

# The bitter truth behind the sugar industry in Preah Vihear Province: Land grabbing sectoral study in Cambodia

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## INTRODUCTION

Cambodia has become known as a hotspot for land grabbing in Southeast Asia (Park, 2019).

And one of the main reasons is the aggressive granting by the Royal Government of Cambodia of Economic Land Concessions (ELCs) to attract investors (Titthara, 2018).

The Cambodian government believes that these ELCs will bring national development.

In reality, however, it destroys the livelihoods and culture of the indigenous Kuy people as well other indigenous people (IP) and non-IPs. These have encroached on indigenous peoples' traditional domains, extracting minerals and timber, and building dams and roads.

In the guise of development, indigenous people are displaced, losing their livelihoods, and find their identities diminished.

Worse, biodiversity and natural ecosystems are being destroyed. The landscape in the concession areas is being permanently altered as the companies convert rice fields, forests, and streams into vast seas of sugarcane.

“It is estimated that 3.9 million hectares of arable land in Cambodia (equivalent to 22.1 percent of the country’s total land area) have been handed over to private investment (Chao, 2013 in Banks, Sloth, Garcia, and Ra, 2014), but data is scattered and unofficial” (Banks, et al., 2014).

As sugarcane land grab is common in Cambodia, the study focuses on so-called *Blood Sugar* in the province of Preah Vihear where thousands of people have been adversely affected by the controversial ELCs granted to five Chinese-owned companies.

The objectives of the study are:

- to provide an overview of the land grabbing conflict as a result of ELCs in Preah Vihear province by describing the: a) people/entities



involved in land grabbing; b) forms and means to control the conflicts; c) purpose of speculation, extraction, resource control or commodification on land; and, d) people affected by the land conflict and State policies and mechanism that address land grabbing conflict; and,

- to formulate concrete recommendations for an improvement of the land situation in Cambodia.

The study will be used as an advocacy tool to engage Cambodian people, government, national and international organizations, donors, and embassies to address the festering land grab issue.

### **Methodology**

Existing literature and related materials from the government, NGOs, private sector, and UN agencies such as books, research papers, study reports, case studies, newspapers as well as online publications were scanned and reviewed.

To gather primary data, focus group discussions and virtual meetings with NGO staff, local authorities, and other relevant stakeholders and community members in Preah Vihear province as well as Phnom Penh were conducted.

To confirm the report, a consultation and validation workshop was conducted with the participation of community representatives, and representatives from NGOs and affected communities.

The workshop gathered inputs from them on how they engaged and dealt with land grabs in Preah Vihear province and their recommendations to improve the situation in alignment with UN Guiding Principles on Business and Human Rights' *Protect, Respect, and Remedy* framework.

### **Scope and Limitations**

There are numerous incidents of land grabbing in Cambodia, and this study focuses on land grabs caused by the granting by the Cambodian government of ELCs to five Chinese companies for a sugarcane plantation in Preah Vihear Province.

The ongoing conflict between these companies and the communities brought forth the term “blood sugar” as the community members believe that the color of sugar is brown like “blood” because the companies are cursed by the spirit.<sup>1</sup>

The five Chinese-owned companies occupy more than 40,000 hectares in the province, affecting more than 1,000 families, who are IPs and non-IPs in 10 communes of three districts of the Preah Vihear province.

The study also looks into the people/entities involved in land grabbing, forms and means to control the conflicts, and the purpose of speculation, extraction, resource control or commodification on land.

The study also takes a look at the people affected by the land conflict as well as State policies and mechanisms that are used to address land grabbing.

The study has two limitations. First is that the actual size of the ELC that each company holds varies from one report to another. Second is that resource and time constraints as well as the COVID-19 pandemic have prevented SK from meeting and interviewing more people for information and data collection. Some face-to-face meetings, however, were replaced by virtual meetings.

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<sup>1</sup> The community members were interviewed in July 2020 in Preah Vihear province.



## SECTORAL OVERVIEW

### *Description of sector*

In Cambodia, the surge in land grabs in recent years has been largely associated with the increasing numbers of ELCs – a mechanism that allows investors to lease State land for economic development – and aggressive urban expansion, both of which are facilitated by the government agenda of economic growth and development.

Encouraged by Cambodia’s policy to establish large-scale agriculture under the ELCs scheme, and incentivized by the European agreement “Everything But Arms (EBAs)” with Least Developed Countries (LDCs), Cambodia attracted large amounts of investment, especially Chinese companies, into sugar production, allowing the country to export their products at a fixed minimum price and without tariffs to the European Union (EU).

In 2017, human rights group Cambodian League for the Promotion and Defense of Human Rights (LICADHO), estimated that “two million hectares of land in the country are currently under 274 ELCs — 114 of which were granted to locals and 136 to foreigners (12 are categorized as “others”; 12 as “unknown”).”

Of 136 ELCs, Chinese firms hold 42 ELCs (over 356,560 hectares of land), while Vietnamese and Malaysian firms hold 55 (369,107 hectares) and 12 (90,844 hectares) ELCs, respectively (IPHRDN, 2017). In 2018, 229 companies were reportedly given ELCs, which now cover 1.178 million hectares of land in 19 provinces.

This study focuses on five Chinese companies granted ELCs for sugarcane plantations.

These five Chinese companies (Heng Nong, Heng Rui, Land Feng, Heng You, and Rui Feng) appear to be subsidiaries of Heng Fu that opened its US\$360-million mill and refinery in 2016 with the aim to supply to the EU, India, and China. The new sugar mill is among the biggest in Asia.

“The facilities were pegged to process 20,000 tons of sugarcane and produce 2,000 tons of refined sugar, though the firm never released figures for its output” (Narin, 2020) and these large sugar facilities export raw and refined sugar mainly to Europe, but also to India and China.

The Cambodia and Chinese governments have attempted to regulate the environmental and social impacts of Chinese business operations, but those efforts do not seem to have a significant effect in this case, reinforcing the conclusion that the so-called “responsible agriculture investment approach” is not stopping land grabbing.

In response, the communities in Preah Vihear put pressure on the companies through petitions, media work, direct action, and other means to slow the land grab, and eventually drive the investors out. They have succeeded in exposing land grabs for what they really are: violent, devastating, and unlawful (CNA, Ponlok Khmer, GRAIN, CIYA and AIPP, 2017).

### *Scope of land grabbing*

While the economic impact of the shuttered plantation is being felt by villagers, the bigger pain comes from the prevailing land conflict with Cambodians, many from indigenous communities (Narin, 2020).

The companies have already cleared their land, an estimated 20,000 hectares of forests and local farmland (Moniroth, 2019). Much of these



**Table 1. Subsidiaries of Heng Fu Group Sugar Industry granted with ELCs in Cambodia**

Name of Company	Size of Land	Location (districts)	Type of Crops	Situation
Heng Nong	6,488 hectares	Chey sen	Sugarcane & Rice	Pending
Heng Rui	9,119 hectares	Chaeb	Sugarcane & Rice	Pending
Land Feng	8,015 hectares	Tbeng Meanchey	Sugarcane & Rice	Pending
Heng You	8,959 hectares	Chaeb & Cheysen	Sugarcane & Rice	Pending
Rui Feng	8,841 hectares	Tbeng Meanchey & Chaeb	Sugarcane & Rice	Pending

Sources: Adhoc Provincial Office Manager, 2020 and ODC, 2016

were ancestral and spirit forests and communal landholdings within 25 villages in these communes (Narin, 2020).

The total population of these 25 villages was 22,934 in 2012. It is reported that almost all the inhabitants of the areas covered by these concessions were Kuy, one of Cambodia’s most populous indigenous peoples.

As this conflict dragged on, thousands of indigenous Kuy people in Preah Vihear province lost their livelihood – with almost entire villages falling into debt. It is estimated that as much as 90 percent of the village is currently in debt.<sup>2</sup>

**Trends in the sector**

“In Cambodia, the surge in land grabs in recent years has been largely associated with the increasing numbers of ELCs” (Park, 2019).

Since the early 2000s, large tracts of land have been allocated by the government under the framework of ELCs to national and international investors, the majority of whom are Chinese.

It has been observed that over the past decade, millions of people have been displaced from their

homes and farmland, often violently, and pushed deeper into poverty.

To maximize their benefits, these investors all too often strike deals with corrupt State officials without the consent of the people who live on it. There has been little study on the role corruption plays in the transfer of land and natural resources from local communities to political and business elites (De Schutter, ICAR, and Global Witness, 2016).

In its review of the country’s EBA compliance, the EU has noted that while Cambodia has made progress in terms of land dispute resolutions, “shortcoming still exists in the areas of land registration, titling provisions and the lack of appropriate and impartial review as well addressing issues regarding the rights of the indigenous population.”

The review added that “further efforts are needed in order to establish an appropriate legal framework to ensure transparent and inclusive mechanisms for the resolutions of land [disputes]” (Moniroth, 2019).

In the specific case of sugar ELCs, large numbers of “families were dispossessed and received inadequate or no compensation. Despite requests over a number of years by EU, there was

<sup>2</sup> From the interview with the community members in Preah Vihear province.

little action taken for a considerable period by the authorities towards a comprehensive solution” (Moniroth, 2019).

“On 12 February 2020, the European Commission adopted a delegated regulation to partially withdraw trade preferences for some products imported from the Kingdom of Cambodia. If implemented, the delegated regulation will impact the duty-free exemption currently enjoyed by Cambodia on certain exports” (DFDL, 2020).

Likewise, the conflict in “Preah Vihear province’s sugarcane plantation has been strongly criticized by the European Commission’s investigation into Cambodia’s human rights record, which could see the potential suspension of the trade privilege” (Narin, 2020). The companies in “Preah Vihear and other three provinces were included in the European Commission’s EBA rights compliance review” (Moniroth, 2019). “Chinese sugarcane

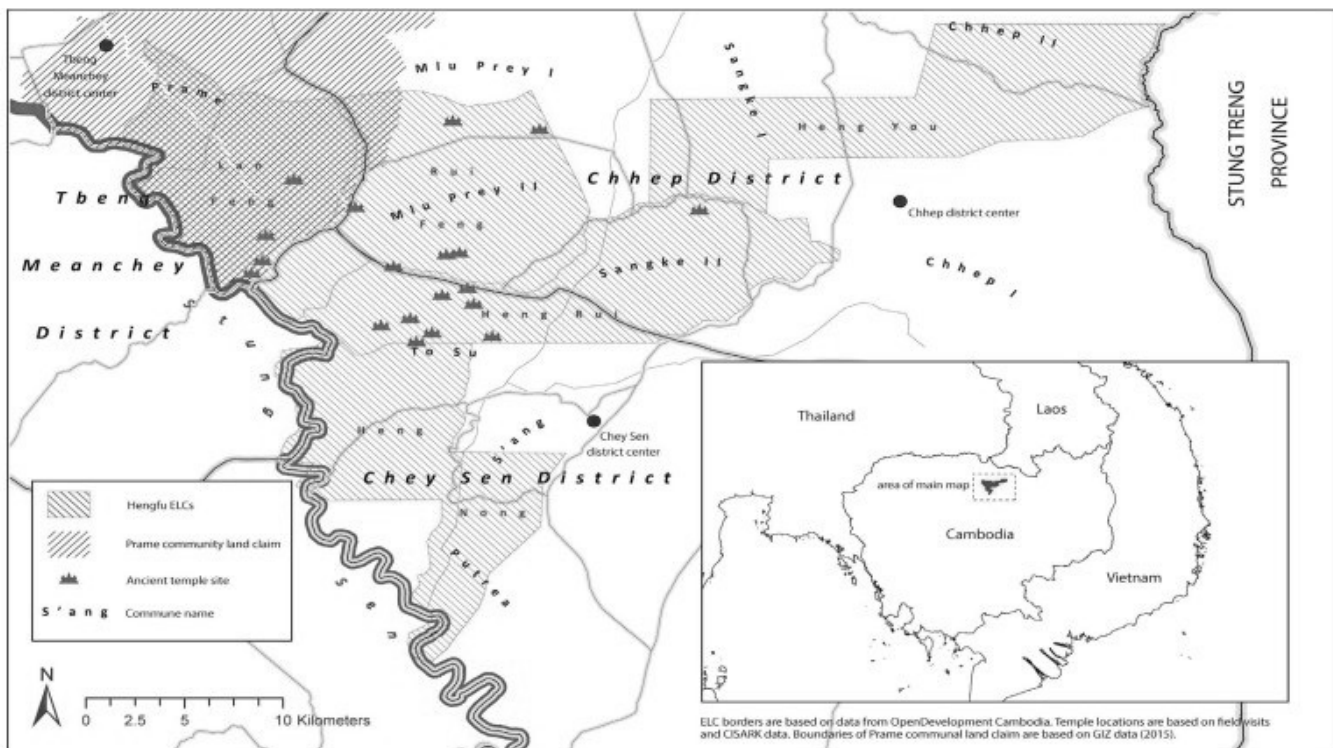
concession Rui and four linked firms seemed to have shut down their operations in the combined 42,000-hectare sugarcane plantation, with little public notice of the closure.”

Mr. Lor Chan, ADHOC Preah Vihear Provincial Coordinator, in July 2020, said in an interview that the company started going bankrupt in 2017 and completely stopped operations in 2019.

He added that apart from land conflicts, the company had started growing rice on a part of the plantation, in violation of their agreement with the government. A breach of contract was committed by the company because the ELC was allowed to grow sugarcane, rubber, and eucalyptus (Narin, 2020).

The company also rented out the land to the villagers to cultivate rice. The local villagers denied renting the land as they perceived that they own

**Map showing the three districts involved in land grab activities**





**A refined sugar factory on one of the ELCs**  
*Photo by Nhek Sarin*

the land. So, the villagers who rented the land were actually not local villagers, but mainly from Kompong Thom province. The company charged rent of 200,000 Riels (\$50) per year, he said.

### ***Persons/entities involved in land grabbing of the sector***

As mentioned earlier, the five companies, Heng Nong, Heng Rui, Lan Feng, Heng You, and Rui Feng, appear to be subsidiaries of a single company, Hengfu Group Sugar Industry (Hengfu), in partnership with Zhanjiang Huada Trading Company Limited Huada.

The five companies share a single office in Phnom Penh, and the contracts for three companies were all granted on the same date, 9 November 2011 (CNA, Ponlok Khmer, GRAIN, CIYA and AIPP, 2017).

Table 1 shows the subsidiaries of Heng Fu Group Sugar Industry that received ELCs from the Cambodian Government. Both Heng Hengfu and Huada are primarily owned by and received financing from Chinese entities, both State-owned and private. But they have also received

loans from foreign banks, including BNP Paribas (France) and Korea Development Bank (South Korea). In addition, Overseas-Chinese Banking Corporation (OCBC), a high-profile bank in Singapore, winner of multiple enterprise awards and member of the UN Global Compact, owns shares in a company named Avic Trust, which in turn owns shares of Huada (CNA, Ponlok Khmer, GRAIN, CIYA and AIPP, 2017).

“In 2012, the companies started clearing the forests and farm land with the help of uniformed personnel and bulldozers. Rice fields, sugarcane fields, resin trees, fallow fields, and spirit forests were destroyed. Ancient temple ruins are also unearthed which form a part of the sacred sites of the Kuy” (AIPP, 2015). The serious violations of the companies’ contracts were identified (CNA, Ponlok Khmer, GRAIN, CIYA and AIPP, 2017).

So, Kuy villages began an aggressive campaign to halt the progress. Their strategies have included squatting on farmland, putting themselves in the way of bulldozers and confiscating the company’s machinery (Phnom Penh Post, 2017).

The villagers demanded the companies to stop their activities on land concession overlapping with the villagers’ land. To address the conflicts, the local authorities agreed to identify the villagers’ land by mapping and demarcating boundaries (EJ Atlas, 2015).

The communities that protested against the company have been met with intimidation and judicial harassment. Company representatives and local authorities have threatened to shoot and arrest community members during their protests.

The Asian Peasant Coalition (APC) strongly condemned the intense repression and land grabbing carried out by the Chinese company

Hengfu Group Sugar Industry Co. Ltd against the indigenous Kuy People of Preah Vihear, Cambodia (APC, 2018).

Similarly, a land concession was granted to Metrei Pheap Kase-Ousamhakam Co. Ltd linked to tycoon An Mady. Two Preah Vihear representatives disappeared after being beaten and illegally arrested by armed military officials. The disappearance was part of a massive arrests of villagers entangled in a conflict with land concessions (LICDHO, 2019).

### **Forms of control**

The 2001 Cambodian Land Law limits the area of ELCs that can be granted to a single entity to 10,000 hectares (CNA, Ponlok Khmer, GRAIN, CIYA and AIPP, 2017).

However, Hengfu Director told the China Daily in 2016, without mentioning the five subsidiaries, that his company had been granted 42,422 hectares for its development plans. Heng Fu added that the company hoped to expand to 180,000 hectares (Moniroth, 2019).

It is clear then that the five subsidiary companies were registered in order to flout this limitation (CNA, Ponlok Khmer, GRAIN, CIYA and AIPP, 2017). The firm cleared lands, much of which were ancestral and spirits forests, and communal landholdings (Narin, 2020).

Some residents were compensated only after the company enriched their land with sugarcane. Some evictees reportedly received as little as \$250 per hectare while others did not receive any, according to NGOs and residents.

The people also reported that the company seized some titled land without paying anything



**Signboard of a refined sugar factory**  
*Photo by Nhek Sarin*

(Moniroth, 2019). The members of the community said that they received the compensation \$250 per hectare, but through the local authorities.<sup>3</sup>

In addition to lack of compensation, the companies also failed to come up with policies to address the social and environmental impacts until long after the clearings began. By the time they produced their environmental impact assessment, prepared by the Green Environment Group in July 2016, the conflicts were already underway for five years (Moniroth, 2019).

Agriculture projects of 10,000 hectares or more are required to submit an environmental impact assessment before their approval, according to a 1999 sub decree. Yet, the company has not followed even these belatedly produced social and environmental policies.

H.E. Sokhon, the Minister of Agriculture, acknowledged that the companies had violated the terms of their concessions on some occasions, including clearing land before fulfilling some

<sup>3</sup> The community members who attended the focus group discussion (FGD) in Preah Vihear in July 2020.



**Communities in protected areas struggle against Chinese sugar companies' land grabbing activities**  
*Photo by STAR Kampuchea*

requirements. He added that the procedure was good, but there were some shortcomings.

### ***Families and communities affected***

An estimated 15,000 people had been displaced due to sugar-related ELCs across the country, with the disposition of land felt by families in Preah Vihear, Kampong Speu, Koh Kong and Oddar Meanchey (Narin, 2020).

The land rights NGO estimated that only 25 percent of about 20,000 affected families – some 10,000 people – held official land titles, despite their claims of having lived on the land since 1980 – a situation common in rural areas, which

puts poor villagers at a disadvantage in case of disputes (Moniroth, 2019).

Since 2012, about 1,000 families from 20 villages in Tbeng Meanchey, Chheb, and Chey Sen districts had been directly impacted by the Preah Vihear sugarcane project (RFA, 2015).

This exposed the devastating consequences of land grabs resulting from the granting by the government of ELCs that consequently impact the indigenous community life in Preah Vihear, in Northern Cambodia.

In most of the villages overlapped by the concessions, both indigenous and non-indigenous families have lost land they had cultivated as well



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***“All persons, individually or collectively, shall have the rights to own property. Only natural persons or legal entities of Khmer nationally shall have the rights to own land.”***  
**(Article 44 of the Cambodia Constitution)**

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as land set aside for future cultivation and other purposes.

What usually happens is that the company plants the family’s land to sugarcane, leaving the family with no access to the land and threatening them with fines or arrest if the sugarcane was burned. Next, the company offers a small compensation for the land that the family usually has no other option but to accept and give up their land. Families ended up receiving as little as the equivalent of US\$250 per hectare.

Even the individual family plots titled under the government’s leopard skin strategy were not safe from the companies (CNA, Ponlok Khmer, GRAIN, CIYA and AIPP, 2017). This has violated the fundamental rights of communities and destroyed livelihoods as well as the ecosystems of both indigenous and non-indigenous peoples. Families have lost their means to produce food and earn a living as the companies have converted rice fields, forests, pasture lands, and streams into sugarcane fields.<sup>4</sup>

Waste and harmful chemicals flow into streams that communities rely on for water or to support their livelihoods. And since the concessions

also cover sites of at least 19 ancient temples, Cambodia has also lost part of its cultural heritage (Park, 2018).

Field observations revealed that companies planted sugarcane around at least 15 of them. Furthermore, at least one sacred forest has disappeared, to be replaced by sugarcane. In most cases, they left just one or two hectares for each temple. At one site, there was evidence that the company had plowed over the main temple and planted sugarcane in the area (CNA, Ponlok Khmer, GRAIN, CIYA and AIPP, 2017).

Even worse, the concessions hinder priceless culture, harmonization, and solidarity among the local and indigenous people. Ang Cheatlom, ED of Ponlok Khmer, said that “It is painfully evident to me that sustainable development supposedly brought by ELCs is nothing more than rhetoric” (CNA, Ponlok Khmer, GRAIN, CIYA and AIPP, 2017). In four villages, people with titles reported being forced to sell their land to the companies, with some not receiving any payment for them (CNA, Ponlok Khmer, GRAIN, CIYA and AIPP, 2017).

Many families in these areas covered by the concessions used to earn from tapping resin from *Dipterocarpus alatus* trees that grow wild in the forest. That revenue stream is gone now as the companies have cut thousands of resin trees, telling people they would cut the trees whether or not they accept the minimal compensation offered (CNA, Ponlok Khmer, GRAIN, CIYA and AIPP, 2017).

As ponds and streams have disappeared, so have aquatic animals which people relied on for food. Most families used to raise cattle or buffalos, letting them graze in collectively used spaces. Much of the land used for grazing cattle and buffaloes is gone now. In Chey Sen, community members even reported that a Chinese company

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<sup>4</sup> Interview with the members of community in July 2020 in Preah Vihear province



foreman shot and killed a resident's buffalos for food (ultimately paying compensation for it).<sup>5</sup>

The community members have also complained that fish began to die in large numbers in the downstream Stung Sen River once the factory began processing sugar. This is believed to be caused by chemicals, fertilizers, and herbicides, used on the sugarcane fields which flow into streams (Chhorn, CNA, Ponlok Khmer, GRAIN, CIYA and AIPP, 2017).

O Peal, a stream into which waste from the factory flows directly and which in turn flows to Stung Seng, has no more aquatic life. It is considered essentially dead (CNA, Ponlok Khmer, GRAIN, CIYA and AIPP, 2017).

## STATE POLICIES AND MECHANISMS THAT ADDRESS LAND GRABS

Cambodia has policies and mechanisms that address land grabs related ELCs. These include:

**1993 Cambodia Constitution.** Article 44 of the Cambodia Constitution reads that "All persons, individually or collectively, shall have the rights to own property. Only natural persons or legal entities of Khmer nationality shall have the rights to own land. Legal private ownership shall be protected by law. Expropriation of ownership from any person shall be exercised only in the public interest as provided for by law and shall require fair and just compensation in advance. It is prohibited for any foreigner, either a natural person or legal entity, to own land.

**2001 Cambodia Land Law.** The law aims to improve tenure security and access to land through a market-based land reform including land titling, cadastral commission, and liberalized

land market. Article 5 of 2001 Cambodia Land Law stipulates that "No person may be deprived of his ownership, unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and after the payment of fair and just compensation in advance."

Article 8 reads that "Only natural persons or legal entities of Khmer nationality have the right to ownership of land in the Kingdom of Cambodia." Also, the Land Law says "All Cambodians were entitled to occupy, use, and sell land and land property," but property rights that existed before 1979 were not recognized (Theng, 2016).

Article 25 of Land Law specifies that indigenous people and communities can exercise collective ownership over land where they have established residence and carry out traditional agriculture there.


Article 33 also states that if the immovable property is taken violently or by abuse of power of the authorities, the property shall revert to the State and could not be the subject of any new possession if there is no claim from the lawful possessor of the immovable property of which he was dispossessed.

**Directive 01.** Directive 01 was issued by the Prime Minister of Cambodia as a moratorium on the granting of new ELCs. It also called for a review of all existing ELCs to check their compliance with existing regulations.

Based on Directive 01, land titles have been provided to existing land occupants through the "leopard-skin" policy which aims to allow communities to live side by side with the

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<sup>5</sup> Ibid



concession land and protected areas (The NGO Forum on Cambodia, 2017). It was also issued to reinforce and increase the efficiency of the management of ELCs (LICHADO, 2014).

Under the order, the Prime Minister launched a year-long land registration and titling campaign supposedly to improve people's land tenure security and resolve conflicts between communities and companies.

Between June 2012 and December 2014, more than 600 thousand individual titles which included indigenous lands for communal titling, were issued at no cost. However, the titling program avoided areas awarded for ELCs (Schoenberger, 2015, Milne, 2013, in Park, 2019).

**Sub-Decree No. 146 on Economic Land Concessions.** Article 1 of this Sub-Decree aims to determine the criteria, procedures, mechanisms, and institutional arrangements for initiating and granting new ELCs; by monitoring the performance of all ELC contracts; and by reviewing ELCs prior to the effective date of this sub decree for compliance with the Land Law of 2001. This Sub Decree also outlines the scope and criteria of economic land concessions, establishing a ceiling of 10,000 hectares, and requires the concessionaire to conduct prior public consultation with the local community and comply with safety measures.

### **COVID-19 IMPACTS ON LAND GRAB IN PREAH VIHEAR PROVINCE**

COVID-19 has spawned economic and health crisis across the globe.

It also had an effect on the resolution of land grabbing cases, as the pandemic response had led to cases being stuck in court. For those charged

in court because of land conflicts, they could not meet with the community members because of pandemic-related restrictions.

The community members, meanwhile, also cannot follow up their cases with the relevant local authorities as they are restricted from meeting them in-person, thus, the resolution of the cases is further delayed. Even worse, they are also prohibited from assembling to demand the court to drop the cases against them.

In addition, COVID-19 has threatened their livelihoods. Their agricultural products could not sell well as there is no overseas market. Also, they could not sell their labor as the factories and companies are closed. This heavily impacts on their daily life.

At the same time, their children are restricted from attending school, further weakening their children's education. Online studies is not a viable option in the rural areas where there is little to no access to the internet.

### **RECOMMENDATIONS**

The following recommendations were gleaned from the Data Collection and Validation Workshop conducted in July 2020 in Preah Vihear province.

#### ***Protect***

- The State should ensure that the assembly, the peaceful protests, and expression of opinion on the social matters are well protected;
- The State should enhance the knowledge of the sub-national officers about human rights principles as well as national and international laws;
- The State should recognize the shifting cultivation, customary rights, and culture of IPs;



- The relevant ministries should speed up the registration of the Community Land Titling (CLT) for IPs;
- The State should protect the residential, agricultural, spirit, burial, and shifting agricultural lands of IPs in regard to 2001 Land Law, Sub-decree on Communal Land Titling (CLT); and,
- The State should protect rights of IPs to establish IP communities or links to their forest, land, and culture.

### **Respect**

- The company should conduct public consultation (Free, Prior, Informed Consent) with citizens, and an Environment Impact Assessment (EIA) before starting their operations;
- The company should inform the people well about their business before operating the project to avoid conflict and negative impact on economic rights and cultural rights;
- The company should respect the rights of the IP communities and their customary and cultural rights;
- The company should respect the agreement that they signed with the government;
- The government should conduct regular monitoring on the daily operations of the company with the participation of the concerned community and civil society; and,
- The development partners should urge the government to respect the principle of the ELCs or cancel ELCs that affect the lives of the community.

### **Remedy**

- As Heng Fu in Preah Vihea is in bankruptcy now, the government should take over the land and give it back to the villagers whose land was illegally taken;

- The company should pay appropriate and fair compensation to those whose lands were grabbed. It should be based on the market price and arrived at without intimidation;
- The company or the government should restore the environment contaminated by the sugarcane industry;
- Conflict resolution should involve different parties including local authorities, civil society, and media;
- The State should cancel the ELC involving sugar in Preah Vihear to end all the conflicts and return the land to the people, who can then restart their farming activities;
- The local authorities and court should drop unconditionally all cases against land and human right activists;
- The compensation shall be paid directly to the people involved in the conflict, not through the local authorities; and,
- The community should have rights to access legal support and relevant institutions when they are accused. ■

### **REFERENCES**

- Asian Peasant Coalition (APC). (2018). APC condemns Heng Fu's land grabbing in Cambodia. *farmlandgrab.org*. <https://www.farmlandgrab.org/post/view/27828-apc-condemns-heng-fu-s-land-grabbing-in-cambodia>
- Banks, A., Sloth, C., Garcia, D.H., and Ra, K. (2014). Forest-Land Conversion and Conversion Timber Estimates: Cambodia Case Study. NEPCON and Forest Trends. <https://landmatrix.org/media/uploads/nepconnetstitesdefaultfileslibrarynepcon-foresttrends-cambodia-conversion-2014-11pdf.pdf>
- Business & Human Rights Resource Centre. (2016). *Cambodia: Conflicts continue between Preah Vihear villagers & Hengfu Sugar subsidiaries, as locals accuse companies of taking land without adequate*. <https://www.business-humanrights.org/en/latest-news/cambodia-conflicts-continue-between-preah-vihear-villagers-hengfu-sugar-subsidiaries-as-locals-accuse-companies-of-taking-land-without-adequate-compensations/>

- Cambodian League for the Promotion and Defense of Human Rights (LICADHO). (2019). *Preah Vihear community representative missing for two months*. <http://www.licadho-cambodia.org/articles/20190321/161/index.html>
- Cambodia Investment (n.d). *Regulatory Framework for the Land System in Cambodia*. Retrieved from <http://www.cambodiainvestment.gov.kh/investors-information/land-site-development.htm> Council for the Development of Cambodia. (2017). *Land*. <http://www.cambodiainvestment.gov.kh/investors-information/land-site-development.htm>
- Chandran, R. (2017). Women lead sugar fight as Cambodia sours on land deals. *Reuters*. <https://www.reuters.com/article/us-cambodia-landrights-farming/women-lead-sugar-fight-as-cambodia-sours-on-land-deals-idUSKBN1D9216>
- Chandran, R. (2019). Cambodia orders rare investigation of shooting in land protest. *Reuters*. <https://www.reuters.com/article/us-cambodia-landrights-crime/cambodia-orders-rare-investigation-of-shooting-in-land-protest-idUSKCN1PP1IW>
- Community Network in Action (CNA), Ponlok Khmer, GRAIN, Cambodia Indigenous Youth Association (CIYA), and the Asia Indigenous Peoples Pact (AIPP). (2017). Cambodia: communities in protracted struggle against Chinese sugar companies' land grab. *ICCA Consortium*. <https://www.iccaconsortium.org/index.php/2017/10/25/cambodia-communities-in-protracted-struggle-against-chinese-sugar-companies-land-grab/>
- De Schutter, O., International Corporate Accountability Roundtable (ICAR), and Global Witness. (2016). Tainted Lands: Corruption in Large-Scale Land Deals. Global Witness. <https://www.globalwitness.org/en/campaigns/land-deals/tainted-lands-corruption-large-scale-land-deals/>
- DFDL. (2020, 14 February). Cambodia Alert: EBA Update. DFDL. <https://www.dfdl.com/resources/legal-and-tax-updates/cambodia-update-eba-update/> Perera, J. (Ed.) (2009). Land and Cultural Survival: The Communal Land Rights of Indigenous Peoples in Asia. Asian Development Bank. <https://www.adb.org/sites/default/files/publication/27980/land-cultural-survival.pdf>
- Diepart, J. (2015). The fragmentation of land tenure system in Cambodia: Peasants and the formalisation of land rights. GRET. [https://www.researchgate.net/publication/279206247\\_The\\_fragmentation\\_of\\_land\\_tenure\\_system\\_in\\_Cambodia\\_Peasants\\_and\\_the\\_formalisation\\_of\\_land\\_rights](https://www.researchgate.net/publication/279206247_The_fragmentation_of_land_tenure_system_in_Cambodia_Peasants_and_the_formalisation_of_land_rights)
- Environmental Justice Atlas (EJ Atlas). (2015). *Land grabbing by Rui Feng International in indigenous Kuoy villages, Preah Vihear, Cambodia*. <https://ejatlas.org/conflict/chinese-companies-grab-indigenous-kuoy-land-cambodia>
- Environmental Justice Atlas (EJ Atlas). (2016). *'Blood sugar' land grab by Phnom Penh Sugar Company, Kampong Speu, Cambodia*. <https://ejatlas.org/conflict/blood-sugar-land-grab-by-phnom-penh-sugar-company-kampong-speu-cambodia>
- European Parliament. (2019). *'Everything but Arms': The case of Cambodia*. European Union. [https://www.europarl.europa.eu/RegData/etudes/ATAG/2019/637931/EPRS\\_ATA2019637931\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2019/637931/EPRS_ATA2019637931_EN.pdf)
- Hem, S. (2012). *Foreign Investment in Agriculture in Cambodia: A Survey of Recent Trends*. TKN & IISD: Manitoba, Canada.
- Indigenous Voice of Asia. (2017). Cambodia: *Preah Vihear communities report human rights violations by Chinese sugar companies to UNWG on BHR*. <https://www.business-humanrights.org/en/latest-news/cambodia-preah-vihear-communities-report-human-rights-violations-by-chinese-sugar-companies-to-unwg-on-bhr/>
- Indigenous Peoples Human Rights Defenders Network (IPHARDN). (2017). *Cambodia: No Sweet Deal: Community Resists Chinese Sugarcane Land Grab*. <https://iphrdefenders.net/cambodia-no-sweet-deal-community-resists-chinese-sugarcane-land-grab/>
- Jean-Christophe Diepart (2015). *Fragmentation of Land tenure Systems in Cambodia: Peasants and the Formalization of Land Rights*. GRET: Phnom Penh, Cambodia
- Khmer Times. (2019). *Villagers questioned over bulldozers*. Retrieved from <https://www.khmer-timeskh.com/50591627/villagers-questioned-over-bulldozers>
- Khorn, S. (2019). Cambodia: A provincial court summonses 9 indigenous representatives and NGO staffers to appear before the court for questioning over charges of 'illegal confinement and detention'. *Business & Human Rights Resource Centre*. <https://www.business-humanrights.org/en/latest-news/cambodia-a-provincial-court-summonses-9-indigenous-representatives-and-ngo-staffers-to-appear-before-the-court-for-questioning-over-charges-of-illegal-confinement-and-detention/>
- Kimmarita, L. (2019). Preah Vihear land dispute drags on. *The Phnom Penh Post*. <https://www.phnompenhpost.com/national/preah-vihear-land-dispute-drags>
- Médecins Sans Frontières (MSF). (2020). *Responding to COVID-19 in Cambodia*. <https://www.msf.org/responding-covid-19-cambodia>



- Moniroth, M. (2019, 13 December). Plantations Skirted Laws to Amass Land, Driving Locals Into Debt. *VOD*. <https://vodenglish.news/plantations-skirted-laws-to-amass-land-driving-locals-into-debt/>
- Musni, D., Listyarini, A., and Salomon, T. (2020). Secure Land Rights Critical for Asia's Rural Communities Threatened by COVID-19. *Delhi Post*. [https://delhipostnews.com/secure-land-rights-critical-for-asias-rural-communities-threatened-by-covid-19/#google\\_vignette](https://delhipostnews.com/secure-land-rights-critical-for-asias-rural-communities-threatened-by-covid-19/#google_vignette).
- Narin, S. (2020, 4 February). Massive Chinese Sugarcane Firm Disappears From Preah Vihear. *VOA Cambodia*. <https://www.voacambodia.com/a/massive-chinese-sugarcane-firm-disappears-from-preah-vihear/5273014.html>
- Open Development Cambodia (ODC). (2016). *Economic Land Concessions*. [https://opendevelopmentcambodia.net/profiles/economic-land-concessions?feature\\_id=elc\\_gdc\\_97](https://opendevelopmentcambodia.net/profiles/economic-land-concessions?feature_id=elc_gdc_97)
- Park, C.M.Y. (2018). "Our Lands are Our Lives": Gendered Experiences of Resistance to Land Grabbing in Rural Cambodia. *Feminist Economics*, Vol 25 No. 4, 21-44.
- Pen, R. and Chea, P. (2015). *Large- Scale Land Grabbing in Cambodia: Failure of International and National Policies to Secure the Indigenous People's Rights to Access Land and Resources*. Henrich Boll Foundation
- Perera, J. (Ed.) (2009). *Land and Cultural Survival: The Communal Land Rights of Indigenous Peoples in Asia*. Asian Development Bank. <https://www.adb.org/sites/default/files/publication/27980/land-cultural-survival.pdf>
- Reuters (2017). *Women lead sugar fight as Cambodia sours on land deals*. Retrieved from <https://www.reuters.com/article/us-cambodia-landrights-farming/women-lead-sugar-fight-as-cambodia-sours-on-land-deals-idUSKBN1D9216>
- Radio Free Asia (RFA). (2015). *Cambodian Villagers Block Chinese Developer From Clearing Grazing Land*. <https://www.rfa.org/english/news/cambodia/developer-06242015162632.html>
- Royal Government of Cambodia. (2005). *Sub-Degree on Economic Land Concession, No. 146 ANK/BK*. Royal Government of Cambodia.
- Seangly, P. (2014). Child labourers found: police. *The Phnom Penh Post*. <https://www.phnompenhpost.com/national/child-labourers-found-police>
- Seangly, P. (2015). New spat for Preah Vihear company. *The Phnom Penh Post*. <https://www.phnompenhpost.com/national/new-spat-preah-vihear-company>
- Seangly, P. and Baliga, A. (2017). A bitter feud in Preah Vihear. *The Phnom Penh Post*. <https://www.phnompenhpost.com/national-post-depth/bitter-feud-preah-vihear>
- Socheth, H. (2012). *Foreign Investment in Agriculture in Cambodia: A survey of recent trends*. International Institute for Sustainable Development. Trade Knowledge Network. [https://www.iisd.org/system/files/publications/foreign\\_investment\\_ag\\_cambodia.pdf](https://www.iisd.org/system/files/publications/foreign_investment_ag_cambodia.pdf)
- Sovuthy, K. (2019). Villagers questioned over bulldozers. *Khmer Time*. <https://www.khmertimeskh.com/50591627/villagers-questioned-over-bulldozers/>
- The NGO Forum on Cambodia. (2017). *The Assessment of the Economic Land Concession Cancellation: Case Study from Cambodia's Northern Provinces*. [http://www.ngoforum.org.kh/wp-content/uploads/2019/06/ENGLISH\\_Final\\_Report\\_on\\_Assessment.pdf](http://www.ngoforum.org.kh/wp-content/uploads/2019/06/ENGLISH_Final_Report_on_Assessment.pdf)
- The Phnom Penh Post. (2014). *Child labourers found: Police*. Retrieved from <https://www.phnompenhpost.com/national/child-labourers-found-police>
- The Phnom Penh Post. (2015). *New Spat for Preah Vihear Company*. Retrieved from <https://www.phnompenhpost.com/national/new-spat-preah-vihear-company>
- The Phnom Penh Post. (2016). *Giant sugar mill set to open in Preah Vihear*. <https://www.phnompenhpost.com/business/giant-sugar-mill-set-open-preah-vihear>
- The Phnom Penh Post. (2017). *A Bitter Feud in Preah Vihear*. Retrieved from <http://www.phnompenhpost.com/national-post-depth/bitter-feud-preah-vihear>
- The Phnom Penh Post. (2017). *After Years of Taking on a Sugar Company*. Retrieved from <https://www.phnompenhpost.com/national/zuckerberg-gates-help-kingdom--19-fight>
- The Phnom Penh Post. (2019). *Cambodia: Preah Vihear provincial court charges villagers and NGOs staffers over land disputes with a Chinese company*. Retrieved from <https://www.business-humanrights.org/en/latest-news/cambodia-preah-vihear-provincial-court-charges-villagers-and-ngos-staffers-over-land-disputes-with-a-chinese-company/>
- The Phnom Penh Post. (2019). *Preah Vihear land dispute drags on*. Retrieved from: <https://www.phnompenhpost.com/national/preah-vihear-land-dispute-drags>
- The Phnom Penh Post. (2020). *Man claims beating at hands of Rui Feng staff*. Retrieved <https://www.phnompenhpost.com/national/man-claims-beating-hands-rui-feng-staff>
- The Phnom Penh Post. (2019). *Cambodia: A provincial court summonses 9 indigenous representatives and NGO staffers to appear before the court for questioning over charges of 'illegal' confinement and detention*. Retrieved from <https://www.business-humanrights.org/en/latest-news/cambodia-a-provincial-court->



summonses-9-indigenous-representatives-and-ngo-staffers-to-appear-before-the-court-for-questioning-over-charges-of-illegal-confinement-and-detention/  
 Theng, N. (2016). *Land Dispute Resolution Mechanisms in Cambodia*. [Breifing Note for the Commission on Human Rights Reception of Complaints, Investigation and National Assembly-Senate Relations of the National Assembly of Cambodia]. [https://www.pic.org.kh/images/2016Research/20160805%20Land%20Dispute%20Resolution%20Mechanism\\_Eng.pdf](https://www.pic.org.kh/images/2016Research/20160805%20Land%20Dispute%20Resolution%20Mechanism_Eng.pdf)  
 Thomson Reuters Foundation. (2019). *Cambodia orders rare investigation of shooting in land protest*. Retrieved from <https://www.reuters.com/article/us-cambodia-landrights-crime/cambodia-orders-rare-investigation-of-shooting-in-land-protest-idUSKCN1PP1IW>  
 Titthara, M. (2018, 6 February). Coalition condemns land grabbing. Khmer Times. <https://www.khmertimeskh.com/106701/coalitioncondemns-land-grabbing/>

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## DISCLAIMER

The views of this study do not necessarily reflect of those of ILC.

## ACRONYMS

ADHOC	Cambodia Human Rights and Development Association
ADIC	Analyzing Development Issues Center
AIPP	Asia Indigenous Peoples Pact
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
APC	Asian Peasant Coalition
CHRAC	Cambodian Human Rights Action Committee
CIPO	Cambodia Indigenous People Organization
CIYA	Cambodian Indigenous Youth Association
CLEC	Community Legal Education Center
CAN	Community Network in Action
CPN	Community Peace-Building Networking
CPP	Cambodian Peoples’ Party
EBA	Everything But Arms
EC	European Commission
EIA	Environment Impact Assessment
EJA	Environment Justice Atlas
ELC	Economic Land Concession
FPIC	Free, Prior, Informed Consent
ICSO	Indigenous Community Support Organization



IPHRD/s	Indigenous Peoples Human Rights Defender/s
LICHADO	Cambodian League for the Promotion and Defense of Human Rights
MAFF	Ministry of Agriculture, Forestry, and Fisheries
MEF	Ministry of Economy and Finance
MLMUPC	Ministry of Land Management, Urban Planning, and Construction
Mol	Ministry of Interior
MRD	Ministry of Rural Development
NGO F	NGO Forum on Cambodia
RFA	Radio Free Asia
RGC	Royal Government of Cambodia
VOA	Voice of America