

Bittersweet

A Briefing Paper on Industrial Sugar Production, Trade and Human Rights in Cambodia



September 2010

In Cambodia today, hundreds of thousands of people are being alienated from their homes, farmlands, forests and fisheries as the country's ruling elites and foreign investors plunder the country for private profit in the name of 'development'.¹ In rural areas, at least 3 million hectares – more than half of Cambodia's total arable landmass - has been granted to private companies as concessions for the development of agro-industrial plantations and mining projects.² Forest clearing, sand-dredging and large-scale seizure of productive land threaten the ecological balance and the livelihoods and food security of rural families. Dozens of rural and indigenous communities have been forcibly evicted and rendered homeless by land concessions in the last five years, while considerably more have faced economic displacement in the form of reduced access to subsistence farming and grazing land, and the destruction of forests that they have used for generations for collecting food and forest products. Despite legislative protections and constitutional and statutory recognition of rights, affected and at-risk families are unable to protect their rights or seek legal recourse because of the weak and corrupt state of legal institutions in Cambodia.³

Sugarcane is the one of the leading 'boom crops' driving the Cambodian land-grabbing frenzy today. Over the last two years, there has been a rapid expansion in the Cambodian sugar industry, with more than 80,000 hectares in land concessions being granted to private companies for industrial sugarcane production. Rights observers have documented serious and widespread human rights abuses and environmental damage caused by these companies affecting more than 12,000 people.

This briefing paper outlines the largest industrial sugarcane plantations and producers in Cambodia, the legal and human rights violations in which these producers are implicated, and the ways in which European companies and trade policies are contributing to the expansion of this harmful industry. It also sets out the platform of the **Cambodian Clean Sugar Campaign**, a coalition of community networks and non-governmental organizations working to:

- Stop human rights abuses and environmental damage caused by the Cambodian sugar industry;
- Bring about a just resolution for the individuals and communities have been harmed by the industry; and
- Ensure that the agricultural development and trade policies benefit smallholder farmers and local communities.

¹ Licadho, *The Myth of Development*, 2009.

² www.sithi.org

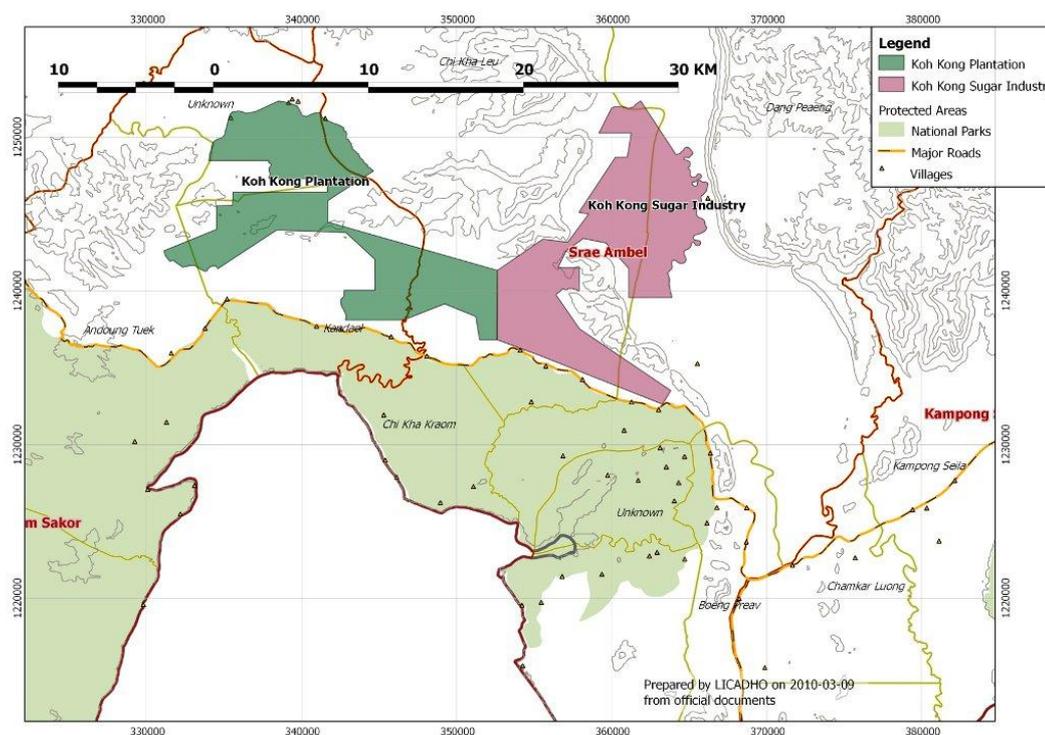
³ Land and Housing Working Group, *Land and Housing Rights Parallel Report* (submitted to the UN Committee on Economic, Social and Cultural Rights by NGO coalition, including BABSEA), May 2009.

Ly Yong Phat: The Sugar Kingpin

The sugarcane concessions described below are all connected to Ly Yong Phat, one of Cambodia's most influential businessmen and a senator from the ruling Cambodian People's Party. Due to his connections, he and his affiliated companies have been able to flout the law at will.

The 2001 Land Law limits the size of land concessions to 10,000 hectares, and prohibits any single individual from controlling an interest in separate concessions over a surface area greater than 10,000 hectares.⁴ In a clear violation of this law, Ly Yong Phat owns or has interests in sugar concessions totalling at least 60,000 hectares of land and an additional 14,100 hectares for unspecified "agro-industrial development".⁵ His companies and affiliates have failed to respect other key safeguards in the law regulating Economic Land Concessions, including respecting the land rights of legal landholders; consulting with affected communities; conducting environmental and social impact assessments before beginning operations; avoiding or minimizing harmful impacts; and respecting environmental regulations.

KOH KONG PROVINCE Sugar plantation, Sre Ambel & Botumsakor Districts



In August 2006, two adjoining economic land concessions were granted over approximately 20,000 hectares in Botumsakor and Sre Ambel districts of Koh Kong. The concessions were granted to two companies – *Koh Kong Plantation Co. Ltd.* and *Koh Kong Sugar Industry Co. Ltd.*⁶ – in an apparent attempt to circumvent restrictions on the size of economic land concessions stipulated by the Cambodian Land Law. One company is registered to Senator Ly Yong Phat, and one to Mr. Chamroon Chinthammit, who is C.E.O. of Thai sugar company *Khon Kaen Sugar (KSL)*. In reality this is a single plantation and has been widely reported as being owned by a joint-venture of:

- *Khon Kaen Sugar* (Thai company holding a 50% share);
- *Vewong* (Taiwanese partner, holding 30%); and
- *Ly Yong Phat* (holding 20%).⁷

⁴ 2001 Land Law, Article 59.

⁵ Sub-decree N°133, August 2009; and Sub-decree N°38, 13 April 2009.

⁶ <http://www.elc.maff.gov.kh/comprofiles/kkplantation.html> and <http://www.elc.maff.gov.kh/comprofiles/kksugar.html>.

⁷ This is based on various media reports, including an interview with the CEO of KSL sugar and a transcript of a speech by the Cambodian Prime Minister at the inauguration of the plant.

Human rights violations and impacts on affected communities

Since 2006 there have been reports of serious human rights violations connected to this concession. According to one Cambodian legal aid organization, as of January 2007, “2,879 villagers reported complaints about the companies’ encroachment on their land.”⁸ Villagers have lost both residential land and farmland that they legally possess and depend upon to sustain their families. During one forced eviction, two villagers received non-fatal gunshot wounds, while other community members were beaten with rifle butts as they tried to protect their homes from demolition.⁹ There are also documented instances of company staff confiscating villagers’ livestock and demanding payment for their return. In some cases livestock have been shot if they stray within the boundaries of the concession. Community members also report intimidation by company staff and security forces.

This case has been documented by local and international organizations, including the United Nations Office of the High Commissioner for Human Rights. In a 2007 report the Office stated that the concessions were:

“granted without public consultation ... The clearing of rice fields and orchards belonging to villagers in Sre Ambel district has affected over 400 families; some have little or no land remaining for farming, and are surviving on last year’s rice harvest. The concession has also restricted the availability of grazing land for villagers’ livestock, and company security guards have reportedly seized or shot cattle straying into the concession area. Villagers are now reported to be facing difficulties in repaying loans taken out under micro-credit schemes, due to the loss of sources of income. Both companies have expanded their activities despite efforts to resolve the dispute, including the establishment of a provincial working group and an agreement that further bulldozing activity would be suspended until the dispute was resolved.”¹⁰

Testimonies gathered from affected people reveal the following impacts from these concessions:¹¹

- **Food insecurity has increased and families have become impoverished as a result of the loss of their farmland and grazing land.** Affected farmers can no longer grow enough food to sustain their families. Many have sold their cows because they have nowhere for them to graze.
- **Crops have been destroyed** that local farmers have been cultivating for years, including cashew, tamarind, and mango trees.
- Company guards have **shot or confiscated animals**, including buffalo and cows.
- **Chemical waste from the plantation has poisoned local water** sources and killed fish, which is the main source of protein for surrounding communities.
- **Children have been pulled out of school** in order to work for their struggling families.
- Company staff **prevent local people from going into the forest** to collect forest by-products, or sometimes charge a fee to do so, which represents a significant loss of livelihood.
- Some people who lost all their land have had **no choice but to work on the plantations**. The pay is low and the work is irregular. Before they can work for the company, people must also agree to drop any claims for compensation.
- Many outspoken community members **fear for their security** because of their activism.

This long-running dispute remains ongoing and all efforts to seek a resolution according to the relevant laws and procedures have failed. The companies holding the concessions continue to clear disputed land, and local farmers who were already poor have been forced to leave with little or no compensation.

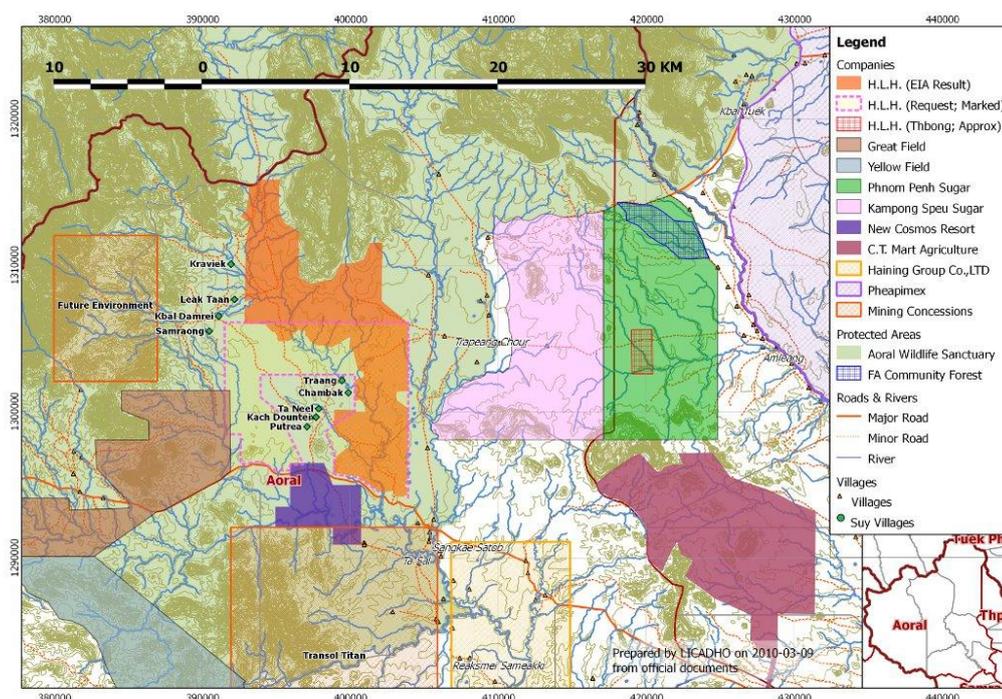
⁸ Community Legal Education Centre, Public Interest Legal Advocacy Project Legal Memo, “Illegal Economic Land Concessions for Sugar Production in the Province of Koh Kong, Cambodia”, July 2010.

⁹ <http://www.ahrchk.net/ua/mainfile.php/2006/1998/>

¹⁰ United Nations Office of the High Commissioner for Human Rights, Economic Land Concessions – A Human Rights Perspective, 2007.

¹¹ The following impacts have been reported by community representatives and observed by NGO staff and the community’s legal representatives.

KAMPONG SPEU PROVINCE Sugar Plantations, Thpong & Oral Districts



In 2009, two companies were awarded land concessions totalling more than 20,000 hectares for sugarcane plantations in Thpong and Oral Districts, Kampong Speu Province. Ly Yong Phat controls both companies, in violation of the restrictions on the size of land concessions set out in the Land Law. The concession is again granted to two separate entities: *Phnom Penh Sugar Co. Ltd.* (registered in the name of Ly Yong Phat); and *Kampong Speu Sugar Co. Ltd.* (registered in the name of Ly Yong Phat's wife, Kim Heang).¹² A LYP Group brochure lists both concessions as being *LYP Group* investments.¹³

It is estimated that the *Phnom Penh Sugar* concession encroaches on over 2,000 hectares of farmland belonging to more than 1,000 families in Amliang commune, Thpong district. The company has already begun clearance of villagers' private farmland and has restricted local people's movement and access to community forests. Affected residents have been told that they must move, and although the company has offered some affected families replacement land nearby, it is at the foot of a mountain and too rocky to cultivate.¹⁴ One community member stated that the company representative who made the compensation offer advised that if people did not take it, "they would get air instead."¹⁵

The two concessions are likely to affect many more communities in addition to those in Amliang, as large parts of the *Phnom Penh Sugar* plantation are still awaiting clearance and cultivation. The adjacent *Kampong Speu Sugar* concession is still largely uncultivated. When the company begins developing this concession, the situation is likely to be repeated in other villages that lie within in its boundaries.

Violence and militarization of concessions

On 18 March 2010, violence broke out between affected villagers, company staff and security forces. According to media reports, up to 500 people from 11 villages came to the offices of the *Phnom Penh Sugar Company* to speak with the company; however, when no one came to see them, violence erupted and five temporary company buildings were burnt down.

¹² Phnom Penh Post, *Groups criticise granting of land*, 13 May 2010.

¹³ LYP Group Brochure, available at <http://lypgroup.com/group-profile.php>, page 9.

¹⁴ Phnom Penh Post, *Kampong Speu villagers reject firm's relocation offer*, 28 May 2010.

¹⁵ Cambodia Daily, *Shelters torched at concession site in K Speu*, 19 March 2010.

After this incident, over 100 soldiers were sent to guard the disputed land.¹⁶ It was reported that the troops deployed to guard the disputed land were Battalion 313, a former Khmer Rouge battalion.¹⁷ Earlier that month, the Cambodian government announced a new policy for encouraging the development of links between private businesses and military units. The policy was widely condemned by human rights groups because of concerns that this would lead to further militarization of land disputes.¹⁸ An official government document related to this policy released in March states that the “Ly Yong Phat Sugar Cane Plantation” provides “charitable support” to Battalion 313.¹⁹ In late April more troops were sent to the area.²⁰

On 10 May 2010, company workers accompanied by police and security guards bulldozed one private house. The woman who lived there stated: “My house was completely destroyed without warning from the company, demolished this morning...I bought this land in 2000 and also have proper documents. The company said my house was illegal. The company has abused my rights for living.” A spokesman for the company said the house was not properly documented and was sitting on company land.²¹

Community representatives report that 1,000ha of community land has already been cleared, and that people are now being prevented from planting rice. Fearing that land would be cleared during the night, some people have begun sleeping in their fields.²²

Legal harassment and intimidation of Human Rights Defenders

Since March, at least 16 community members have been summonsed to the Provincial Court for questioning and several have been charged. After questioning at the Court, community representatives You Tho (age 62) and Khem Vuthy (age 30) were arrested and charged with “persuading the villagers to protest, inciting them to commit arson, destroying company property and uniting together.”²³

Community members attempted to travel to the court to show solidarity with the representatives who were called for questioning. 400-500 community members tried to attend the court, but police restricted their movement and set up several checkpoints *en route*.²⁴ By the time many people managed to reach the court, the two representatives had already been arrested and taken into custody. Upon arrival at the court, community members found 100 police with shields and batons had surrounded the court and prevented them from entering. They remained outside the court and refused to leave until the representatives were released.²⁵

The *Phnom Penh Post* reported that ten people were injured the following day while trying to travel back to the provincial court. According to the *Post*: “[t]he police attacked the convoy with batons, disabled one mini-tractor by cutting its drive belt and, for the second day in a row, set up checkpoints to impede the villagers’ progress, rights groups said.” Ly Yong Phat stated that the two leaders could be released if they agreed to sign a contract with the provincial court stating that they would stop inciting people to protest.²⁶ They were released later that week, although they are required to appear at court twice a month.²⁷

¹⁶ Phnom Penh Post, *Villagers fear police retaliation*, 22 March 2010.

¹⁷ Phnom Penh Post, *Troops linked to sugar firm*, 24 March 2010.

¹⁸ See Global Witness press release,

http://www.globalwitness.org/media_library_detail.php/935/en/global_witness_urges_cambodias_donors_to_condemn_s

¹⁹ Phnom Penh Post, *Document shows ties between RCAF, government and private sector*, 4 March 2010.

²⁰ VOA Khmer, Heng Reaksmey: Sugar company bringing in soldiers: protesters, 30 April 2010.

²¹ VOA Khmer, Heng Reaksmey: Home bulldozed in sugar company dispute, 10 May 2010.

²² Phnom Penh Post, *May Titthara: Kampong Speu villagers seek firm land boundaries*, 20 April 2010.

²³ Phnom Penh Post, *May Titthara & Will Baxter: Two held over Kampong Speu conflict*, 25 March 2010.

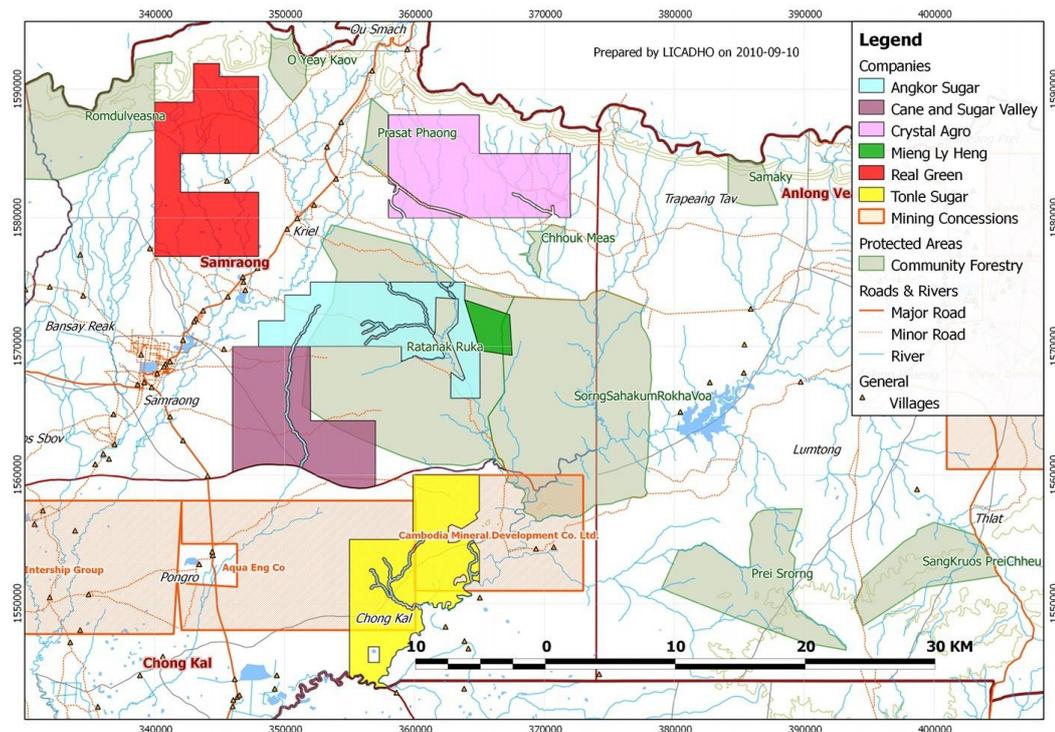
²⁴ Phnom Penh Post, *May Titthara: Troops linked to sugar firm*, 24 March 2010.

²⁵ Phnom Penh Post, *May Titthara & Will Baxter: Two held over Kampong Speu conflict*, 25 March 2010.

²⁶ Phnom Penh Post, *May Titthara & Will Baxter: Police, villagers clash in Kampong Speu*, 26 March 2010.

²⁷ VOA Khmer, Heng Reaksmey: Land protesters released on bail, 29 March 2010.

ODDAR MEANCHEY PROVINCE Sugar plantations, Samrong & Chongkal Districts



In the districts of Samrong and Chongkal, Oddar Meanchey Province, three separate concessions were granted for 70 years for sugar production and a processing plant.²⁸ The concessions were granted to three different companies in 2007: *Angkor Sugar Co. Ltd.*, *Tonle Sugar Cane Co. Ltd.*, and *Cane and Sugar Valley Co. Ltd* (all headed by Thai nationals). A search of these names reveals that they are senior figures in the Thai sugar company *Mitr Phol*.²⁹ According to community representatives, it is widely known that Senator Ly Yong Phat has interests in these concessions. Company staffs have told affected villagers that any complaints that they have should be addressed to Ly Yong Phat, and in discussions with local communities officials have frequently referred to the concessions as belonging to Ly Yong Phat.³⁰

The three Oddar Meanchey sugar concessions are all clearly linked. In its public listing, the Ministry of Agriculture, Forestry and Fisheries (MAFF) shows that all three companies applied for the concessions on the same day, received approval from the Council of Ministers on the same day and in the same letter, received approval from MAFF on the same day, and finally, signed the concession contract on the same day.³¹ The total area of the three concessions is approximately 20,000 hectares, which is in violation of the legal limitations on the size of economic land concessions in the Land Law.

Human rights violations and impacts on affected communities

These concessions have led to forced evictions, land seizures, forest clearance and increased militarization in the area, affecting more than 2000 families in two districts. Two representatives of affected communities have been sentenced to two years in jail for criminal offences, while others have gone into hiding out of fear of arrest. Two other community representatives were found not guilty at trial and released; however, they both served more than 6 months in jail in pre-trial detention. One representative was heavily pregnant at the time and gave birth in jail before she was found not guilty and released.

²⁸ <http://www.elc.maff.gov.kh/comprofiles/udmangksugar.html>, <http://www.elc.maff.gov.kh/comprofiles/udmtonlesucan.html>, <http://www.elc.maff.gov.kh/comprofiles/udmcamcan.html>

²⁹ http://en.wikipedia.org/wiki/Mitr_Phoh

³⁰ Interviews with community representatives

³¹ <http://www.elc.maff.gov.kh/comprofiles/udmangksugar.html>, <http://www.elc.maff.gov.kh/comprofiles/udmcamcan.html>, <http://www.elc.maff.gov.kh/comprofiles/udmtonlesucan.html>

Following the end of civil conflict in Cambodia, people first began settling in Bos Village in 1998 after the area was de-mined. In 2003, officials formally acknowledged the community and distributed land receipts to the residents. The receipts granted 30x60m for residence and 5 hectares of land per family for farming. In spite of this acknowledgment of legal tenure, when the sugar concessions were granted in 2007, a letter was distributed to community members stating that 31 villages occupying an area of 4,500 hectares were located within the boundaries of the three concessions.³²

Since 2006, there have also been efforts to establish Community Forestry in the area. Community Forestry is a program established by Cambodian law and supported by various development partners and organizations, including the European Union, which aims to formally hand over management rights of forested areas to the communities that have traditionally managed and depended upon them for their livelihoods. The *Angkor Sugar Company* plantation overlaps a large part of the Community Forestry in this area.

In April 2008, *Angkor Sugar Company* staff wearing T-shirts with logos saying "*Donated by H.E. Ly Yong Phat*" demolished 154 houses in Bos Village, under the guidance of local authorities. In October 2008, a mixed group of more than 50 provincial and district military police and police surrounded and sealed off the village. Police arrested a former village chief and two other community members for alleged violations of the Forestry Law. Two days later, another villager was badly beaten with rifle butts by police officers. Eight other community members went into hiding.³³

In another incident in October 2009, homes belonging to over 100 families from Bos Village commune were burned and bulldozed by a contingent of approximately 150 police, military police, and hired demolition workers. Forestry Administration officials and RCAF troops from Battalion 42 – another battalion to which Ly Yong Phat provides "charitable support"³⁴ – set up roadblocks at the entrances to the village, barring human rights workers and the media from entering the village to observe the evictions. Women and children fled to the local pagoda, while the men fled to the forest out of fear of arrest.³⁵

On 27 May 2010, two community leaders arrested in October 2009, were sentenced to two years in jail. They were found guilty of "clearing state forest".³⁶

Ongoing impacts and human rights violations have been documented by rights workers and community activists in relation to these concessions, including:

- **Impoverishment and food insecurity** due to loss of crops, farmland, grazing land and access to community forests
- **Increased militarization of the area**, leading local residents to fear further violence will be used against them.
- **Arrest and jailing of Human Rights Defenders** and fear of arrest by other vocal community members.

³² Summarized from Lichado briefing paper, *Bos/O'bat Moan Village in Konkriel Commune, Samraong District, Oddur Meanchey Province*, 12 October 2009.

³³ Lichado briefing paper, *Bos/O'bat Moan Village in Konkriel Commune, Samraong District, Oddur Meanchey Province*, 12 October 2009.

³⁴ Phnom Penh Post, *Document shows ties between RCAF, government and private sector*, 4 March 2010.

³⁵ Phnom Penh Post, *Burnt out village smoulders*, 12 October 2010; and Phnom Penh Post, *NGOs decry forced eviction*, 14 October 2010.

³⁶ Phnom Penh Post, *Two men sentenced to two years in jail after land dispute with Senator*, 28 May 2010.

Where is the sugar going?

Tate & Lyle and American Sugar Refining, Inc

The UK sugar giant Tate & Lyle signed five-year contracts with KSL in late 2009 to purchase all of its output from Cambodia and Laos at the price of 19 cents a pound.³⁷ This includes sugar produced at the Koh Kong plantations mentioned above. On 10 June 2010, the first 10,000 tonne shipment of sugar was exported from the Koh Kong refinery to the United Kingdom at an estimated value of \$3.13 million.³⁸ The following month, Tate & Lyle announced that it had sold its EU refined sugar business, including the KSL contract, to American Sugar Refining, Inc. for a reported £200million.³⁹ According to news reports, the US company has permission to continue to sell the sugar under the Tate & Lyle brand name.⁴⁰

Several NGOs wrote to Tate & Lyle on 28 July 2010 and provided the company with extensive documentation of the human rights violations perpetrated by its supplier, calling for its urgent intervention. In an email response to the letter, the Group Vice President Rowan Adams stated that Tate & Lyle is “committed to upholding high standards of behaviour” through its supply chains, citing its involvement with Fair Trade and the Better Sugarcane Initiative. Adams stated that Tate & Lyle carried out a “rigorous due diligence process to ensure that the supplier met [its] ethical standards.” He further stated that Tate & Lyle would soon be conducting an audit of its Cambodian supplier, in line with its standard practice, to evaluate the supplier’s “social, ethical and environmental performance and identify any shortcomings.” Tate & Lyle declined to respond to the affected communities’ request for a meeting or provide any additional information or commitments.

The European Union and the Everything But Arms Initiative

Cambodian sugar exports to the EU currently benefit from special status under a preferential trade scheme called Everything But Arms (EBA). This initiative permits goods produced in Cambodia to be exported to the EU without import duties or quotas and, in the case of sugar, at a guaranteed minimum price.

It is apparent that the EBA initiative is encouraging the rapid expansion of the Cambodian sugar industry:

- The CEO of KSL told the Phnom Penh Post that his priority was to produce sugar for export, not for the local market: “We plan to produce raw sugar for export to the EU market under the EBA...first, after that we will consider producing white sugar to serve domestic demand...”⁴¹
- A Mitr Pohl representative told the Bangkok Post that it plans to expand sugar production into Cambodia in order to benefit from the EBA status of the country.⁴²
- In an article about the EBA initiative, Mr. Heng San, assistant to Mr. Ly Yong Phat, told the Cambodia Daily: “We would have difficulties if we didn’t have these duty free imports.”⁴³
- In February 2010, Cambodian tycoon Mong Reththy stated that he was in discussion with a French company to create a joint venture project worth over US\$100 million to produce sugar for export to the EU under EBA.⁴⁴ Mong Reththy is known to control approximately 112,852 hectares of land in land concessions – considerably more than the 10,000 hectare legal limit.

The EU Charge d’Affairs in Cambodia, Rafael Dochao Moreno, has dismissed any connection between the EBA initiative and human rights violations in Cambodia, stating:

It's like accusing for instance, where there's a drunk driver killing a pedestrian, you accuse the manufacturers of cars of this killing ... There is a relation, because the car has killed a person, but it is not a direct responsibility of someone that is manufacturing cars... What we cannot do at a European

³⁷ Bangkok Post, *KSL set to double sugarcane output*, 27 January 2010.

³⁸ Phnom Penh Post, *Kingdom gets back on track with overseas sugar exports*, 10 June 2010.

³⁹ The Guardian, *Tate & Lyle's sugar division to be sold for £200m*, 30 June 2010.

⁴⁰ Cambodia Daily, *Sugar's sweet deal with Europe comes at a price*, 27 August 2010.

⁴¹ Phnom Penh Post, *Getting Cambodia Milling Again*, 28 January 2010.

⁴² Bangkok Post, *Sweet success ahead*, 8 February 2010.

⁴³ Cambodia Daily, *Sugar's sweet deal with Europe comes at a price*, 27 August 2010.

⁴⁴ Reuters, *Cambodian firm plans \$100 million sugar plant JV*, 9 February 2010.

Union level is to say, 'Well, we are going to stop Everything But Arms, that is benefiting the whole of Cambodia because in a specific area in a land economic concession ... an abuse has been committed with the people in that area'.⁴⁵

A more accurate analogy is that the European Union is selling cars without brakes. Rather than benefiting the poor, as EBA is intended, the initiative is fuelling the expansion of an industry implicated in gross human rights abuses, while perversely rewarding tycoons like Ly Yong Phat and his affiliated companies, which have dispossessed and impoverished local communities across the country. Although there are human rights safeguard provisions within European trade regulations, the “brakes” have not been applied in Cambodia where abuses are widespread.

Gross human rights abuses are in fact legal grounds for suspension of preferential treatment. EC Council Regulation No 732/2008 requires “the suspension of preferential arrangements, in respect of all or of certain products originating in a beneficiary country, where it considers that there is sufficient evidence that temporary withdrawal would be justified.”⁴⁶ Among the justifications for suspension are “serious and systematic violations of principles” laid down in international human rights conventions, on the basis of the conclusions of the relevant monitoring bodies.⁴⁷

The UN Committee on Economic, Social and Cultural Rights⁴⁸ and the UN Special Representative for Human Rights in Cambodia⁴⁹ have both concluded that forced evictions and other serious human rights abuses have been committed in connection with economic land concessions, including those for sugarcane plantations. The abuses described in this briefing paper constitute violations of:

- The right of self-determination, including the right not to be deprived of one’s means of subsistence;⁵⁰
- The right to work⁵¹
- The right to food;⁵²
- The right to adequate housing⁵³
- The right to health⁵⁴
- The right to education⁵⁵
- The right to freedom from arbitrary arrest and detention⁵⁶
- The right to privacy of the home⁵⁷
- The right to peaceful assembly⁵⁸
- The right to equal protection before the law⁵⁹

This requires the European Commission to take precautionary measures to bring Cambodia into compliance with its international obligations or face a suspension of preferential trade benefits.⁶⁰

⁴⁵ Radio Australia News, *Evictions at Gunpoint*, 16 August 2010, (<http://www.radioaustralianews.net.au/story.htm?id=32099>).

⁴⁶ EC Council Regulation No 732/2008, art 16 [3].

⁴⁷ EC Council Regulation No 732/2008, art 15 [1a].

⁴⁸ Concluding Observations of the Committee on Economic Social and Cultural Rights, Forty-second session, 4 – 22 May 2009, UN Document E/C.12/KHM/CO/1, [15, 30, 31].

⁴⁹ *Economic Land Concessions in Cambodia, A Human Rights Perspective*, UNOHCHR, Special Representative of the Secretary-General for human rights in Cambodia, June 2007

⁵⁰ International Covenant on Economic, Social and Cultural Rights (1966), Article 1

⁵¹ International Covenant on Economic, Social and Cultural Rights (1966), Article 6.

⁵² International Covenant on Economic, Social and Cultural Rights (1966), Article 11.

⁵³ International Covenant on Economic, Social and Cultural Rights (1966), Article 11.

⁵⁴ International Covenant on Economic, Social and Cultural Rights (1966), Article 12.

⁵⁵ International Covenant on Economic, Social and Cultural Rights (1966), Article 13.

⁵⁶ International Covenant on Civil and Political Rights (1966), Article 9.

⁵⁷ International Covenant on Civil and Political Rights (1966), Article 17.

⁵⁸ International Covenant on Civil and Political Rights (1966), Article 21.

⁵⁹ International Covenant on Civil and Political Rights (1966), Article 26.

⁶⁰ EC Council Regulation No 732/2008, art 16 [3b].

What is the Cambodian Clean Sugar Campaign Calling For?

Ly Yong Phat, Khon Kaen Sugar and Mitr Pohl should:

- Stop forced evictions and encroachment on community and private land.
- Stop destroying forests.
- Stop confiscating and killing people's livestock.
- Stop preventing people from accessing common natural resources.
- Stop using armed force against people who defend their land rights.
- Stop using the courts and other government institutions to harass and persecute villagers and Human Rights Defenders.
- Provide fair and just reparations for all harms and losses suffered, including returning illegally expropriated land.
- Begin meaningful dialogue with affected communities over the nature and means of reparations.
- Implement best practices for sugarcane production to minimize harmful environmental and health impacts.

The Royal Government of Cambodia should:

- Stop granting new economic land concessions.
- Initiate independent monitoring of existing concessions.
- Cancel concessions that are found to be in persistent violation of Cambodian law.
- Redistribute unused concession land to the landless poor.
- Disseminate information about economic land concessions, including public posting of important information at concession sites.
- Enforce the environmental and social safeguard requirements in the regulations governing economic land concessions.
- Ensure respect for water and forest rights of local communities.
- Stop permitting and promoting the employment of government armed forces by private companies to secure their interests through the threat or use of violence against local communities.
- Investigate and prosecute perpetrators of violence and human rights abuses in connection with economic land concessions.

Cambodian sugar importers, including Tate & Lyle and American Sugar Refining, should:

- Investigate abuses committed by Cambodian suppliers and consult with affected people who have been harmed by these companies.
- Require Cambodian suppliers to respect Cambodian law and human rights and provide reparations for people who have been harmed.
- Cancel their agreements and stop importing sugar from Cambodian suppliers if they do not cooperate.

The European Union should:

- Follow through on its commitment to upholding core human rights principles in its foreign and trade policy in Cambodia.
- Conduct a thorough investigation of the human rights abuses associated with the Cambodian sugar industry.
- Require that the Cambodian Government take measures to end these abuses and redress past abuses, in accordance with European trade regulations.
- Suspend EBA preferential treatment for Cambodian sugar if the industry does not clean up its act.

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