

## **Joint NGO Submission to the 2<sup>nd</sup> cycle of the Universal Periodic Review of Cambodia June 2013; focus on *Natural Resources and Forestry sectors*:**

This joint submission has been prepared in consultation with a number of key Cambodia NGOs, It has been endorsed, in whole or part, by **NGO Forum on Cambodia, Cambodia Indigenous Youth Association, Ponluk Khmer and Tekdeysovanphum Organizations.**

### **Forest and Environmental concerns and recommendations:**

On 26 April 2012, an <sup>1</sup>environmental activist, Mr. Chhut Wuty was killed by military police during his mission to investigate illegal logging activities in Koh Kong Province. Later, 14 years old girl<sup>2</sup> name Heng Chentha was shot to dead in a force eviction of a village in Broma village, Kamopong Damrey commune, Chlong district, Kratie Province, due to villagers' lands were grabbed by an ELC project. As a result, these cases were shut down in the court without any further interventions. It indicates that the judiciary system is not independent and causes under threat for communities' activists in conserving the natural resources. In this sense, human and environmental rights are violated since they are complementary. In addition, in April 2013, 27 patrol members<sup>3</sup> of protected community forest detained by military soldiers while returning to their office with two chainsaws and 100 planks of luxuries timber in Oddor Meanchey Province, since this community received agreement from MAFF as well as a part of REDD+ pilot project in Cambodia. **The judiciary system should re-investigate the cases of environmental or natural resource and land activists such as Mr. Chhut Vuthy, Heng Chentha, the 14 year-old girl and other forest conservation activists. The governments should seriously address the drivers of deforestation and forest degradation through policy studies, associated reforms, strengthening laws enforcement and show their political will and commitment to represent the interest of their citizenry in forest and environment conservation, as well as the UNFCCC negotiations such as the assurance of human rights, social and environmental safeguards including: Respect for UNDRIP and application of right of IPs to FPIC, Rights to lands, Territories and Resources, Clear guidelines and clarity in benefit sharing mechanism, Inclusion of gender safeguards, REDD+ financing and Exclusion of conflict areas.**

In July 04, 2012, NGOs and Civil Societies appreciate the RGC released a Directive 01<sup>4</sup> on Measures to Strengthen and Enhance the Effectiveness of the Economic Land Concession Management, and moratorium granting new ELCs. However, the implementation of directive 01 is not fully consulted with local/IPs communities who want to register their communal land titles. Moreover, regulations and laws including EIA process have not fully engaged and consulted with local communities in particular IP communities, and we observed that economic land concessions (ELCs) were granted before EIA has been undertaken. Economic land concessions (ELCs) were granted to private companies in the areas where huge forest remaining, which affected the local and indigenous peoples' livelihood throughout forest land clearance activity. ELCs granted in the area mostly have not complied with the law and sub-decrees on ELC. In addition, the updates of reviewing existing ELCs applications are not accessible in the public through Ministry of Agriculture, Forestry and Fisheries (MAFF) and Ministry of Environment (MoE) websites. Furthermore, some ELCs companies have started their operation before receiving license approval. <sup>5</sup>ELCs are now covering 2,036,170 ha in equivalent to 53% of Cambodia arable land, and there are some case studies on ELCs in northeastern<sup>6</sup>

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<sup>1</sup> Statement can be downloaded at NGOF website: [www.ngoforum.org.kh](http://www.ngoforum.org.kh)

<sup>2</sup> ADHOC statement on issued in May 17, Cambodia authorities must put an end to the cycle of violence related to land and natural resource right.

<sup>3</sup> Phnom Penh Post, Soldiers detain REDD forest patrol members, in April 2013.

<sup>4</sup> The Priminister issued Directive 01 on Measures to Strengthen and Enhance the Effectiveness of the Economic Land Concession Management, and moratorium granting new ELCs, July 2012.

<sup>5</sup> NGO position papers on Cambodia's development in 2010-2012, September 2012, forestry sector, page 85.

<sup>6</sup> NGO Forum on Cambodia, research paper on Economic Land Concession and Local Communities. It can be downloaded through NGOF website: [www.ngoforum.org.kh](http://www.ngoforum.org.kh)

Cambodia indicated that the overlapping between ELCs and communities' lands and forest conservation areas led to conflicts and land grabbing due to the project developers didn't comply with Free, Prior informed and Consent principles with local and indigenous peoples, especially in the territories of indigenous communities. **Monitoring & Evaluation system of ELCs database should be regularly updated in respected ministries website, and the review of ELCs applications should be publicly accessible and ensuring that those information is transparent. In addition, the respected ministries should set up sub-national committees who are responsible for spot checking ELCs projects in the national while to ascertain that those projects are well-demarcated without any conflicts, and check up existing ELCs concessionaires whether they respect and strictly enforce the national policies and regulations. Whilst, the consultation with relevant stakeholders should be included in all stages, design to implementation especially consultation with local and indigenous peoples' communities who directly affected by the news development projects in their territories, in order to avoid displacement and conflicts.**

MAFF developed National Forestry Program (NFP) 2010-2029 that tend to promote conservation and sustainable development through social forest management that contribute to equitable Marco-economic growth and poverty reduction, in particularly in rural areas, and Community Protected Areas Law is established by MoE and community forestry implemented by MAFF. However, as NGOs and CSOs we observed that the processes of obtaining approval from MAFF or MoE are very complicated and slow in approval compared to granting of ELCs. CFs or CPAs are often awarded within degraded forest or less desirable areas, where local and indigenous peoples face challenges to rehabilitate and utilize the forests. There are several cases of ELCs overlapping and encroaching CFs and CPAs areas leading to decrease the size of these areas<sup>7</sup>. **The RGC should accelerate and streamline the processes of CFs and CPAs registration or formulization.**

Communities have for generations sustainably managed and utilized environment with the use of traditional knowledge. In recognition of local and indigenous peoples' communities' role, the government has developed policies and laws in establishing community access rights to forest resources. However, many of indigenous peoples' communities' traditional tenure of non-timber forest products (NTFPs) like resin trees were cut illegally and violated by offenders and the concessionaires without a proper consultation and compensation with local and indigenous peoples' communities, in which has manifold impacts on the socio-economic life of communities. **The RGC should strengthening the tenure and access rights by promoting effective agreements on community forestry and community Protected Area through capacity building on laws and policies on conflict meditation, community mapping and natural resource management planning in the intention of promoting forest communities' capacity and livelihoods.**

According to <sup>8</sup>NFP 2010-2029, Forest is defined as the units of natural ecosystem or plantation in the forms of wetland, low land and dry land which covers by natural stands or plantation trees with a height from 5 meters on an area last least 0.5 hectares with a canopy of more than 10 per cent. The definition is negatively affect the natural forests, biodiversity, wild life habitats and ecosystem services that are significant in contribution to socio-economic to development, environment protection and supporting to local and indigenous peoples' community livelihoods due to plantations expansion and including as forest coverage. The conversion of natural forest to plantation is also critically affecting the implementation of National REDD+ program, which focus on natural forest for carbon financing. **The RGC should re-define forest definition refer to natural forest by excluded plantation or artificial forests, because natural forests are homes of biodiversity and wildlife habitats and provide ecological services to society. as well as contribute toward climate change**

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<sup>7</sup> NGO position papers on Cambodia's development in 2010-2012, September 2012, forestry sector, page 87, and the data is accessible through Open Development, LICAHDO and ADHOC websites to elaborate more information on ELCs and Land grabbing.

<sup>8</sup> National Forest Program, 2010- 2029, page 31.

**mitigation and enhancing carbon credit sale for national income sources to be primarily supported by more traditional but sustainable forest management.**

National governments to honor their duty to serve the interest of their peoples affected by REDD+, which includes the protection of community forests, indigenous traditional- owned land, forests and natural resources. REDD+ has both opportunities and risks for civil society organizations and the communities. Foremost risk is the exclusion of indigenous peoples' communities and forest dependent in the REDD+ decision-making processes at all levels. Other risks include failure to adequately safeguard the right of indigenous peoples to free prior and informed consent (FPIC), secure tenure and livelihood, insufficient information at the local level and limited capacity and awareness about the REDD+ mechanism. Social and environmental safeguards are seen as core components in national and international forestry and climate change agreements particularly in establishing national REDD+ strategies. For local and indigenous peoples' communities, forests have spiritual, subsistence, medicinal and commercial value. Clear mechanism on REDD+ benefit sharing is a need. Ensuring feedback and grievance redress mechanism are in place. **National social and environmental safeguards for REDD+ and climate change should be developed by considering the existing policies and international standards and agreements on safeguards. This would include multi-stakeholders engagement and consultation on existing practices and proposed principles, criteria and indicators on safeguards. Safeguards are protection measures to potential risks from the external interventions.**