the information of cancellation of ELC, but they were regret the lost of natural forest and biodiversity. Local authority and sub-national departments also did not well aware of cancellation process and future plan of government related to revoked ELC.

Result of advocacy

In 2012-2013, government called for suspend ELCs in Cambodia and review existing ELCs across the country. After review and assessment in 2014, Heng Heap Investment Co.,Ltd was strictly reviewed and monitored by MAFF's working group. Provincial department, local authority and district official reported shortly that "this company does not follow the rule of government's, contribution to illegal logging and does not commit to investment".

Affected community suggested that revoked ELCs should be transferred to community as social land concession and community forestry conservation. If government decided to revoke, the company should compensate to forest logging, land degradation, loss biodiversity, affected community daily livelihood and other natural resources.

7.1.2 The situation of ELC in Stung Treng Province

Stung Treng is a remote province situated of northeastern of Cambodia about 481 km from Phnom Penh Capital. This province borders with Lao PDR to the north, Ratanakiri to the east, Mondulkiri to the south, Preah Vihear, Kratie and Kampong Thom to the west. Stung Treng is a unique province with four intersecting rivers (Mekong, Se Kong, Se San and Sre Pork). Stung Treng economy is based largely on the agricultural sector. Various kinds of plantation such as rubber, timber and cashew nuts are being built across the province. According to the report of Stung Treng municipality administration, there are 12 ELC companies under MAFF authorities and provincial authority with total land area of 178,712 ha.

Sok Heng Investment was cancelled by the government in 2015, but continue contract of 620 ha were already planted cashew nut. According to 26 households members interview , they complained that company owner blocked their road where it connects to national road number 7. Affected community raised that company didn't want villagers to see company's illegal logging to neighbor country. Community raised that before granting, the area of company was covered by evergreen and semi forest, where community could access natural resources and generate income for daily livelihood. Forest was cleared without any legal intervention from government. Community also complained that company cleared huge size of land and forest, but they grow a small part of land (cashew nut instead). Currently, community were difficult to access to school, market, health center, and generate income for daily livelihood. They changed from using the road to waterway for transportation their agricultural products to Steung Treng market.

In conclusion, the investment of Sok Heng did not provide any benefit to local community in reverse there were negative affected to community livelihood as well as destroy natural forest and ecosystem in that area. Below case study #2 present the detail information of Sok Heng Investment.

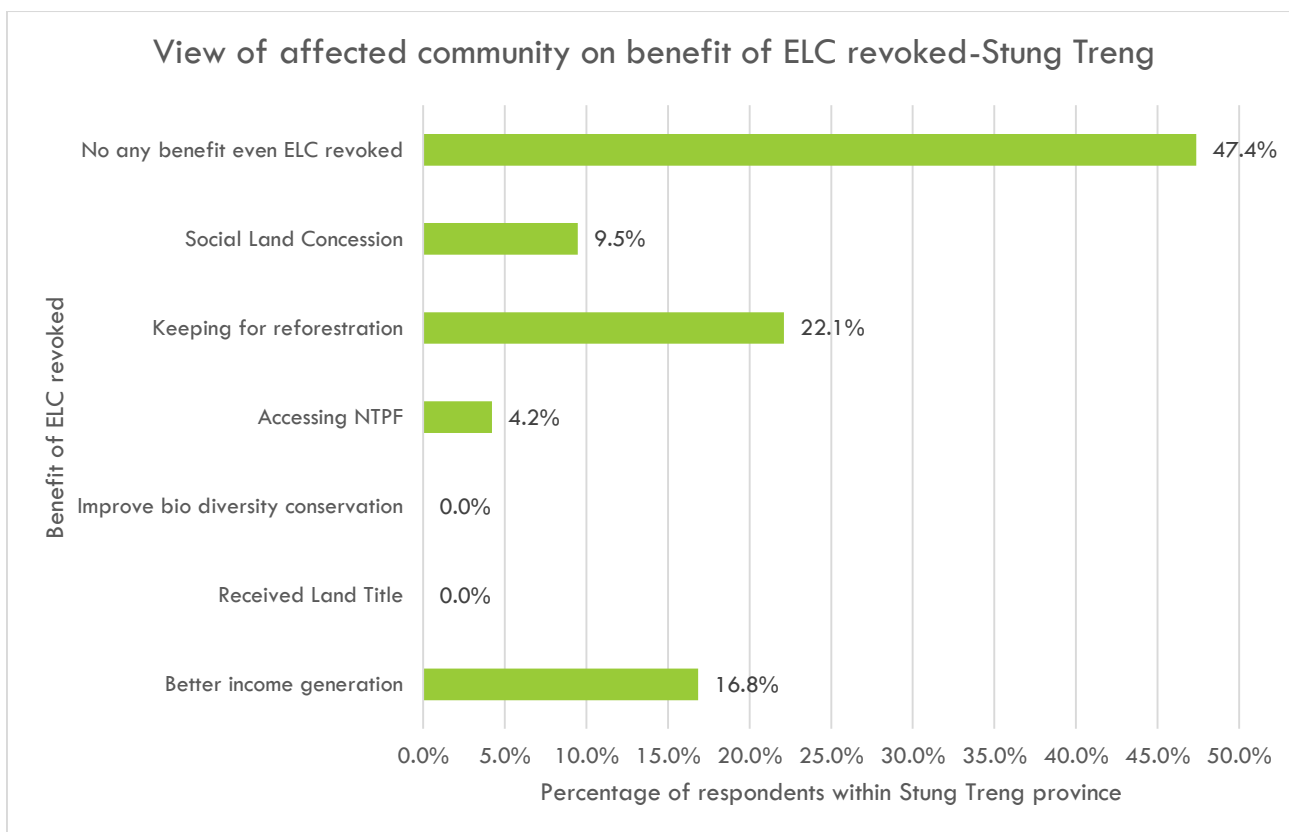


Figure 7.1.2: View of affected community on benefit from ELC revoked at Steung Treng

Following the interview affected people around ELC revoked area showed that 47.4% of respondents complained that ELC revoked (Sok Heng Investment Company) would not provide them any benefit because of loss of ecological and biodiversity, and deforestation where community could access for daily livelihood and income generation. At least 22.1% of respondents suggested that ELC revoked area should be kept for reforestation and forest cover generation. Anyways, 16.8% of respondents indicated that affected community could access the road across ELC area where was connected to national road #7 for accessing to market, school, health center, particularly daily business activities.

Case Study No 2: "Affected community Said: They blocked the road for illegal forest logging" Sok Heng Investment Company

Rational

Sok Heng Company located in Sdao commune, Sesan district, Steung Treng province. It is about 45 km northeast of Steung Treng town. The investment aimed to plant acacia and constructed the manufactures in the total land of 7,172 ha. The investment's duration was 70 years with deposit of USD7,172 on May 18, 2006. The contract was signed between the company and Ministry of Agriculture, Forestry and Fishery (MAFF) on February 27, 2006. The land was transferred from public state land and registered as private state land according to the article 4 of sub-decree on economic land concession. Also, there was no environmental and social impact assessment was conducted during project implementation by Sok Heng company.

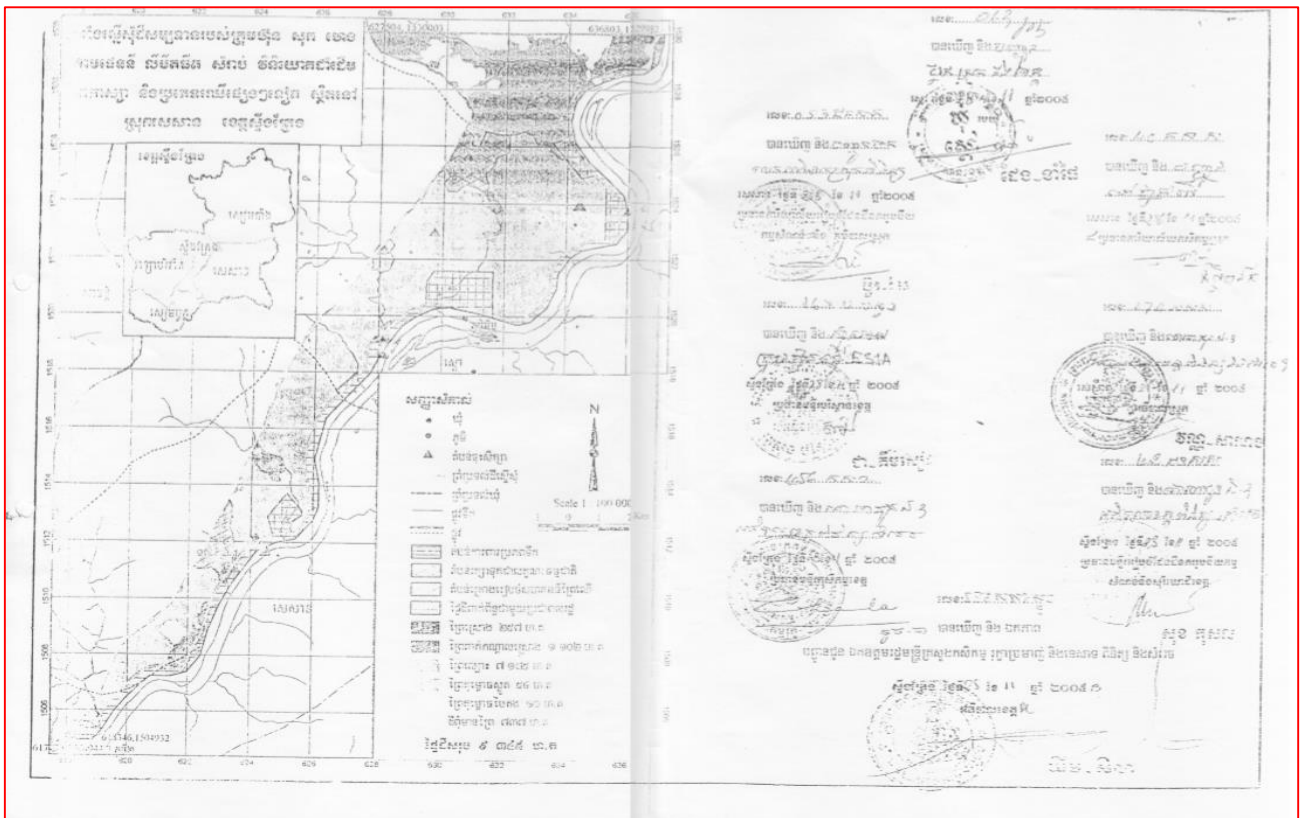


Photo 2.1: Mapping of Sok Heng Company Limited, Sesan district, Stung Treng Province

Company performed against legal framework

On November 29th, 2007, MAFF issued an official letter No. 6576/545KSK.NPPK to allow the company to clear land in sub-region 1 in the total land area of 2,500 hectares. However, only 250 hectares of land had been planted cashew of total cleared land of 620 hectares. Currently, the land was in a joint venture of Trun Agriculture Fertilizer Investment to invest on cashew plantation. According to the law, it does not allow any transfer of granted ELC to another investor without getting permission or approval from government.

In 2015, the Royal Government of Cambodia through the inter-ministerial committee decided to terminate and cancel the contract with Sok Heng Company because it didn't follow the agreement with government and its master plan. However, most villagers have not known that the company was cancelled by the government as Trun Agriculture Fertilizer Investment has been still actively implementing their cashew plantation in the concession areas.

Land dispute with community

During project implementation in 2007, the company prohibited villagers to use the road, which connected from National Number 7 to Nhoen village. The reason was the company didn't want villagers to see their illegal logging and trading in the concession area. In addition, the company also was afraid of villagers stealing their properties. In this case, only Nhoen village chief and his wife were allowed to use the road. The company required him to call and inform in advance for security reason. Some villagers used boat instead of land road, however, only few families were capable to own boat in that time. It was such a difficult time for villagers to transport their agricultural products to sale at the market and visit hospital and schools. The main actors involved in this conflict were local villagers, Sok Heng Company and commune, district and provincial authorities.



Photo 2.2: Cashew Nut of Vietnam's company on ELC downsize of Sok Heng and Company office

Advocacy approach of community

People were frustrated with the company in the last four years since their requests never get any resolution through administrative measure. In 2010, villagers protested at the company office to allow villagers to use the road without any conditions. There were around 40 villagers joined the protest with lunch box and drinking water served.

In 2015, Government decided to revoke Sok Heng company and downsize to **620 ha** (already planted Cashew nut) for continuing their investment²⁶. After the protest and negotiation, Sok Heng company allowed villagers to use road without any conditions.

To demand their need, people need to be well organized especially amongst affected local villagers in order to advocate and demand their need with the company. In addition, the protest should be based on people's need with support from local authorities. Villagers can implement more than two advocacy approaches including soft, submitted through local competent authorities, and protestation to demand for their rights and needs.

Suggestion of community related to ELC revoked

Majority of respondents (35%) suggested royal government of Cambodia granted land revoked in the form of social land concession (SLCs) for landless and poorest family, other 14% suggest that convert ELC revoked to Sesan wildlife sanctuary. Most of respondents suggest to access road within grant area where is connect to national road number 7.

7.1.3 The situation of ELC in Oddar Meanchey province

In November 2014, members of ELC technical Secretariat of MAFF conducted field monitoring, reviewing and evaluation on Angkor Sugar Company where was situated in Samrong district, Oddar Meanchey province. After RGC's power delegation transferred to MAF No 129 on 28 December 2007, MAFF and Angkor Sugar Company signed temporary agreement on 24 January 2008 on land area of 6,823 ha for period of 90 years up on Council of Ministers issued its Sar Chor Nar #1475 on 05 October 2007 to approve in principle for Angkor Sugar Company's investment and two companies (Tonle Sugar, CAN and Sugar). Director of Angkor Sugar Company is Mr. Tat Wanakornkul Thai nationality.

²⁶ Sar Chor Nar #35, on 09 Jan 2015

The conversion of public state land to private state land did not applied for this company which it was against land law 2001 article no 58 and sub-decree on ELC 2005, article 04. Follow letter number 5604/564 KSK NPPK, MAFF approved master plan of company on 29 September 2009. Company kept information as confidential and it was difficult to access for information and legal documents. Research team could not find legal letter from MAFF to approve on land clearance based on their master plan, but in 2013 company cleared forest area of 240 ha²⁷ and continuously cleared all grant area and forest land without respect to Cambodian legal regulation and policies.

The conducts of company were seriously affected to community land rights, housing rights, livelihood, forest community, and others human rights abuse. Company completely cleared forest areas without any intervention from provincial authority and MAFF related to their illegal performance. Community had tried to conduct their campaign again and again to defend their land, houses and properties including rice, community forest, houses, and land. Unfortunately, community campaign had been intervened by local authority, policies, army forces and other security guards of company. Most of rice field and house were burned and some protesters were arrested by authority. Community leader who used to be village chief complained that “Local authority grants us the agricultural land and home land without condition (as social concession grant). We built houses, and we grow rice for food. Now, we lost everything because local authority and national government granted our land to private company for growing sugar cane without compensation. Companies and arm forces including policemen burned our houses and rice fields, they did not allow us to harvest first. We heard that this ELCs were revoked, but they still now not turn back to us” affected community said.

During field visit, researcher team observed that there was older wood processing plant located in projects site, and some disposal wood waste. There were small land area planted sugar cane with careless.

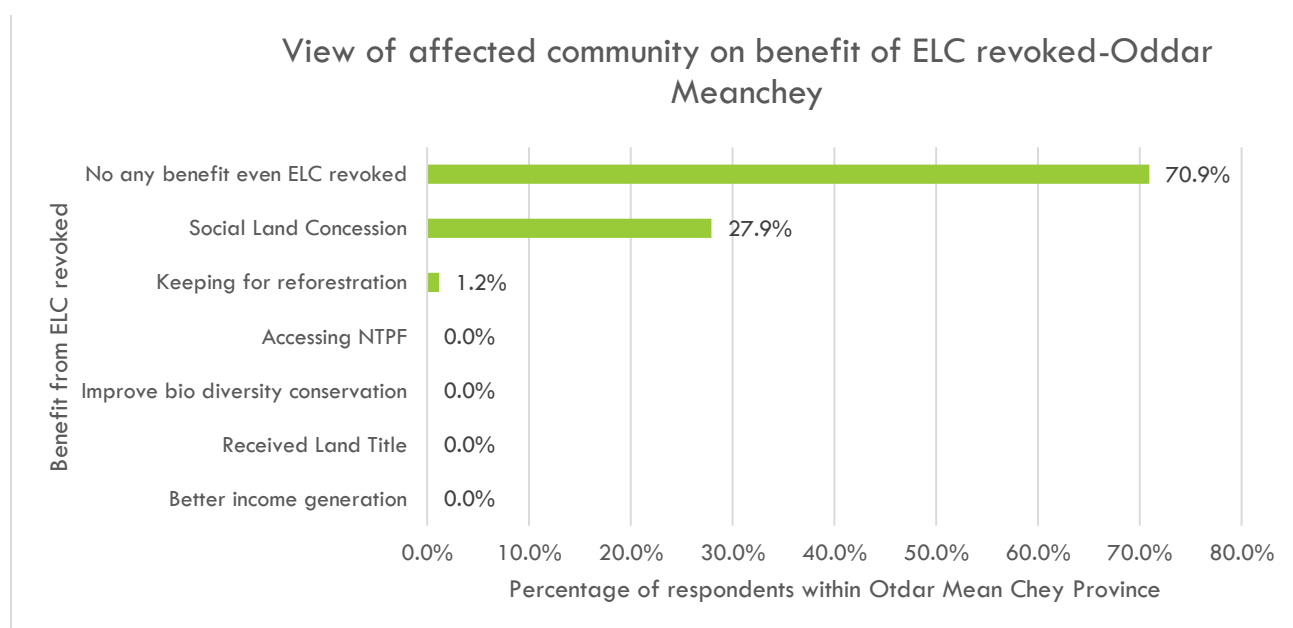


Figure 7.1.3: view of affected community on benefit from ELC revoked at Oddar Meanchey

²⁷ Report of MAFF on evaluation, review and monitoring this company in 2013

Changing of Community's Livelihood

Everything was changed in 2008/2009, when areas were cleared and villagers forcedly evicted, without any prior consultation, impact assessment, or court order. In 2008, staff from Angkor Sugar Company came to Bos village under guidance of local authority and demolished 154 houses. Villagers were intimidated to accept compensation offers, or they would face criminal investigation. The compensations were inappropriate and offering smaller land plots than previously owned.

In October 2009, O'Bat village was sealed by forest administration officials and Royal Cambodian Armed Forces (RCAF) to block the entry of human rights workers and media. Around hundred polices, military polices, RCAF troops and private army, entered the village and completely destroyed around 100 houses. Some farmers were arrested and a young villager was beaten unconscious. Villagers were forced to fingerprint statements that they voluntarily burned their houses and had accepted the compensation; resistance was responded by violence. At least around 200 families lost their homes and were resettled to inadequate areas, which were potentially covered by land mines.

Large human rights abuses had been documented and the impact on livelihoods were devastating. Evictions occurred just before harvest, leaving all evicted families without food or income. Resettlement areas lacked shelter and appropriate infrastructure such as adequate access roads, making education and health-care difficult to access. Common property resources such as forests were degraded. Farmers lost their most important livelihood assets – land – and many were forced to illegally migrate to Thailand in the search for other opportunities.

Third Party Intervention

In March 2013, auditors from the Coca Cola Company, of which Mitr Phol has been the third biggest sugar supplier, were only allowed to visit the area under police escorts, for which reasons investigations could not be properly undertaken. In September/October 2014, staff from Equitable Cambodia (EC) NGO and investigators, who visited villagers to process a formal complaint against the companies, was intimidated by the police and detained overnight in the local police station. Interviews with villagers were stopped and EC was told they were not allowed to meet villagers without a formal permission from local authorities, which was obviously not supported by Cambodian law.

Legal framework of Company

Follow the in depth ELCs monitoring and evaluation of RGC, MAFF's ELCs assessment team conducted field visite to the company and other ELCs located in Oddar Meanchey. The result of assessment showed that Angkor Sugar company contracted with MAFF on 24 January 2008 on total land size of 6,618 ha for 90 years period after getting permission from Council of Ministers; Sar chor nar #85 on 21 January 2008 and sub-decree on authority delegate from RGC to MAFF #031 on 28 December 2007.



Photo 3.2: Wood Processing Plant and company office located in Angkor Sugar Company Oddar Meanchey Provincial Department of Agriculture reported that the company never provided them the permission letter from MAFF for forest clearance, but they cleared for all forest in ELC areas. However, in MAFF secretariat, there was a letter #5603/563 KSK NPPK on 29 September 2009 approved on the master plan of company and allowed for land clearance in some zones. Base on the assessment report 2013 of MAFF, company had clearance the land and changed crop from sugar cane to cassava because the less of soil fertilizers.

Finally timber was logging

Surprisingly after forest clearance, everything was given back to the government without compensation or any legal punishment in order to end of land dispute and other critical issues between company and affected communities. The main reason of giving back were land dispute with community and court hearing; particularly, company did not want the dispute affected their reputation. MAFF also invited the company to discuss on these issues on 24 November 2014 follow the letter #7380/448 KSK NPPK.

Noticed that the company had installed timber processing plant located in Angkor Sugar Co.,Ltd, but government official reported that this machine was expired. However, forest areas in concession land 6,618 ha were cleared. Since 2011, the company have not taken any activities on the concession land. In general, company did not well cooperate with ELC assessment team on sharing of legal documents and information. Before giving back, company had terminated all staff, take out of all trucks, excavators, and other requirements out of the concession land. in 2015, Council of Ministers accepted the request of company to give back their land to the government.

7.1.4 The situation of ELC in Kratie Province

Over decades, Snuol Wildlife Sanctuary, located in Kratie province, Cambodia, has been an area of conflictive legal and illegal logging activities. The Wildlife Sanctuary was a strategic position for loggers and traders, as it is located on the border, which was easily trading legal and illegal timber and luxury forest products to Vietnam.

The analysis of environmental journal atlas reflected that land use in Snuol Wildlife Sanctuary by granting new Economic Land Concessions (ELC) for rubber and cassava plantations within the protected Sanctuary were ironic and failed. Nowadays, the whole Sanctuary area (75,000ha) was fully covered by ELCs (126,000ha), producing further evictions of local villagers, increased logging activities, and turning the 'protected' environment completely into forestry and agro-businesses".

Following the report of forest administration in 2015, there were 42 ELCs companies (47 locations) with total land size of 474,103 ha. All ELCs situated in 05 district of Kratie province including Snuol, Chhlong, Chitborey, Sambo and Prek Prasob district. There were 09 companies under MoE authority with total land size of 53,341 ha.

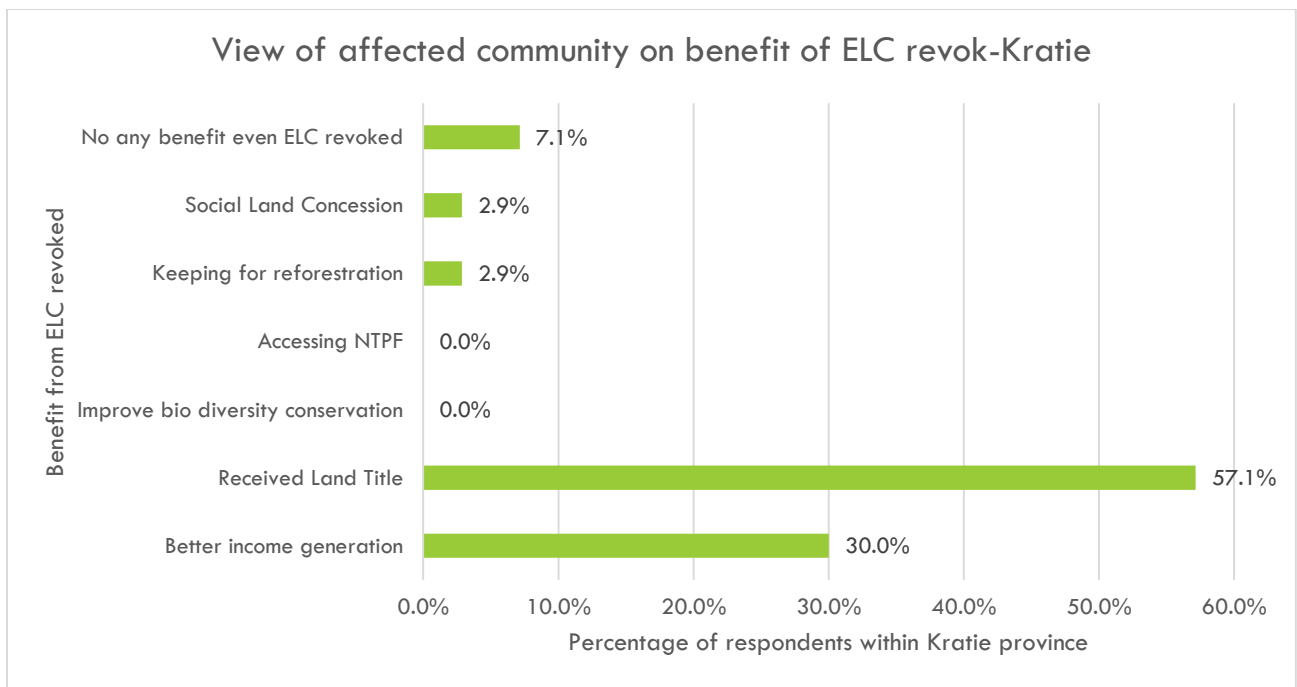


Figure 7.1.4 view of affected community on benefit from ELC revoked at Kraite

In support by directive 01 BB and strongly support by local authority in 2012, it was an opportunity for new land titling to families live without proper legal documentation on state land granted as economic or forestry concessions. Following the report of MLMUPC (June 2013), there were 380,000 land titles had been delivered to community. Most of private companies were unhappy to the policy while affected community celebrated government's action (Directive 01BB). In between 2012-2013, affected community was successful in their advocacy campaign against Huot Sambath Co.,Ltd, were situated in Snoul Wildlife Sanctuary, Pi Thnou commune, Snoul district.

Following the sub decree No 01 ANKR/BK of RGC, most of ELC area were granted to affected community about 1,799 families with total land size more than 4,000 ha. Following the interview affected people who were living on former land of Huot Sambath Company, 57.1% of respondents were very happy to hear about government's decision on ELC revoked even they were received land title before ELC cancelation. The ELC cancellation made them more confident on their land management and investment agricultural crops. They also celebrated the cancelation of Huot Sambath Company in 2015. Result of commune consultation with research team reflected that the remaining land area after downsizing around (1,300 ha) were completely lost due to community land expansion boundary. Commune council and village chief did not know the locations and boundary of public state land within area of Hout Sambath Company. Anyways, 30% of respondents indicated that since 2015, their income generation had been better because they could earn income through agriculture production, agro-industry cropping, small business, and other alternative livelihood. Only 7% of respondents reported that ELC revoked would not provide any benefit to permanent living people because most of people received land title from RGC were immigrated from other provinces such as Kampong Cham, Thbong Khmom and Prey Veng Provinces. A few permanent villager added that most of their land were sold to other rich man from Phnom Penh or others provinces in cost of USD 3500-5000 per ha.

Below cased study # 4 presented the detail information of situation of ELC revoked in Snoul District, Kratie province.

Case Study No 4

"Affected Community Received Land Title and Improve Income Generation after ELC revoked" Hout Sambath Investment Co.,Ltd

Rational

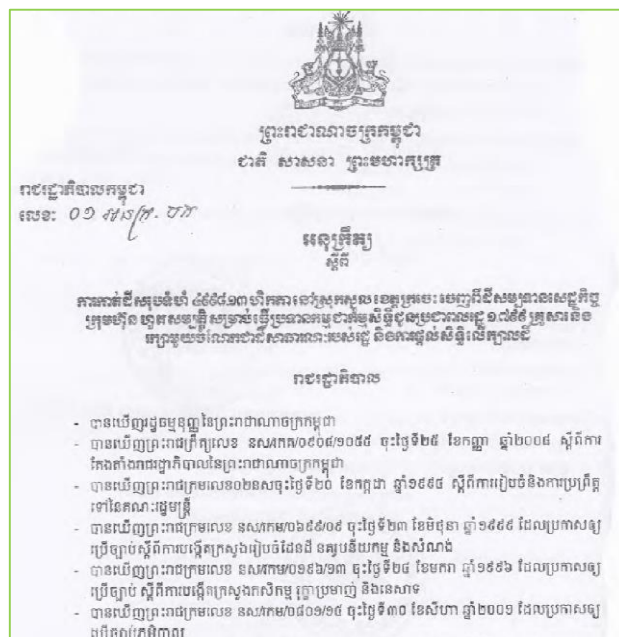
Huot Sambath Co., Ltd was an Economic Land Concession (ELCs) situated in Chrous Chrov Pothisal Village, Pi Thnou Commune, Snoul District and Kratie Province. The company received an approval as principle from Council of Minister (Sar Chor Nar) #461 on 18 March 2009 for development investment on Rubber Plantation and other agro-industry plantations on land size of 6,432ha for 90 years. The company was under Ministry of Environment's (MoE) authority. Follow to the sub-decree No: 128 ANK. BK (Or.Nor.Kro. Bor.Kor) on 13 August 2009, Royal Government of Cambodia determined management area in Snoul Wildlife Sanctuary in area of five thousand hectares (5,000ha) to sustainable using area in geographical Pithnou commune, Snoul district, Kratie province to HOUT SAMBAT Co.,Ltd company.

Legal framework of Company

On 30 October 2009, RGC signed sub-decree on land conversion state public land into private state land of Snoul Wildlife Sanctuary where is located in Pi Thnou commune, Snoul district with total land size of 6,432ha for Hout Sambath Co.,Ltd to invest rubber plantation and agro-industry crops.

On 22 December 2009, RGC issued sub-decree #143 on authority transfer to Ministry of Environment to sign agreement with Huot Sambath Co.,Ltd. Eight months later, MoE and the company reached an agreement on 27 July 2010.

Follow to the old policy-new action #01BB, on 01 January 2013, RGC decided to downsize 4,998.13 ha out of 6,432ha of Hout Sambath Co.,Ltd for granted²⁸ to Chrous Chrov Pothisal village about 1,799 families and reserving the total land size of downsize 305.42ha for public state land. Finally, the total land of this company remained only 1,333.87 ha for investment. After ELCs assessment in 2014-2015, RGC decided to revoke this company through Sar Chor Nar #233 SCHN on 04 March 2015 and cancelled all legal documents related to this company.



According to forest management planning 2015-2019 of Provincial Forestry Administration (PFA) showed that RGC granted 42 Economic Land Concession companies with total land size 47,410 ha in Kratie Province. These companies situated in five districts such as Snoul, Chhlong, Chetborey, Sambo and Prek Prasob. 09 ELCs out of 42 companies were under MoE's authority²⁹. Most of companies were under MoE's authority located in Snoul Wildlife Sanctuary area³⁰.

²⁸ Sub decree #01 ANKR BK on 01 Jan 2013

²⁹ Provincial Forestry Administration of Kratie, forestry management planning 2015-2019, p53

³⁰ Result of commune consultative meeting with local authority and district office at Pithnou commune, 25 Mar 2017.

Social Land Concession and Community's Livelihood

Huot Sambath Co.,Ltd was one of other 09 companies under MoE's authority located within Snoul Wildlife Sanctuary area. Commune council member of Pithnou commune, village chiefs and agricultural office chief clarified that all land of Huot Sambath company was affected by directive #01BB in 2012-2013. After downsizing, RGC granted the land to 1,791 families of Chrous Chrov Pothisal Village with total land of 6998.13ha. Local authority declared that 70-80% of villagers are living in Chrous Chrov Pothisal village came from Kampong Cham, Prey Veng, Svay Rieng and other provinces.

After receiving land title from RGC through Directive #01BB intervention, some villagers borrowed much amount of cash from microfinance institution (MFI) to invest on their agricultural crops such as cashew nuts, rubber plantation, cassava, pepper and sugar cane.



Photo 4.1: ELC revoke at Chrous Chrov Po Thisal Villagers, Pithnou Commune

Unfortunately, most of villagers were fail in agriculture production due to drought, less technical support and low market price. Villagers could not earn from their agricultural crops for repayment back to MFI. Some families decided to migrate to neighboring countries and other regions for income generation. During field visit and interviewing villagers, they were afraid of and were not confident to provide information related to land dispute, land holders, nature of land and forest logging and ELCs process. According to the villagers, most of lands and houses of Chrous Chrov villagers were sold around USD 5,000-10,000 per hectare. It was something behind the legal land holders because no more people were living there during the field visit.

According to the monk of Pothisal Pagoda "*most of landowners/holders in Chrous Chrov village are came from other provinces, districts, and they were also stand behind by powerful guys; some villagers got the land FOR SALE, NOT FOR their livelihood purpose*".



Photo 3.2: New pagoda situated in ex-land of Huot Sambath Company received land title with 6.3 ha

Advocacy and Community's Livelihood

Community started doing advocacy/campaign against ELCs companies before directive #01BB. In period of 2009-2012, community people were gathering several times to protect their land and forest. Community had praying, file complaint letter to authority, and sometime violent happened. Meanwhile, community also tried to clear the forest on their land as fast as possible. Family, who had many members could clear forest up to 10 ha while the small one could do 3-5 ha. According to the monk, the location where was community gathering for praying and advocacy campaign became to Pagoda because they believed and trusted on buddha help them.

Follow the sub-decree #01 ANK, BK on 01 January 2013, RGC decided to downsize land of Huot Sambath with total land size 4998.13 ha for granting to 1,799 families of Chrous Chrov Village including two pagodas. Remaining land after downsizing have been reserved for public state land. Currently, communities are living there received land titles from provincial department of land management, urban planning and construction (PDLMUJPC) through directive #01BB. Few years later, the cancellation of Huot Sambath Company has improved the livelihood and increased income generation of community through agro-industry crop such as cashew nut, rubber, cassava, sugar cane, pepper and small business.



Photos 3.3: Pepper and cashew nut of small farmers after ELC cancelation (Huot Sambath Company)

7.2 Number of ELCs are operating in Cambodia and Number of land dispute cases arising

Until 2017, 229-230 companies were granted and signed agreement with MAFF (including companies under MoE authority). The total of land granted were more than 1.50 million ha (after revoked 35 companies) where were situated in 18 provinces (MAFF official said, 2016). Following the report of MAFF sent to OHCHR in May 2017, ELC land were clearance about 504,658 ha, crop planting about 430,631 hectares (around 28.14% of total ELC land); employment to local people about 13,065 Khmer employees and 1,766 foreigner employees, 13,470 Khmer laborers, and 20,804 casual laborers. Please see detail revised ELC update by research team in ANNEX I.

7.2.1 View of local community about ELC revoked

Reflected all Sar Chor Nar in 2015, the notification letter did not mention reasons of revoking, downsizing and giving back. "revoked ELC was resulted from inter-ministry evaluation and measuring under direction of RGC as companies did not follow the rule of Cambodia law" according to national government officials. In the other hand, the information of revoked ELC did not clear whether they still operate or stopping? Two of four case studies reflected that they still continuous their activities on revoked land, but it was not expanded their cultivated areas to other ELC plots. Related to land dispute case in Oddar Meanchey, sub-national government still did not allow affected community to access their previous agricultural land even Angkor Sugar, Tonle Sugar and Sugar and Cane companies had been cancelled by RGC. In Steung Treng, companies had transferred, leased, or downsized ELC to other Vietnam companies for growing cashew nut. In Kratie, the cancellation of Huot Sambath had been converted to social land concession grant for more than **1799** families.

Following to the letter of MAFF to Prime Minister on result of ELC evaluation, there were some reasons that could be cancel ELC grant under MAFF's authority including inactivity and non-compliance with their contractual obligations and master plan, including illegal logging and land encroachment within the granted areas.

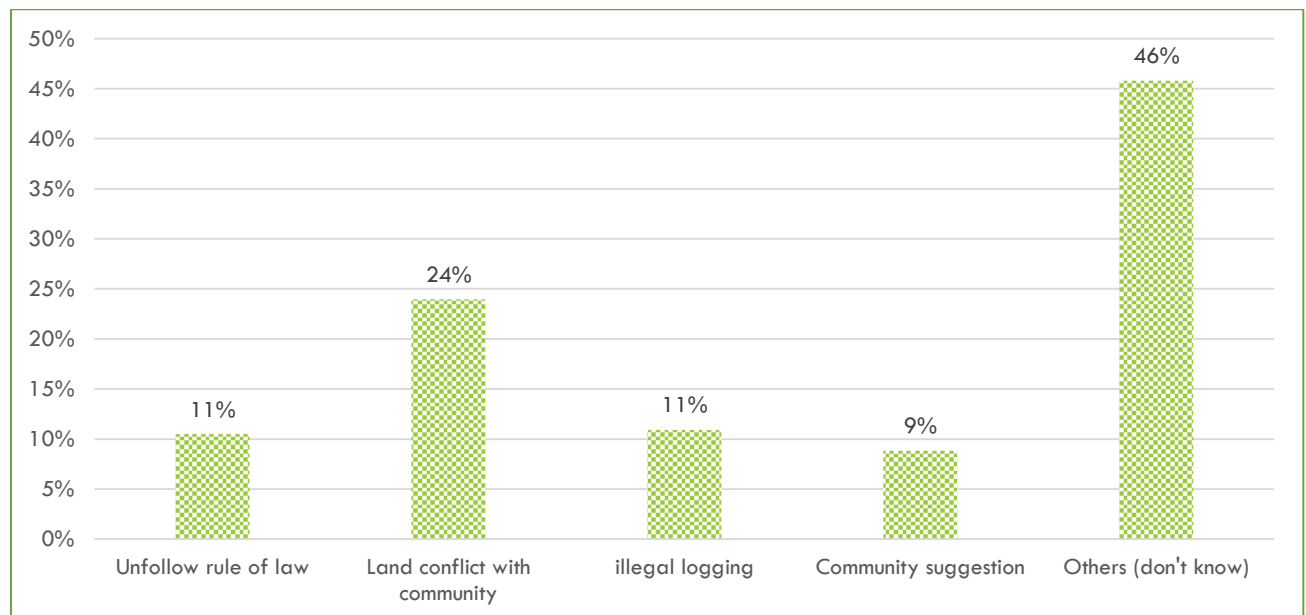


Figure 7.2.1: View of local community on reason of ELC cancellation in Cambodia

Anyway, majority of respondents had not well aware reasons of revoking in Cambodia. 46% of respondents they did not know the information of revoked. A few community said that *"I don't know at all.....they never share any information about ELCs with community.....no information sources"* while affected communities approximately 24% of respondents thought that land dispute are the root cause of ELC revoke. Some community said that *"most of company does not respect the right of local community to access the natural resource where is source of income and daily livelihood of people.....they always grabbing land of villagers who are living around granted area.....because of land disputes with communities"* and others 11% said that *"ELC companies did not follow/respect to the rule of Cambodia laws including illegal logging"*.

7.2.2 Land dispute and community livelihood

Total land granted for ELC had about 1.5 million ha (10 -12% of total country surface). Most of ELC land allocation were forest areas. The conversion of forest for agro-industry plantation less benefit for ecology, biodiversity, social and environmental values. Communities whose livelihood depended on non-timber forest product (NTFP) and natural resources always challenged the land dispute with ELC companies. Figures showed that 74% of respondents used to have land disputes with ELC companies. *"They (ELC companies) did not care our culture, they wanted to collect forest not for investment, they cleared everything without consultation with us, their investment did not provide us benefit but also grabbing our land and forest"* a group of community raised during consultative meeting at Steung Treng.

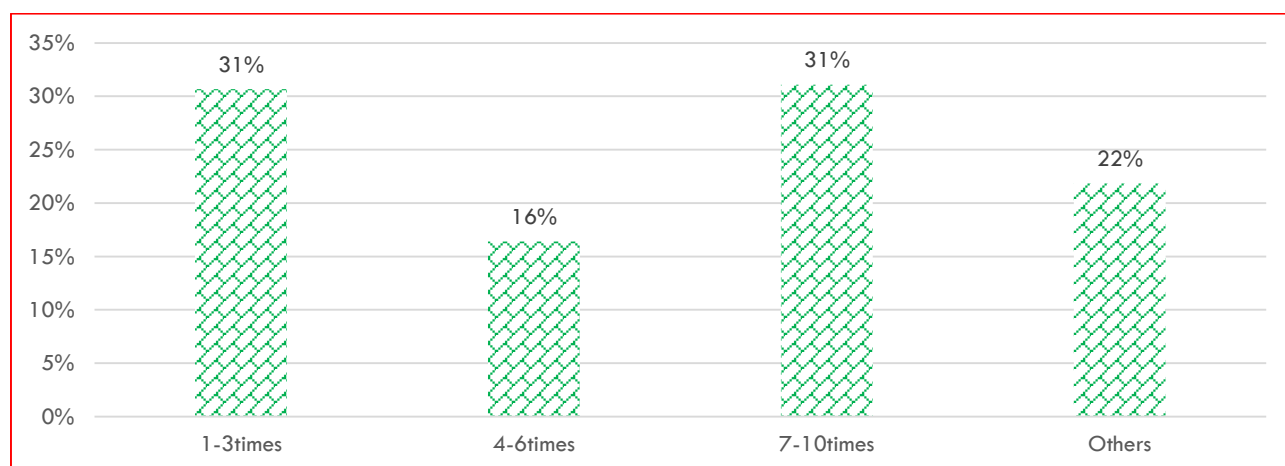


Figure 7.2.2: Number of land disputes between companies and community

Regarding above complaints of communities, local and provincial authorities did not agreed with communities' view. Local authority expressed that *"most of communities were illegal land holders on state public land and private state land, where government granted to ELC companies"*. Before revocation of ELCs, 31% of respondents said that communities used to have disputes with companies about 7-10 times while other 16% respondents said of 4-6 times of disputes.

7.3 Impact of ELC cancellation on local community livelihoods

Following objectives of sub decree # 146, article #3 stated that *"[.....] to increase employment in rural areas within a framework of intensification and diversification of livelihood opportunities and within a framework of natural resource management based on appropriate ecological system[.....]"*. As description above, the economic land concession about 35 companies had been canceled by Royal Government of Cambodia with number of reasons such as break the rule of law, incomplete legal

requirements, contributed illegal logging, land disputes, no willing to investment, given back to government, etc. A few year ago after revocation, there is no information on the situation of local livelihood around ELC site.

This study also included different types of stakeholders perceived these problems during key informant interviews, commune-level consultations and discussions, semi-structured household questionnaire surveys.

The result of key informant interview, consultation with affected community and local authority indicated that most of local community living around ELC are vulnerable and poorest families. Conflicts over land and forest resource access have increased between communities and ELC companies in the study areas. Land clearance and forest logging in area of concession are significantly increased especially mid night.

Sub-decree #146 requires all ELC companies have to complete EIA report before clearing the ELC land and natural forest within their granted area. Practically, some companies have completed EIA report during their operation. Some cases, concessionaires operated land clearance and forest area without EIA report, land conversion, master plan, compensation, and legal support documents for their investments. It is a big gap of ELC development in Cambodia that led to affect local livelihood of villagers living around granting area.

Result of discussion, and interview with affected community in four target cases studies shown that community no opportunity to engage the public consultation; no accessing to information of investment, no compensation, no proper discussion but got a serious land grabbing and human right abuse.

The inappropriate investment is leading to continuous loss of land and natural resources, which were sources of local livelihoods particularly IP community. Four cases study above reflected that revoked ELCs did not have any ecological and environmental values because companies had clearance everything before giving back and being canceled by government.

Ratanakiri, Jarai community said that ".....they cleared everything without prior consultation with us,.....they grabbed our forest area where was our sharing daily food and traditional agriculture practice.....".

National government official said ".....they does not provide us the detail information and legal documents for their investment,.....they try to delay their plantation again and again,.....they are no willing to invest the crop".

Ratanakiri Provincial government official said ".....I don't know the detail information of this company but I always engage the process of reviewing, evaluation and monitoring,.....I don't know at all the decision making process,.....everything depend on national government decision making.....".

Steung Treng community said "I don't know at all the information.....I see company block our road across area of grants area where is connected to national road number 7,I am very difficult to access market, health center, access to school.....". Another community said ".....they blocked the road for illegal logging not for rubber plantation.....".

Kratie community said ".....I try to do advocacy with other community until getting land

back,.....I got support from local and provincial authority for land titling through Directive 01BB,.....my livelihood is better and change compared to previous,.....because I have ownership on the land, I able to grow agricultural crop and industrial crop for income generation,.....”.

A monk who always regularly observed the advocacy campaign of community raised that “.....community are happy to get land titling and could earn more income through their agriculture practice, selling their land to other rich person from Phnom Penh and provinces.....”. He added that “.....they get loan from microfinance for their agri-business but they are fail due to drought, technology and no technical support from provincial department.....”

Oddar Meanchey community said “.....local authority granted us the social land without condition for housing and agricultural farm,.....a few year later, sugar company come and grabbing our land without consultation with support by local authority.....”. Other community said that “,.....they does not allow us to harvest our rice, they burn our house, and arrest us....., our livelihood have gotten more shocks and poor, a pregnant women were legal sentenced in prison because she defenses her land.....”. A hundred of community were homeless and decided to migrate into Thailand for daily livelihood and income generation. Affected community hopeless to get agricultural and home land back due to no action from national government. Community has tried to submit their complaint letter to the provincial court, MAFF and Council of Ministers, but it has no legal intervention to this companies.

Until now, affected community still landless and could not get back even government approved the given back the ELC land from company. National government official said that “.....It is still not clear for next step for ELC revoked in Cambodia but.....it may be converted into social land concession, forest restoration, and other priority area of government....., however, working group for ELC will be continuous to review other ELCs performance”

Following four case studies and interview the key informant, revocation of ELC have not much contributed to improve local livelihood, land holders and income generation because most of community depended on natural resource and forest. Revoked ELC did not provide any more environmental and ecological values for community’s income generation. Other issues, government still not have any concrete planning for those ELC revoked. Until now, local authority, provincial department and local community have gradually clear the mechanism of national government for future of revocation of ELC planning. However, MAFF had established working group to review and evaluate the ELC revoke across the country and propose recommendation to improve in future.

7.4 The suggestion of community to government for current ELCs cancellation

In 06 February 2017³¹, MAFF established working group, led secretary of state and senior official from forest administration as members to conduct survey and evaluation on location of revoked ELC. Mandate of work group was to facilitate with concerned provincial authorities to review, evaluate, mapping, land demarcation, land conversion and state land registration as well as reported with recommendation to MAFF for forest restoration and development in the future.

³¹ MAFF, decision #115 SSR, on 06 February 2017.

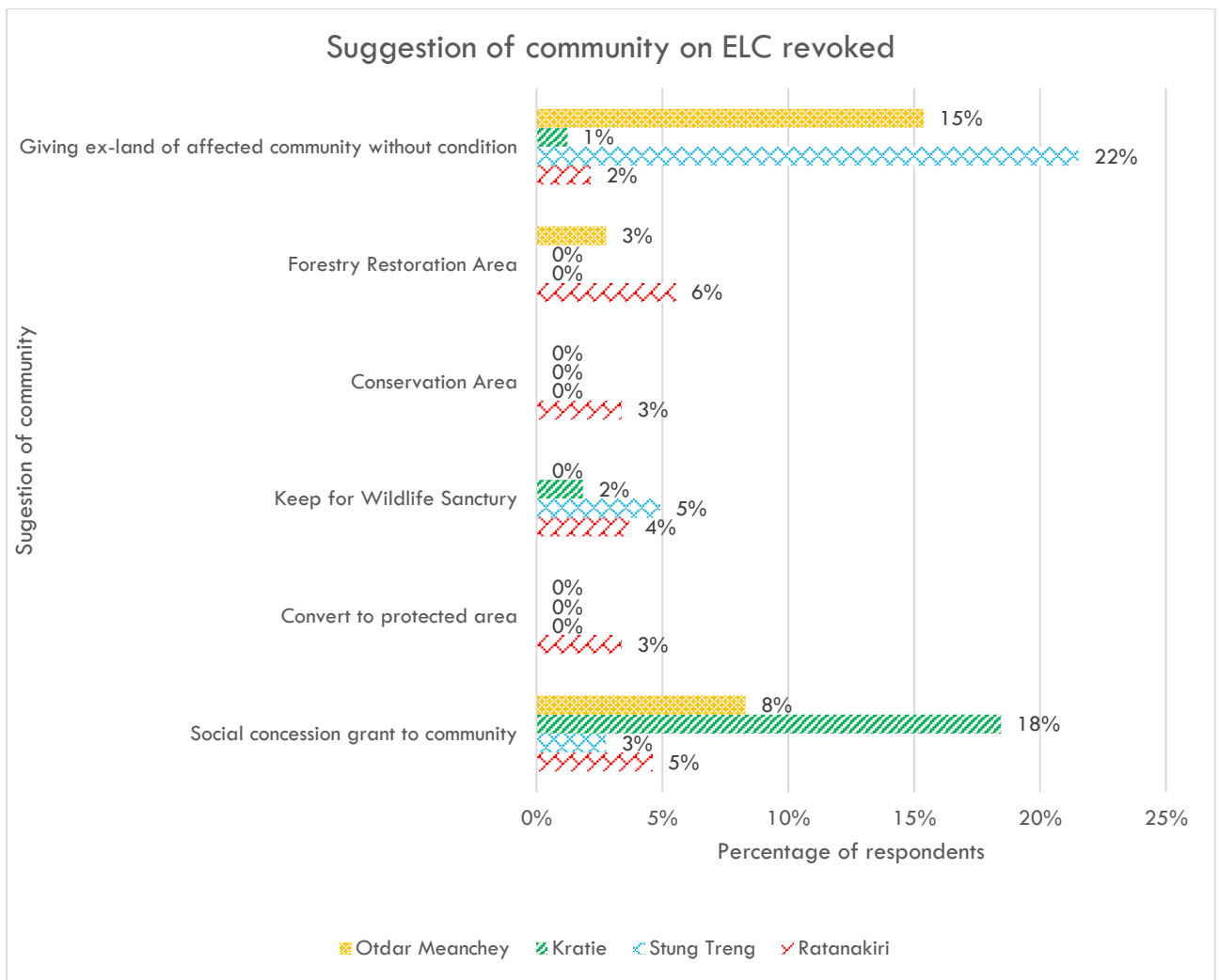


Figure 7.3.1: Suggestions of affected communities on the conversion of ELC revoked in the future

Following the interview with affected people in four provinces showed that 15-22% of respondents in Stung Treng and Oddar Meanchey suggested to return back ex-land of affected community without condition for continuing their agriculture production and alternative livelihood options. Other 8-18% of respondents in Kratie and Oddar Meanchey suggested government to consider grant ELC revoked area to poorest families and landless households through existing mechanism of government such as social land concession mechanism. Anyways a few respondents (3-6%) suggested that all ELC revoked area should be kept for forest cover restoration, keeping for biodiversity conservation area, and protect area.

VIII. CONCLUSION AND RECOMMENDATION

8.1 Conclusion

Following to the analysis and four case studies, number of active ELC under MAFF's authority and MoE's had about 229 companies with total land of 1.53 million hectares across Cambodia. The number of ELC cancellation about 34 companies (11 companies under MAFF's authority and 23 companies under MoE's). The public accessing to ELC information and legal documents were very low transparency. Reflected to human rights, affected community from ELC granted could not access to information and were not fully participated in the decision-making process. Some ELC companies were not compliant to the legal requirements of Cambodia law such as EIA, land conversion, land registration, illegal logging, and overlap land boundary with communities, etc. Most of granted ELC were in forest land and protected areas. The compensation of ELC companies to communities were not acceptable because of lower market price or smaller land size, less fertilizers, and losing natural forest. Most of ELC cancellation did not follow the rule of Cambodia law and contribute to illegal logging as well as human rights abuse.

8.2 Recommendation

For concerned ministries of Royal Government of Cambodia

- i. Strengthen and enforce legal compliance of each ELC company related to public state land conversion, social and environmental impact assessment (EIA), private state land registration with MLMUPC, illegal logging around area of ELC grant, etc.
- j. Independent firms/companies for conducting Social and Environmental Impact Assessment (SEIA) should be screened and quality assurance recognized by Ministry of Environment (MoE). Affected community, NGOs, CBOs and other stakeholders should be meaningful participated, consulted, negotiated and inclusive at all steps of EIA process. Ensure that result of EIA should be accessed publicly, public hearing, understandable among local people language, local information board where nearby projects grant area as well as post on website.
- k. Following the new contract and master plan of each company, government ministry should be continuous strictly monitoring, review and evaluation annually performance. Provide opportunity the affected community to involve the process of annual performance evaluation and provide evident/inputs to support the decision making process.
- l. Land dispute between community and private companies should be address in prior to clear the forest. All clearances of land and forest should be approved by MAFF in advance.
- m. Traditional land occupied by indigenous community and heritage area should be mapped and demarcated for future planning and conservation purpose. The land concessions should not be granted on or near these areas.
- n. To avoid different interpretation of all stakeholders; particularly, NGOs versa Governments agencies on ELC statistic, The Ministry of Agriculture, Forestry and Fisheries should update and complete its list of active economic land concessions and forest concessions with full information, including the progress of the operations, and make it publicly available in timely manner. The list should include full company profiles, information of ownership, shareholders, parent company, and contact details of companies' local offices (including offices in the home state, where applicable), concession fees paid, and revenue generated from the concession. This information should be available in both Khmer and English.
- o. Following the suggestion of affected communities, ELC cancellation should be grant to

landless households and poorest family for agricultural production purpose and income generation through existing government mechanism. Some remaining forest area from ELC revocation should be keep forest conservation area or forest and reforestation. Concerned ministries should be provided technical support.

- p. The environmental degradation, soil erosion, social and economic impact, ecosystem and biodiversity lost due to illegal performance and activities of ELC company should be properly compensated and legal intervention.

For ELC Companies

- e. Standard of corporate social responsibility (CSR) should be applied for all companies. Resettlement should be fully consulted with affected people and respect to the standard of human rights and basic need. Standards of free, prior and informed consent (EPIC) should be rigorously applied when consulting with all indigenous peoples.
- f. In contribution to poverty reduction policy of government, ELC company should employ more local community to work with company in appropriate labor fee/salary. The condition of employment should be follow the rule of labor law.
- g. All surrounding communities should be accessible new road and refrain from blocking transportation within the boundaries of the concession.
- h. Concession companies should be providing social benefits such as health services, educational opportunities and environmental protection measures as well as contribute for community development activities.

For NGOs

- e. Keeping inform and sharing information on potential impact on local livelihood to affected community and providing technical and legal support as necessary.
- f. Following rule of new environmental and natural resource code, promote and strengthening public consultation on ELC development, EIA, legal compliance, and other legal requirements of active companies for better agro-industries development and improvement of local livelihood to contribute poverty reduction in Cambodia.
- g. Promote awareness raising and capacity development to local communities on human rights, legal framework, land rights, land registration process, advocacy strategy and other necessary.
- h. Following the EIA report and other source information about ELC Company, develop summary sheet/ IEC material for dissemination to affected community for their information.

Reference

1. ADHOC (2014), Land Situation in Cambodia 2013, Cambodia
2. AKP (2015), MAFF will be end ELCs assessment in Cambodia, press report on 30 Sept 2015
3. CEA and CDRI (2015), management of economic land concession, Cambodia
4. CLEC, SVC et al (2013), Issues and impacts of private land titling in indigenous communities, Ratanakiri, Cambodia
5. CDRI (2012), Foreign Investment in Agriculture in Cambodia
6. Canadian center of science and education (2014), impact of agricultural expansion on forest cover in Ratanakiri, Cambodia
7. EU (2012), Cambodia Environmental Profile
8. Forest Trend (2015), conversion timber, forest monitoring and land use governance in Cambodia
9. Global Forestry Services, the Forestry Administration of Cambodia et al, (2014), understanding timber flow and control in Cambodia the context of FLECT
10. Heinrich Boll Stiftung (2015) Large scale Land grabbing in Cambodia; failure of international and national policy to secure the indigenous people's right to access land and natural resource, USA
11. MLMUPC (2016), annual progress report in 2016 and ways forward, Cambodia
12. MoE, 2015; Mid-mandatory progress report (Sept 2013-April 2015)
13. MAFF (2010), national forest program 2010-2019
14. MAFF(2014), Agricultural Sector Strategy Development Plan 2014-2018
15. Mekong Wetland Biodiversity Conservation and Sustainable Use Program et al (2006), Situation Analysis Stung Treng Province, Cambodia
16. NGO Forum et al (2015), Investigation Report on Impact of Development Project; Kratie
17. NEP con and Forest Trend (2014), forest-land conversion and conversion timber estimate, case study from Cambodia, Denmark
18. NGOF(2015), New action and existing policy (directive 02BB)
19. RGC, (2001), Law on Land 2011
20. RGC (2005), Sub decree #146 on Economic Land Concession
21. RGC (1999), sub decree #72 on Environmental Impact Assessment (EIA) guideline
22. RGC (2014), National Strategic Development Plan 2014-2018
23. RGC(2013) Rectangular Strategy phase III
24. RGC (2012), Directive 01BB and 02BB
25. Pen Prachvuthy (2011), Impact of ELCs on IP community in northeast province of Cambodia
26. PIC (2015), community land registration and ELCs brief note, Cambodia

Website

- E-International Relations: ELC and law in Cambodia: <http://www.e-ir.info/2013/06/18/economic-land-concessions-and-the-law-in-cambodia/>
- LICADHO (viewed on May 2017): visualizing ELC by timing http://www.licadho-cambodia.org/concession_timelapse/
- Open Development Cambodia (download December 2016): Economic Land concession meta data <https://opendevelopmentcambodia.net/profiles/economic-land-concessions/>
- Springer link (viewed March 2017): The Politics and Ethics of Land Concessions in Rural Cambodia <https://link.springer.com/article/10.1007/s10806-013-9446>

ANNEX I: Updated list of Economic Land Concession in four provinces (Ratanakiri, Stung Treng, Kratie and Oddar Meanchey)

No	Current situation	New Period (year)	ELC company name	Total land size (ha)	New Land size (ha)	Contract date	Director	Nationality	Province	District	Commune	Authority (before transfer)	Land conversion
1	Down sized	50	7 Makara Phary Co. Ltd. (previously Heng Development Co. Ltd.)	8655			Kim Sophary		Ratanakiri	Andoung Meas		MAFF	
2	Down sized	50	Mkod Pich Development Agro-Industry	1950					Ratanakiri	Lumphat		MOE	Lumphat Wildlife Sanctuary
3	Down sized	50	Hoang Anh Andong Meas Co. Ltd.	9775			Nguyen Van Thu	Vietnamese	Ratanakiri	Ta Veng		MOE	Vireak Chey National Park
4	Down sized	50	Noupheap Sophy Investment Co. Ltd.	9000			An Sophy		Ratanakiri	Andoung Meas;Ta Veng		MOE	Vireak Chey National Park
5	downsize	50	Chuang Li Investment Co. Ltd.	1900	200	3/29/2011	CHANG HON WAI	Chinese	Ratanakiri	Andoung Meas	Nhang; Malik	MAFF	
6	Down sized	50	Daun Penh Agrico Co. Ltd.	8825			Chea Chan Pov		Ratanakiri	Lumphat		MOE	Lumphat Wildlife Sanctuary
7	<i>Revoked</i>	<i>50</i>	<i>Jing Zoung Tian Co. Ltd.</i>	<i>9936</i>					<i>Ratanakiri</i>	<i>Not found</i>		<i>MOE</i>	<i>Vireak Chey National Park</i>
8	<i>Downsized</i>	50	Hoang Anh Oyadav Co. Ltd.	9000		9/22/2011	Mai Dinh Hong	Vietnamese	Ratanakiri	Andoung Meas	Nhang;T a Lao	MAFF	
9	<i>Downsized</i>	50	CRD Co. Ltd.	7591	3174	3/25/2011	Nguyen Van Minh	Vietnamese	Ratanakiri	Andoung Meas;Bar Keo;O'Chum		MAFF	Yes-SD
10	<i>Revoked</i>	50	Fu Sheng Hai (Cambodia) Co. Ltd.	7079			Ma Shuang Cheng	Chinese	Ratanakiri	Ta Veng;Andoung Meas		MOE	Vireak Chey National Park
11	<i>Downsized</i>	50	Veasna Investment	5080		3/25/2011	Ton Veasna		Ratanakiri	Andoung Meas;Bar Keo		MAFF	
12	<i>Adjustment</i>	50	Try Pheap Import Export Co. Ltd.	9709			Try Pheap		Ratanakiri	Ta Veng		MOE	
13	Down sized	50	Srun Sovannaphoum Investment Co. Ltd.	8998			Ang Sophanit		Ratanakiri	Ta Veng		MOE	Vireak Chey National Park
14	<i>Downsized</i>	50	DM Group	749	190	1/26/2012			Ratanakiri	Andoung Meas	Nhang	MAFF	
15	<i>Downsized</i>	50	SK Plantation (Cambodia) Pte.	8000			Surendra Kumar Poddar		Ratanakiri	Veun Sai;Koun Mom		MAFF	
16	<i>Downsized</i>	50	Holley Eco-industrial (Cambodia) Co.,LTD)	7497		8/17/2011	Xiaq Qijing	Chinese	Ratanakiri	Koun Mom	Trapeang Kraham;T rapeang	MAFF	

No	Current situation	New Period (year)	ELC company name	Total land size (ha)	New Land size (ha)	Contract date	Director	Nationality	Province	District	Commune	Authority (before transfer)	Land conversion
											Chres		
17	Down sized	50	Rat Sokhorn Incorporation Co. Ltd.	9000			Rat Sokhorn		Ratanakiri	Lumphat		MOE	Lumphat Wildlife Sanctuary
18	<i>Downsized</i>	50	Kausu Eahleo BM Joint Stock Co.,LTD	8400		10/5/2011	Le Van Thuan	Vietnamese	Ratanakiri	Lumphat	Seda	MEF	
19	<i>Downsized</i>	50	Global Tech Sdn., Bhd, Rama Khmer International and Men Sarun Friendship	20000	1300	12/21/1999	Men Sarun	Cambodian	Ratanakiri	O'Ya Dav		MAFF	
20	<i>Downsized</i>	50	Chea Chanrith Aphivath	5124		11/12/2007	Nguyen Canh Quang		Ratanakiri	Bar Keo;O'Ya Dav		MAFF	
21	<i>Downsized</i>	50	Heng Brother Co.Ltd.	2361		7/31/2009	Nguyen Tuan Linh	Vietnamese	Ratanakiri	Andoung Meas		MAFF	
22	<i>Revoked</i>	70	Heng Heap Investment	7000		7/31/2009	Heng Heap	Cambodian	Ratanakiri	O'Ya Dav		MAFF	
23		50	Hong An Mang Yang K Rubber Development	6891		9/25/2009	Le Dinh Buu	Vietnamese	Ratanakiri	Veun Sai		MAFF	
24	<i>Downsized</i>	50	Kiri Development	807		7/31/2009	Chheng Hok	Cambodian	Ratanakiri	Veun Sai		MAFF	
25	<i>Downsized</i>	50	Krong Buk Ratanakiri Aphivath Caoutchouc Co. Ltd.	6695		4/9/2010	Nguyen Van Thanh	Vietnamese	Ratanakiri	Ta Veng;Andoung Meas		MAFF	
26	Down sized Down sized	50	Dai Dong Yoeun Commercial Joint-stock Company	4889		1/29/2010			Ratanakiri	O'Ya Dav		MAFF	
27	<i>Downsized</i>	50	Jing Zhong Ri Co. Ltd.	9224			Li Qing Xian		Ratanakiri	Lumphat		MOE	Lumphat Wildlife Sanctuary
28	<i>Downsized</i>	50	Hoang Anh Andong Meas Co. Ltd.	9470		11/8/2011	Nguyen Van Thu	Vietnamese	Ratanakiri	Andoung Meas		MoE	Lumphat Wildlife Sanctuary
29	<i>Adjustment</i>	50	PDA (Cambodia) Co. Ltd.	5256		10/22/2009	Han Tae Woo	Korean	Kratie	Snuol	Svay Chreah	MAFF	
30	<i>Revoked</i>	70	CIV Development Agro Industry	1000	108	11/1/2008			Kratie	Snuol	PiThnu; Sre Char	MAFF	
31	<i>Downsized</i>	50	Hai Yong Investment Agro Industry Company	701					Kratie	Snuol	Pi Thnou	MAFF	
32	<i>Revoked</i>	50	Huot Sambat Co. Ltd.	6432			Keo Vannary		Kratie	Snuol	Pi Thnu	MOE	Snuol Wildlife Sanctuary

No	Current situation	New Period (year)	ELC company name	Total land size (ha)	New Land size (ha)	Contract date	Director	Nationality	Province	District	Commune	Authority (before transfer)	Land conversion
33	<i>Downsized</i>	50	Dau Thieng-Kratie Rubber Development Co. Ltd.	6592		1/3/2011			Kratie	Snuol;Chhlong	Damrei Phong;Prek Saman; Svay Chreah	MAFF&Pro	SD#174, 30-12-2010
34	<i>Downsized</i>	50	Dau Thieng (Cambodia) Rubber Development Co. Ltd.	7972		1/3/2011			Kratie	Snuol;Chhlong	Kg Damrei; Svay Chreah; Damrei Phong	MAFF and province	
35	<i>Downsized</i>	50	Chan Sophea Aphivath Co. Ltd.	5088		1/3/2011	Mao Chan Sophea		Kratie	Chhlong	Damrei Phong;Kampong Damrei	MAFF	
36	<i>Adjustment</i>	50	JPE Co. Ltd.	678			Pol Sotheavy		Kratie	Snuol	Pi Thnu	MAFF	
37	<i>Adjustment</i>	50	Therak Viniyo (previously SL International Ltd.)	520					Kratie	Snuol	Pi Thnu	MAFF	
38	<i>Adjustment</i>	50	Rattanak Stone Cambodia Development Co.,Ltd	479					Kratie	Snuol	Pi Thnu	MAFF	
39	<i>Downsized</i>	50	Trach Niem Huu Han Dau Tu-Phat Trien Dai Nam (Cambodia) Co. Ltd.	4468			Lau Duc Duy	Vietnamese	Kratie	Snuol		MOE	Snuol Wildlife Sanctuary
40	<i>Downsized</i>	50	Vietnam Kampuchia Economy, Trade and Industry Company Ltd. (VKETI) Co. Ltd.	5059				Vietnamese	Kratie	Snuol		MOE	Snuol Wildlife Sanctuary
41	<i>Downsized</i>	50	Sovann Reachsey Co. Ltd.	6525			Nguyen Duc Minh		Kratie	Snuol		MOE	Snuol Wildlife Sanctuary
42	<i>Adjustment</i>	50	NK Agri (Cambodia) Co., Ltd.	8892		11/11/2010	Kumar Arunachalamman		Kratie	Sambor	Koh Khnhher; Kbal Damrei; Sandan	MAFF	
43	<i>Downsized</i>	50	Sovann Vuthy Co. Ltd.	5000	1279		Nguyen Cong Thanh	Vietnamese	Kratie	Snuol	Pi Thnu	MOE	Snuol Wildlife Sanctuary
44	<i>Revoked</i>	70	Tai Ninh Kratie Sugar	8725			Nguyen Van Loc		Kratie	Sambor	Roluos Meanchey;Sre Chis;Kba	MAFF	

No	Current situation	New Period (year)	ELC company name	Total land size (ha)	New Land size (ha)	Contract date	Director	Nationality	Province	District	Commune	Authority (before transfer)	Land conversion
											I Damrei		
45	<i>Adjustment</i>	50	Asia World Agricultural Development (Cambodia) Co. Ltd.	10000	7767	3/15/2006	Wan Ylu Ming	Chinese	Kratie	Sambor		MAFF	
46	Down sized	50	Green Island Agricultural Development (Cambodia) Co. Ltd.	9583		3/15/2006	Kwok Stan Ley Kor Kuen	American	Kratie	Sambor		MAFF	
47	Down sized	50	Great Wonder Agricultural Development (Cambodia) Ltd.	8231	8178	8/11/2006	Kwok Wing	Chinese	Kratie	Sambor		MAFF	
48	<i>Downsized</i>	50	Horizon Agriculture Development Co. Ltd.	9996				Korean	Kratie	Snuol	Khsuem	MAFF	
49	Down sized	50	Dau Tu Saigon-Binh Phuoc (SBK)	6436		7/18/2007	Dang Tanh Tam	Vietnamese	Kratie	Chet Borei	Thmei;K antuot	MAFF	
50	Down sized	50	(Cambodia) Tong Min Group Engineering	7465		12/8/2008	Zhang Zhen Zhong	Chinese	Kratie	Kratie		MAFF	
51	Down sized	50	Agri-Industrial Crops Development	7000		12/8/2008	Zhang Zheng Wei	Chinese	Kratie	Sambor	Sre Chis;Kba I Damrei	MAFF	
52	<i>Downsized</i>	50	Carmadhenu Venture (Cambodia) Ltd.	7635		11/13/2009	Arunachalam Nandaa Kumar	Indian	Kratie	Sambor		MAFF	
53	Down sized	50	Chhun Hong Rubber Better Co. Ltd	8202		1/29/2010	Ty Piseth	Cambodian	Kratie	Sambor	Kampong Cham	MAFF	
54	Down sized	50	Crops & Land Development (Cambodia)	7200		12/8/2008	Mao Wenjun	Chinese	Kratie	Sambor	Sre Chis	MAFF	
55	<i>Adjustment</i>	50	C&V Group Co., Ltd	7000		1/29/2010	Le Muoi	Vietnamese	Kratie	Sambor	Sre Chis;Roluos	MAFF	
56	<i>Downsized</i>	50	CHPB Development co.,Ltd	8686		1/29/2010	Chhay Kim Pak	Cambodian	Kratie	Prek Prasab and Sambo	Chroy Banteay, Vathanak, Kg cham	MAFF	
57	Down sized	50	Mega Star Investment and Forestry Development	8000		7/31/2009	Nguyen Trung Kien	Vietnamese	Kratie	Kratie	Sambok; Changkrang	MAFF	
58	<i>Downsized</i>	50	Dong Nai Kratie Aphivath Caoutchouc Co. Ltd.(project #2)	4588		1/29/2010	NGO Toan	Vietnamese	Kratie	Sambor	o'Krieng ;Roluos Meanchey	MAFF	

No	Current situation	New Period (year)	ELC company name	Total land size (ha)	New Land size (ha)	Contract date	Director	Nationality	Province	District	Commune	Authority (before transfer)	Land conversion
59	<i>Downsized</i>	50	Phu Rieng Kratie Aphivath Caoutchouc Co. Ltd.	6434	747	7/4/2008	Nguyen Hong Phu	Vietnamese	Kratie	Snuol	Svay Chreah	MAFF	
60	<i>Downsized</i>	50	Phu Rieng Kratie Aphivath Caoutchouc Co. Ltd. II	915		3/11/2007	Nguyen Hou Nam	Vietnamese	Kratie	Snoul,	Svay Chreah	MAFF	
61	<i>Downsized</i>	50	Dong Phu Kratie Aphivath Caoutchouc Co. Ltd.	9194		7/4/2008	Huynh Van Tu	Vietnamese	Kratie	Sambor	Roluos Meanchey	MAFF	
62	Down sized	50	Megastar Produce & Import Export	8000		7/31/2009	Lai Phu Chien	Vietnamese	Kratie	Sambor	O'Krieng ;Roluos Meanchey;Kbal Damrei	MAFF	
63	Down sized	50	China Dynamic Investment	6600		1/29/2010	Wang Zhu Qing		Kratie	Sambor	Roluos Meanchey;Sre Chis	MAFF	
64	<i>Revoked</i>	50	IPD Insten Pro Trading	987		4/2/2010			Kratie	Sambor	Kbal Damrei	MAFF	
65	<i>Downsized</i>	50	New Line Cam Pty Co. Ltd.	8977	8461	3/29/2011	Chau Sechov	Cambodian	Kratie	Sambor	Roluos Meanchey	MAFF	SD#147, 30 Nov 2010
66	<i>Downsized</i>	50	E-Investment Co. Ltd.	6450		9/14/2011	Lay Prohors	Cambodian	Kratie	Snuol	Pi Thnu	MOE	Snuol Wildlife Sanctuary
67	<i>Adjustment</i>	50	Memot Rubber Plantation Co. Ltd.	9855		9/28/2010	Seng Touch / Lim Sunleang	Cambodian	Kratie	Snuol		MOE	Snuol Wildlife Sanctuary
68	Down sized	50	Binh Phuk Kratie Rubber 2 Co. Ltd.	10000		1/3/2011		Vietnamese	Kratie	Keo Seima		MAFF	
69	<i>Downsized</i>	50	Samnang Angkor Development Ltd.	1225		8/13/2009	Kong Samnang	Cambodian	Kratie	Snuol	Pi Thnu	MOE	Snuol Wildlife Sanctuary
70	<i>Downsized</i>	50	TTY Agriculture Plant Development Co. Ltd.	9780					Kratie	Snuol	Pi Thnu	MOE	Snuol Wildlife Sanctuary
71	<i>Adjustment</i>	50	Dong Phu Kratie Aphivath Caoutchouc Co. Ltd. (Project #1)	2349		7/4/2008	Nguyen Thanh Hai, old director HUYNH TRONG THUY	Vietnamese	Kratie	Sambor	O'Kreang, Rolors Mean Chey	MAFF	
72	<i>Adjustment</i>	50	Dong Nai Kratie Aphivath Caoutchouc Co.	2502		7/4/2008	NGO Toan	Vietnamese	Kratie	Sambo	O'Krieng ;Roluos	MAFF	

No	Current situation	New Period (year)	ELC company name	Total land size (ha)	New Land size (ha)	Contract date	Director	Nationality	Province	District	Commune	Authority (before transfer)	Land conversion
			Ltd. (project#2)								Meanchey;		
73	Adjustment	50	Dong Phu Kratie Aphivath Caoutchouc Co. Ltd. (Project #2)	4563		1/29/2010	Nguyen Thanh Hai, old director HUYNH TRONG THUY	Vietnamese	Kratie	Sambo	O'Krieng ;Roluos Meanchey;	MAFF	
74	Downsized	50	Dong Phu Kratie Aphivath Caoutchouc Co. Ltd.(Project #3)	2282		3/7/2011	Nguyen Thanh Hai, old director HUYNH TRONG THUY	Vietnamese	Kratie	Sambo	O'Krieng ;Roluos Meanchey;	MAFF	
75	Adjustment	50	Dong Nai Kratie Aphivath Caoutchouc Co. Ltd.	5179		7/5/2008	Huynh Van Tu	Vietnamese	Kratie			MAFF	
76	Downsize	50	Eastern Rubber (Cambodia)	10000	5000	10/24/2011	Hoang The Cuong		Kratie	Snuol;Keo Seima		MAFF	Seima Biodiversity Conservation Area
77	Adjustment	50	Sun Kuy Ty Import-Export Co.,Ltd	903					Kratie	Sambo	Kbal Damrei	MAFF	
78	Downsize	50	Heng Heng Sambath Chamka Kao chou (second project)	1491					Kratie	Snoul,		MAFF	
79	Adjustment	50	Thy Vin (Cambodia) LTD	768					Kratie	Chet Borei	Changkrang	MAFF	
80	Downsize	50	Kho KSM Lin Co., ltd	671	100				Kratie	Chet Borei	Changkrang	MAFF	
81	Revoked	70	Hamony Plantation Co.,LTD	623					Kratie	Kratie	Changkrang	MAFF	MAFF#2721/277, 30-05-2008
82	Downsize		Xay Dung Caout Chouc Duc Dung Co., Ltd ³²						Kratie	Snoul,		MoE	Snuol Wildlife Sanctuary
83	Downsize	50	Heng Heng Sambath Chamka Kao chou	833		9/27/2007	Minh Rinath	Cambodian	Kratie	Snoul,	Svay Chreah	MAFF	
84	Downsized	50	Data Rubber (Cambodia) Co. Ltd.	7700			Kittrol Luckchai	Thai	Oddar Meanchey	Anlong Veng		MOE	Kulen Promtep Wildlife

³²It is mention in sar char nar 2015 of council of ministers but no mention the total land size(downsize)

No	Current situation	New Period (year)	ELC company name	Total land size (ha)	New Land size (ha)	Contract date	Director	Nationality	Province	District	Commune	Authority (before transfer)	Land conversion
													Sanctuary
85	<i>Downsized</i>	50	Best Royal (K) Co. Ltd.	6500			Tran Thai Ninh	Vietnamese	Oddar Meanchey	Not found		MOE	Kulen Promtep Wildlife Sanctuary
86	<i>Downsized</i>	50	National Plantation (K.H) Co. Ltd.	9020			Chhoeum Sovannary		Oddar Meanchey	Trapeang Prasat		MOE	Kulen Promtep Wildlife Sanctuary
87	<i>Revoked</i>	70	Tonle Sugar Cane Co. Ltd.	6618		2/24/2008	Buntoeng Vongkusol kit	Thai	Oddar Meanchey	Chong Kal	Pongro; Chong Kal	MAFF	
88	<i>Revoked</i>	70	Angkor Sugar	6523		2/24/2008	Tai Wanakorn kul	Thai	Oddar Meanchey	Samraong	Koun Kriel	MAFF	
89	<i>Revoked</i>	70	(Cambodia) Cane and Sugar Valley	6595		2/24/2008	Krisda Monthienci chienchai	Thai	Oddar Meanchey	Samraong	Koun Kriel	MAFF	
90	<i>Downsized</i>	50	Tomring Rubber Co. Ltd. [according to Sub-decree]; Tomring Rubber (Cambodia) Co. Ltd. [according to Council of Ministers]	7750			Esther Deong Chew Ming		Oddar Meanchey	Trapeang Prasat; Anlong Veng		MoE	Kulen Promtep Wildlife Sanctuary
91	Down sized	50	Samrong Rubber Industries Pte. Ltd.	9658		4/12/2006	Pang Nam	Cambodian	Oddar Meanchey; Siem Reap	Anlong Veng; Varin		MAFF	
92	<i>Revoked</i>	70	Khun Sea Import Export Co. Ltd.	8200					Oddar Meanchey	Not found		MOE	Kulen Promtep Wildlife Sanctuary
93	<i>Downsized</i>	50	Tay Ninh Siem Reap Aphivath Caoutchouc Co. Ltd.	7600			Le Van Chanh		Oddar Meanchey			MOE	Kulen Promtep Wildlife Sanctuary
94	Down sized	50	Sok Samnang Development	1865	1800		Keo Sarann		Oddar Meanchey			MOE	Kulen Promtep Wildlife Sanctuary
95	Down sized	50	Hout Meng Rita Co. Ltd.	1195			An Sok Nin		Oddar Meanchey	Anlong Veng		MOE	Kulen Promtep Wildlife Sanctuary
96	<i>Adjustment</i>	50	National Development Co., Ltd	6000					Oddar Meanchey	Bantai Ambil		MoE	

No	Current situation	New Period (year)	ELC company name	Total land size (ha)	New Land size (ha)	Contract date	Director	Nationality	Province	District	Commune	Authority (before transfer)	Land conversion
97	<i>Adjustment</i>	50	Meng Ly Heng Investment	1000					Oddar Meanchey	Samrong		MAFF	
98	<i>Downsized</i>	50	Se Hong Plantation Company Ltd.	9700			Lee Jong Ho	Korean	Oddar Meanchey			MOE	Kulen Promtep Wildlife Sanctuary
99	<i>Downsized</i>	50	GG World Group (Cambodia) Development Co. Ltd.	5000	2000	5/18/2005	An Yang Yin Chang	Chinese	Stung Treng	Stung Treng		MAFF	
100		50	Grand Land Agricultural Development (Cambodia) Co. Ltd.	9854		1/23/2006	An Yang Yin Chang	Chinese	Stung Treng	Sesan		MAFF	
101	<i>Revoked</i>	70	Un-Inter Trading and Development Group (Cambodia)	7000		10/12/2009	Zhang Yi	Chinese	Stung Treng	Sesan		MAFF	
102	<i>Downsized</i>	50	Sopheak Nika Investment Agro-industry Plants Co., Ltd	10000		8/8/2005	Men Sopheak	Cambodian	Stung Treng	Sesan		MAFF	
103	<i>Downsized</i>	50	Green Sea Agriculture Co. Ltd. (previously Green Sea Industry Co. Ltd.)	100852	9800	11/23/2001	Mong Reththy	Cambodian	Stung Treng	Siem Pang;Stung Treng		MAFF	
104	Down sized	50	Cassava Starch Production Co. Ltd.	7400		9/13/1999	Keo Vuthy	Cambodian	Stung Treng	Stung Treng		MAFF	
105	<i>Revoked</i>	50	(Cambodia) Research Mining and Development	7200		10/12/2009	Lay Sok leang	Khmer	Stung Treng	Sesan	Kbal Romeas	MAFF	
106	<i>Downsized</i>	50	Huayue Group Co. Ltd. (previously Siv Guek Investment Co. Ltd.)	10000		1/25/2006	Caiping Zhang	Chinese	Stung Treng	Sesan	Kbal Romeas	MAFF	
107	<i>Downsized after revocation</i>	50	Sok Heng Company Ltd.	7172		1/27/2006	Ly Sok Heng	Cambodian	Stung Treng	Sesan		MAFF	
108	Down sized	50	Phou Mady Investment Group	10000		1/24/2006	An Srey Bouy	Khmer	Stung Treng	Sesan	Sre kor	MAFF	
109	<i>Downsized</i>	50	Sal Sophea Peanich Co. Ltd.	9917		8/8/2005	Chhun Kosal	Cambodian	Stung Treng	Sesan	Stung Treng	MAFF	
110	<i>Downsized</i>	50	Flour Manufacturing Co. Ltd.	7400	2965	9/13/1999	Keo Vuthy	Cambodian	Stung Treng	Stung Treng		MAFF	

Source: verified and checked by research team based the sources from MAFF, MoE, Provincial Administration, NGO Forum, CDC/CIB and ODC website

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