Indigenous Kuy in Preah Vihear’s Prame commune threatened by Chinese-owned sugar plantations

The indigenous Kuy community inhabiting Prame, Srae Preang and Bos Thum villages in Prame, commune, Preah Vihear province, have inhabited the land since the time of their ancestors. Traditionally the community has relied on their land and the forests to farm rice, fish, and collect forest by-products such as resin.

In April 2012, two Chinese companies – Lan Feng (Cambodia) International Co. Ltd. ("Lan Feng") and Rui Feng (Cambodia) International Co. Ltd. ("Rui Feng") – began bulldozing the community’s farmland, huts, and surrounding forests, including the community’s spirit forest, in Prame commune, affecting 500 indigenous families. The companies also filled in a small lake which the community relied on to fish. In July 2011, the RGC reclassified a total of 17,856 hectares of what it deemed to be State public land in Prame, Mlu Prey Muoy and Mlu Prey Pir communes, to State private land, and granted this to Lan Feng and Rui Feng,¹ although the total land has since been reduced to 15,571.91 hectares² following protests from the affected community. The two companies are part of a closely linked group of Chinese firms with adjacent economic land concessions (“ELCs”). The adjacent ELCs are owned by sister companies Heng You, Heng Rui and Heng Nong; collectively the Chinese-owned companies hold five separate ELCs to grow sugarcane spanning a total of 40,000 hectares, effectively circumventing the 2001 Land Law that prohibits a single company from holding more than 10,000 hectares. The US$1.5 billion sugar processing project by the five companies is set to be one of Asia’s

¹ 9,015 hectares were granted to Lan Feng as per Sub-Decree No. 144 and 8,841 hectares to Rui Feng as per Sub-Decree No. 145, both issued on 6 July 2011.
² As per Sub-Decrees: No. 445 (24 June 2013), No. 375 (13 June 2013), No. 157 (3 April 2013) and No. 225 (17 December 2012)
largest sugar processing facilities, and will export raw and refined sugar to India and China, but mainly to the European Union. Yet, no prior consultations with the indigenous community in Prame commune took place as required by ELC regulations.

The loss of major sources of food and income as a result of the land grabbing has led to major difficulties for the affected families. Many do not have enough money for medical treatment when they fall sick, and are no longer able to support their children’s education. As a result, 60-70% of affected families in Prame commune have taken out loans to ease financial stress, and children as young as 12-years old have been put to work to help their families subsist.

Community protests 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. In early 2014, the two companies filed a complaint against four community representatives, for intent to destroy property; when the four were summonsed for questioning at the provincial court, the community protested outside the court until they were released.

The community wants a collective land title ("CLT") to provide formal protection of their indigenous lands under Cambodian law. They have already completed two of three stages of this process – in August 2012 they obtained formal self-identification recognition as a “traditional culture” by the Ministry of Rural Development, and in February 2014 they were recognized as a legal entity with the Ministry of Interior (the “MOI”). In July 2015 the community attempted to submit their application for a CLT, however the Ministry of Land Management, Urban Planning and Construction (“MLMUPC”) rejected the application; the maps showing the community’s land need to be re-drawn, as many of the families whose land falls under the area in the map have now accepted private land titles under sustained pressure from the local authorities. Of the 500 affected families, 133 have now accepted private land titles.

The community has filed a number of complaints since late 2012 to the district and provincial authorities. They have also filed complaints to several institutions in Phnom Penh, including the MLMUPC, the Ministry of Agriculture, the MOI, the National Assembly and the Senate. In February 2014, the MOI responded and instructed the provincial governor to examine the case and accelerate a resolution.

In recent months the local authorities and company representatives have attempted to negotiate with the community, promising compensation and replacement for their lost farmland, but not for their residential land. However the community refuses to move to the relocation site, as they are connected to their ancestral lands. As one community representative asked CCHR, “why can’t the company go to the relocation site and then the community can remain on their land?” The community plans to continue their protests and re-submit their CLT application in the near future.

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