H.E. Say Sam Al  
Minister of Environment  
No. 48, Samdach Preah Sihanouk Boulevard,  
Phnom Penh  

26 January 2016  

CCHR open letter to the Minister of Environment to request clarification on the potential provision of Economic Land Concessions

Dear His Excellency Say Sam Al,

I write to you from the Cambodian Center for Human Rights (“CCHR”) regarding the Economic Land Concessions (“ELCs”) allegedly granted to Oknha Try Pheap and Lim Bunna, as reported in The Cambodia Daily on 19 January 2016. I am concerned that the provision of these ELCs violates the moratorium on ELCs put in place by Directive 01 (Order on the Strengthening Measure and Effectiveness of Economic Land Concession Management No. 01BB) issued in May 2012. This government action is unclear in the light of statements made on Tuesday by Ministry of Environment spokesman Sao Sopheap, to the effect that the ELCs had not been reallocated, but that Mr. Pheap and Mr. Bunna were instead only allowed to collect already felled timber on the sites. The two concessions in question, located inside the Phnom Prich Wildlife Sanctuary, had previously belonged to the Khmer Angkor Agriculture Company and the Dai Nam Company before being revoked for breach of their operating conditions. The reallocation of previously existing ELCs during this moratorium period is not permitted, according to Council of Ministers spokesperson Phay Siphan.

Moreover, Directive 01 states that withdrawn lands will be placed under direct control of the State.

I respectfully request that the Ministry of Environment provide clarification as to the granting of these ELCs, specifically whether or not this is permitted under the current moratorium imposed by Prime Minister Hun Sen in 2012, or whether this land grant is not a new ELC but another type of land use agreement. If the latter is the case, I request that information be provided about what rights these business operators have, and that assurances be made that no new timber will be felled. I reaffirm the requests made by CCHR that all ELCs in Cambodia are granted in accordance with legal procedures, with appropriate environmental and social impact assessments carried out prior to operations.

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3 Ibid
Concern over the use of the revoked ELCs is exacerbated by the fact that both Mr. Pheap and Mr. Bunna have in the past been reportedly linked to land use crimes, specifically illegal logging. Mr. Bunna was specifically named by Mr. Siphan as a target of a new illegal logging investigation committee, formed between the National Police, National Military Police and Forestry Administration. On 19 January illegally felled timbers were seized from property belonging to Mr. Bunna and fellow business magnate Soeng Sam Ol, as reported by The Phnom Penh Post. Similarly Mr. Pheap has been accused of illegal logging, following an eight-month undercover investigation by environmental action group Global Witness. In addition, CCHR has documented a number of cases in which ELCs have been linked to a plethora of human rights abuses. In light of these significant concerns, I request that you reconsider the decision to grant land use rights to individuals that have been reportedly linked to forest crimes.

I also request clarification as to whether other previously voided ELCs have been reallocated, despite the current ban. As of January 2015 more than 600,000 hectares of land has been brought back under government control from 71 companies for breaches of ELC conditions, according to Undersecretary of State at the Ministry of Agriculture, Forestry and Fisheries Eang Sophalleth, as reported in The Phnom Penh Post on 22 January 2015.

The moratorium on the granting of ELCs was implemented to combat land grabs and illegal logging activities. However, land conflicts and forestry crimes have continued apace. I call upon the Royal Government of Cambodia to strictly enforce Directive 01, as well as enforce the ELC regulations during the registration stage and throughout ongoing commercial operations. I hope this will prevent more environmental devastation and abuse of land rights in Cambodia.

Yours sincerely,

Chak Sopheap
Executive Director
Cambodian Center for Human Rights (CCHR)

CC:
- The Cabinet of Cambodia
- Mr. Pol Hom, Chairperson of the Commission on Planning, Investment, Agriculture, Rural Development, Environment, and Water Resources
- Ms. Rhona Smith, Special Rapporteur on the Situation of Human Rights in Cambodia
- Office of the High Commissioner for Human Rights

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5 Ibid