








Cambodian Journalists Alliance Association









Government Approves New Economic Land Concession Despite Moratorium, Conflict Ensues


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Satellite imagery from Sentinel-2/European Space Station on January 15, 2023 shows deforestation inside the area in Stung Treng's O'Svay commune granted as an Economic Land Concession. Supplied




The government awarded a new Economic Land Concession (ELC) in March 2022 for the first time in nearly a decade and despite an existing moratorium on ELCs, government documents show.




The new ELC site comprises more than 5,000 hectares of forest land in Stung Treng province, according to documents obtained by CambojA. More than 60 families living in the area of the ELC have been affected as the company began cutting down the forest there, several residents told CambojA.



Most government officials involved in approving the new ELC site were evasive. Ministry of Agriculture, Forestry and Fisheries (MAFF) spokesperson Im Rachana said the government's moratorium remained in effect. She denied that a new ELC had been granted but acknowledged a company was developing land in the area.



ELCs provide long-term leases for industrial-scale agriculture and legally require an environmental and social impact assessment before any development can begin. The last known ELC was granted in 2014 and was reportedly issued because the application predated the moratorium, according to human rights NGO Licadho, which **first published** information about the new ELC site in a statement on Monday.



The new ELC site was approved by a Council of Ministers letter dated to March 11, 2022, transferring 9,788 hectares of land in Stung Treng province to Korean company Horizon Agriculture Development Co., Ltd. and with the option to transfer the land to another company, Cambodian firm T.S.M.W. The Council ordered MAFF to convert the land to an ELC with a 50-year-lease, signed by secretary of state Bin Bunchhat. He could not be reached for comment.

The Council stated that in granting the ELC site to Horizon, it "forgives all taxes and duties in order to end past disputes and problems," according to an unofficial translation of the letter by CambojA.

In a statement to CambojA, MAFF's Rachana said the government had in 2014 revoked land in Kratie province awarded as an ELC to Horizon in 2010 and the loss of the land caused unspecified damages to the company.

"The government decided to reimburse the company [Horizon] after assessing the impact on the company," she said.

Despite the fact that the new ELC site is in an entirely different province and the Council of Ministers requested that the land's legal status be converted to ELC last year, Rachana stated that "the case...is not a new economic land concession" but rather "repayment to Horizon."

But Horizon has now transferred its concession to a Cambodian company, T.S.M.W., she added.

Within a week of the Council of Ministers letter, then-Minister of MAFF Veng Sakon signed a document approving T.S.M.W. plans to clear land, build a river ferry-port and construct roads leading into its ELC. The document states the company will operate across five communes in three districts: Borey O'Svay Senchey, Siem Pang and Sesan district. The Forestry Administration also mentioned an ELC connected to T.S.M.W. in a document issued in July.

"The government should provide more information on what appears to be a reversal of the moratorium on new ELCs," said Naly Pilorge, outreach director of Licadho. "The moratorium followed years of well-documented land conflicts and dispossession emerging from these large-scale leases, and this new conflict shows that the same issues with ELCs remain."

More than 200 ELCs covering more than two million hectares of land have been issued since the 1990s, and the concessions have been heavily criticized by human rights organizations for causing mass evictions, deforestation and rights abuses.

Council of Ministers spokesperson Tith Sothea said he could not comment on the new ELC sitr because he did not have the relevant documents. When CambjA reporters offered to share documents such as the Council of Ministers' letter approving the ELC site with him, Sothea said he did not want to see any of the documents.

"The documents were already approved by the leader so I cannot comment further," Sothea said. "You have the documents so you can follow the documents, that is enough."

He then received and read, but did not respond to, further questions sent to his Telegram, such as why the Council of Ministers did not publicize the ELC site prior to Licadho's press release.

When questioned about the new ELC, site another secretary of state at Council of Ministers, Soy Sokha, said "I do not know about this. Please ask the people in charge."

In a September 2022 document, the Ministry of Environment (MoE) stated it would survey 5,602 hectares of land for Horizon Agriculture Development inside the Chamros Eysan biodiversity corridor, an MoE-managed protected area in Stung Treng province.

MoE Minister Say Samal declined to comment, directing questions to MoE spokesperson Neth Pheaktra who acknowledged the MoE had completed the land survey, but did not respond to follow up questions.

"This area is under the control of the Ministry of Agriculture, Forestry and Fisheries, and the Ministry of Environment has returned it to the Ministry of Agriculture for management after inspecting and verifying the boundaries," Pheaktra said.

MAFF Minister Dith Thina referred questions to his spokesperson.

Former MAFF Minister Veng Sakhon, who signed a document last year connected to the new ELC site, hung up immediately when reporters called him. He did not respond to further requests for comment.

The lack of information provided by the relevant ministries overseeing the new ELC comes after Prime Minister Hun Sen recently advised government officials "not to consider journalists as enemies."

Residents in O'Svay commune's Y Bou village say they are being affected by the ELC and have tried to stop the company from destroying community forest and farmlands.

The residents were not informed of the operations of T.S.M.W., the company constructing a 50-meter wide road leading into the concession, Licadho reported. The company had been required to perform an environmental social impact assessment within six months, according to the Council of Ministers letter.

Horizon does not appear to be actively operating, despite originally receiving the ELC.

Kong Vuthy, president of the O'Svay community forestry association, said a company whose name he did not know had started clearing forest land at the end of 2022.

Vuthy said the company has now chopped down more than 1,700 hectares of forest, affecting more than 60 families. Satellite imagery shows large chunks of forest in the ELC have been cleared.

"We just saw seedlings on a company farm but we do not know what the company is doing on the land," Vuthy said.

"People are planning to submit a petition to Samdech [Hun Sen], but so far not yet," he said. "People complained to the commune authority to help address the issue, but the commune sent [their complaint] to the district and it continued to the provincial authority, but so far there is still no solution."

Stung Treng governor Svay Sam Eang could not be reached for comment and Pen Lynat, deputy provincial governor of Stung Treng, said "I do not know about this case because I was just moved [to this position] from Kratie province."

Prum Lek, 60, a resident of Y Bou village, said a company began clearing the land there in November, leading residents to attempt to stop the company's activities.

"We do not know the name of the company, the company has been clearing forest land and we stopped them when they moved towards the community's land," he said. "When we stopped them from clearing forest, the company moved into another place, affecting more people's farmland."

Ministry of Commerce records for the company T.S.M.W. list a young woman named Tang Seakmom as the former chairperson of T.S.M.W., but she left the position in November, 2019. She declined to comment and current T.S.M.W. chairperson So Saran could not be reached for comment.

Horizon Agriculture Development lists Lim Joo Heon as chairperson and Wang Pan Sheng as a director, according to Ministry of Commerce records. Hong Kong-based company GBI International Limited is listed as a shareholder. Neither could be reached for comment and an email sent to the company's listed email address went unanswered.

Horizon's ELC in Kratie province in 2010 sparked a conflict with hundreds of families.

Y Bou village farmer Lek said the company has been affecting the villagers' rice fields and plantations. The company has also taken over a hill used by the villagers to escape flooding during the rainy season.

Lek feared his own farm would soon be lost: "If the company continues to clear, more than 50 percent of my plantation will be cut."

Additional reporting by Sovann Sreypich.

Update: This story has been updated on 2 p.m. on January 17 to include comments submitted after publication by MAFF spokesperson Im Rachana.

Correction: There have been more than 300 land concessions granted in Cambodia, the majority of which (more than 220) were Economic Land Concessions.

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