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Case profile: Koh Kong sugar plantation lawsuits (re Cambodia)

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In August 2006, the Cambodian Government granted economic concessions in Koh Kong Province to two Cambodian sugar companies (Koh Kong Plantation and Koh Kong Sugar Industry), both jointly owned by the Thai company Khon Kaen Sugar Industry, Taiwanese Ve Wong Corporation and Cambodian Senator Ly Yong Phat. About 4000 Koh Kong villagers claim that they were violently evicted from their lands and relocated involuntarily to make room for a sugar plantation run by the Koh Kong companies. The villagers claim that they were never consulted prior to the grant of the concessions and that the land transfer is illegal. The Koh Kong companies entered into a five-year contract with the UK-headquartered company Tate & Lyle for sale of sugar from these plantations in 2009.

In February 2007, the villagers filed a complaint against Koh Kong Plantation and Koh Kong Sugar Industry in Koh Kong Provincial Court, seeking cancellation of the concession contract. In September 2012, a judge ruled that the court did not have the power to hear land disputes and transferred the case to the Cadastral Commission. Following this decision, villagers held talks with the Ministry of Justice to have the case sent back to the court on the grounds that their claim is about the legality of the concession rather than land ownership. To date neither the Ministry nor the Cadastral Commission has taken action.

In March 2013, 200 villagers filed a complaint in England against Tate & Lyle and T&L Sugars Limited (a subsidiary of American Sugar Refining). The plaintiffs maintain that they remain the legal owners of the land on which the Koh Kong companies grew sugar. Therefore, they claim that under Cambodian law they are the rightful owners of the crops grown on their land. The villagers are claiming compensation for the profit from selling the sugar. The defendants argue that they do not have knowledge of the facts asserted by the plaintiffs and seek to be declared the rightful owners of the sugar purchased from the Koh Kong companies. The lawsuit is ongoing.

- ["Private property, public greed in Cambodia"](#), Joel Brinkley, Politico [USA], 6 May 2013
- ["Cambodia: Tate & Lyle defends land deal"](#), Sugaronline, 17 Apr 2013
- ["Cambodia farmers launch action against Tate & Lyle"](#), Rob Davies, This is Money [UK], 12 Apr 2013
- ["Cambodia Clean Sugar" campaign - company responses & non-responses](#), compiled by Business and Human Rights Resource Centre, Jul-Oct 2012

- [Cambodian Center for Human Rights: CCHR welcomes ground-breaking proceedings initiated in the courts of England and Wales against two subsidiaries of UK-based Tate & Lyle plc on behalf of 200 displaced Cambodian villagers](#), 11 Apr 2013
- [Jones Day \[UK counsel for villagers\]: Cambodian villagers defend their land rights](#), Oct 2011

Song Mao & Others, and, Tate and Lyle Industry Limited and T&L Sugars Limited - before the English High Court of Justice, Queen's Bench Division, Commercial Court

- [PDF] [Defence and Counterclaim of the First and](#)

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■ **Ministries to Help Farmers Hurt by Sugar Plantations [Cambodia]**

[Hul Reaksmeay & Zsombor Peter, Cambodia Daily](#) 12 Feb 2014

The government...agreed to a comprehensive solution for rural families who have lost their land to...agricultural plantations exporting sugar to the European Union (E.U.) duty free and will meet again early next month to discuss details. The decision was made at a meeting between ministers, the E.U.'s ambassador to Cambodia and sugar plantation representatives, and marks the first time the government has publicly agreed to address the problem. Hundreds of families from Koh Kong to Kompong Speu province have accused the sugar plantations, which benefit from a free trade scheme—Everything But Arms...of illegally forcing them off their land...State-run news agency Agence Kampuchea Presse reported...that compensation was on the table and that a “third party” may be needed to evaluate the system...to decide how much each family should be compensated...

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■ **EU Parliamentarian Probes Sugar Plantations in Cambodia**

[Zsombor Peter, Cambodia Daily](#) 31 Jan 2014

A member of the European Parliament is in Cambodia investigating agri-business firms accused of evicting hundreds of families while benefiting from a free-trade scheme with Europe worth millions of dollars, according to the NGO Equitable Cambodia. The visit from France's Patrice Tirolien follows a resolution the European Parliament passed...urging the European Commission to act on a 2013 report by local NGOs detailing evictions and land grabs by sugar plantations profiting from duty-free export to Europe under the Everything But Arms (EBA) trade scheme...[refers to Angkor Sugar & Tate & Lyle]

■ **Sugar Firm Offers Defense After Call for Probe of EU Trade Links [Cambodia]**

[Zsombor Peter, Cambodia Daily](#) 06 Feb 2014

The director of a...senator's sugar plantation accused of stealing land from hundreds of families said...that most locals were happy with the new jobs the plantation has generated...Seng Nhak, the managing director of Senator Ly Yong Phat's Phnom Penh Sugar plantation in Kompong Speu province, defended the company's work after a visit to the area by E.U. Parliament member Patrice Tirolien...Mr. Nhak said he welcomed an “objective look” at the company's work. But rather than an E.U. investigation, which local rights groups and the E.U. Parliament have called for, he preferred to keep any probe in the plantation's hands...

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■ **[PDF] Corporate Legal Accountability Quarterly Bulletin - Issue 11, December 2013**

[Business & Human Rights Resource Centre](#) 20 Dec 2013

Welcome to the 11th issue of the Corporate Legal Accountability Quarterly Bulletin. To assist all those following corporate legal accountability issues, we send this bulletin to highlight key developments, new cases profiled on our site, updates to existing profiles, and other news. Our Corporate Legal Accountability Portal is an online information hub providing resources for non-lawyers as well as lawyers - including victims, advocates, NGOs, businesspeople, lawyers bringing lawsuits against companies and lawyers defending companies. The portal provides impartial, concise information about lawsuits against companies in which human rights abuses are

alleged - its aim is to demystify these lawsuits. Each case profile includes materials from both the plaintiffs and defendants, to the extent they are available...[Refers to African Rainbow Minerals, Alstom, Amesys (part of Bull), AngloGold Ashanti, Argor-Heraeus, BP, Bull, CACI, Chevron, Davao Fruits, Ford, Gold Fields, Harmony Gold, HudBay Minerals, IBM, Kaweri (part of Neumann Gruppe), Koh Kong Sugar, Lapanday Agricultural Development, Nestlé, Neumann Gruppe, Texaco (part of Chevron), Titan Corporation (now L-3 Services, part of L-3 Communications), Veolia Environnement, Veolia Transport (part of Veolia Environnement)]

- [ES](#) [PDF] [Boletín Trimestral de Responsabilidad Legal Empresarial - No. 11, diciembre 2013](#)

[Centro de Información sobre Empresas y Derechos Humanos](#) 20 diciembre 2013

Bienvenidos a nuestra undécima edición del Boletín Trimestral de Responsabilidad legal empresarial. Para poder llegar a todos aquellos que siguen de cerca los temas de responsabilidad legal empresarial, enviamos el presente boletín para resaltar los avances más importantes en los casos que publicamos; enlistamos los nuevos casos que perfilamos en nuestro sitio web, al igual que las actualizaciones que hacemos a los casos ya publicados, así como otras noticias. Nuestro Portal sobre Responsabilidad Legal Empresarial es un centro de información en línea que proporciona recursos tanto para abogados como para no abogados - incluyendo por supuesto víctimas, defensores, ONG, empresarios, e incluso a los abogados que demandan a ciertas empresas y a los abogados que las defienden. El portal suministra información imparcial y concisa sobre demandas en contra de empresas a las que se les reclama sobre violaciones a los derechos humanos - su objetivo es desmitificar dichas demandas. Cada perfil de caso incluye material tanto de los demandantes como de los demandados, en tanto que estén disponibles. [Se refiere a African Rainbow Minerals, Alstom, Amesys (parte de Bull), AngloGold Ashanti, Argor-Heraeus, BP, Bull, CACI, Chevron, Davao Fruits, Ford, Gold Fields, Harmony Gold, HudBay Minerals, IBM, Kaweri (parte de Neumann Gruppe), Koh Kong Sugar, Lapanday Agricultural Development, Nestlé, Neumann Gruppe, Texaco (parte de Chevron), Titan Corporation (actualmente L-3 Services, parte de L-3 Communications), Veolia Environnement, Veolia Transport (parte de Veolia Environnement)]

- [FR](#) [PDF] [Bulletin trimestriel sur la responsabilité juridique des entreprises - Numéro 11, décembre 2013](#)

[Centre de Ressources sur les Entreprises et les Droits de l'Homme](#) 20 décembre 2013

Bienvenue à ce 11e numéro du Bulletin Trimestriel sur la responsabilité juridique des entreprises...[dans lequel nous] mettons en relief les développements importants et certains nouveaux procès présentés sur notre site, nous réactualisons des résumés de procès existants sur notre site et publions d'autres informations. Notre portail sur la responsabilité juridique des entreprises est une plateforme d'informations en ligne qui fournit des ressources aussi bien pour les juristes que les non-juristes - y compris les victimes, les militants, les ONG, les entrepreneurs, les avocats qui poursuivent en justice les entreprises et ceux qui défendent ces dernières. Les informations concernant les procès contre les entreprises pour de prétendues violations des droits de l'homme sont impartiales et concises - le but étant de démystifier ces procès. Chaque résumé se rapportant à une action en justice contient à la fois des documents des demandeurs et des défendeurs, dans la mesure où ils sont disponibles...[Fait référence à African Rainbow Minerals, Alstom, Amesys (filiale de Bull), AngloGold Ashanti, Argor-Heraeus, BP, Bull, CACI, Chevron, Davao Fruits, Ford, Gold Fields, Harmony Gold, HudBay Minerals, IBM, Kaweri (filiale de Neumann Gruppe), Koh Kong Sugar, Lapanday Agricultural Development, Nestlé, Neumann Gruppe, Texaco (filiale de Chevron), Titan Corporation (désormais L-3 Services, filiale de L-3 Communications), Veolia Environnement, Veolia Transport (filiale de Veolia Environnement)]

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■ **How about a SLAPP for your trouble?**

[Sudeep Chakravarti, Livemint.com \(India\)](#) 28 Nov 2013
Strategic lawsuits against public participation, or SLAPP, is one of several retaliatory mechanisms increasingly used against defenders of human rights...The Resource Centre discusses these and other matters and provides a global situation report in its 2013 annual briefing on corporate legal accountability...Its...list of case studies ...contains recent and ongoing accusations and legal debates of various kinds of human rights violations ...attributed to a total of 52 companies across the world. It is of little surprise that human rights lawyers and activists would get SLAPPed about, as it were, or face the legal weight of businesses that far outweigh their own. The stakes, both in perception and finance, are immense...[T]he briefing adds directional value by flagging issues that it expects will affect this space...This is happening, and will happen, in countries where infractions and crimes are perceived as being committed; and in countries where such businesses are headquartered or invested...[Refers to adidas, Anvil Mining (part of China Minmetals), BASF, China Minmetals, Daimler, Danzer, Dow Chemical, Ford, Lonmin, Shell, Tate & Lyle, Union Carbide (part of Dow), Vedanta Resources, Vinci]

■ [\[PDF\] Corporate Legal Accountability Annual Briefing Business & Human Rights Resource Centre](#) 26 Nov 2013

The goal of the Annual Briefing is to help a wide audience understand what has been happening in different parts of the world. First, it examines global trends in corporate legal accountability such as barriers to accessing judicial remedies; extraterritorial jurisdiction, i.e., whether courts in companies' home countries can regulate the companies' impacts abroad; threats faced by human rights advocates; and the role of lawyers in business and human rights. Second, the briefing provides an overview of regional developments in corporate legal accountability. Third, it reviews the current status of Alien Tort Claims Act (ATCA) litigation following the US Supreme Court's decision in *Kiobel v. Shell*. Fourth, the briefing looks ahead at emerging issues in corporate legal accountability. Fifth, it concludes with recommendations for companies, governments, lawyers advising companies and victims' advocates.

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■ [\[PDF\] Press release: Barriers worsen for victims seeking justice - New briefing highlights human rights lawsuits against companies over alleged abuses in over 25 countries](#)

[Business & Human Rights Resource Centre](#) 26 Nov 2013

This briefing draws attention to the latest developments in lawsuits against companies for alleged human rights abuses around the world and looks ahead to emerging issues. It will help advocates learn about cases that shape their

strategies, and companies and corporate lawyers better understand legal risks in connection with human rights abuses. It highlights issues and trends including: continuing concerns over steep and worsening barriers that prevent most victims of abuses involving companies from accessing justice; less availability of courts in countries where companies are headquartered, for claims by victims of abuses in other countries where the companies operate (extraterritoriality); and threats to lawyers bringing human rights cases against companies. [It] also reviews the developing expectations of how lawyers should integrate the UN Guiding Principles on Business and Human Rights into their advice to companies...

- **How about a SLAPP for your trouble?**

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[Centro de Información sobre Empresas y Derechos Humanos](#) 26 noviembre 2013

El Informe Anual de Responsabilidad Legal Empresarial del Centro de Información sobre Empresas y Derechos Humanos ofrece un panorama de la responsabilidad legal de las empresas en derechos humanos, y resume las tendencias y e iniciativas en este campo, desde nuestro primer Informe Anual publicado en junio de 2012...Primero, examina las tendencias globales, en términos de responsabilidad legal empresarial, tales como las barreras existentes para acceder a los recursos judiciales; la jurisdicción extraterritorial...las amenazas que enfrentan los defensores de los derechos humanos; y el rol de los abogados en la cuestión de las empresas y los derechos humanos. Segundo...ofrece un panorama de las iniciativas a nivel regional...Tercero, revisa el estado actual de los litigios basados en la Ley de Agravios contra Extranjeros (ATCA)...Cuarto, el informe da un vistazo a los asuntos emergentes en temas de responsabilidad empresarial. Quinto, concluye con recomendaciones...

- [FR](#) [PDF] [Briefing Annuel - Responsabilité juridique des entreprises : Résumé exécutif](#)

[Centre de Ressources sur les Entreprises et les Droits de l'Homme](#) 26 novembre 2013

Le Briefing Annuel sur la responsabilité juridique des entreprises du Centre de Ressources sur les Entreprises et les Droits de l'Homme donne un aperçu de la responsabilité juridique des entreprises en ce qui concerne les droits de l'homme, tout en faisant la synthèse des tendances et développements dans ce domaine depuis notre premier Briefing Annuel publié en juin 2012 ...Premièrement, il examine les tendances mondiales en matière de responsabilité juridique des entreprises telles que les barrières à l'accès aux voies de recours judiciaires, la juridiction extraterritoriale...les menaces subies par les

défenseurs des droits de l'homme, et le rôle des avocats dans le domaine des entreprises et des droits de l'homme. Deuxièmement, [il] donne un aperçu des développements régionaux ...Troisièmement, il examine l'état actuel des contentieux au titre de l'Alien Tort Claims Act (ATCA) ...Quatrièmement, [il] jette un regard sur les questions émergentes en matière de responsabilité juridique des entreprises. Cinquièmement, il conclut en donnant des recommandations...

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▪ **Thai Sugar Firm Meets With Koh Kong Evictees**
[Peter Zsombor & Chansy Chhorn, Cambodia Daily](#) 11 Nov 2013

Koh Kong Sugar has offered to settle its yearslong dispute with Cambodian families who accuse its plantations of stealing their land, but the farmers remain wary of being able to secure a fair deal. The firm, a subsidiary of Thailand's Khon Kaen Sugar Industry Limited (KSL), made the offer during a meeting Saturday in Bangkok with community representatives and the NGOs helping them. The 200 families say the loss of their farms to KSL's two sugarcane plantations in Koh Kong province has driven them into poverty, and they want the land back. But Teng Kao, a representative of the families, said the firm preferred to pay them off...Koh Kong Sugar's general manager, Thanakorn Burintarachart, who represented KSL at the meeting, did not respond to a request for comment.

- [Case profile: Koh Kong sugar plantation lawsuits \(re Cambodia\)](#)
[Business & Human Rights Resource Centre](#)
[Business & Human Rights Resource Centre case profile for lawsuit against Tate & Lyle and T&L Sugars Limited (a subsidiary of American Sugar Refining) in the UK. The plaintiffs maintain that they remain the legal owners of the land on which the Koh Kong companies grew sugar, and are claiming compensation for the profit from selling the sugar.]

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▪ **Group Considers Complaint Against Sugar Giant [Cambodia]**

[Zsombor Peter, Cambodia Daily](#) 26 Jun 2013

A London-based sugar trade association aiming to promote a more ethical and sustainable industry will meet early next month to consider a request from Cambodian farmers that it eject U.K.-based sugar firm Tate & Lyle from the group unless it gives them their land back...Equitable Cambodia, a local NGO, filed a complaint against Tate & Lyle on behalf of the families with Bonsucro—the sugar trade association...—two years ago ...In December Bonsucro agreed to form a task force to investigate the complaint...Bonsucro chief executive ...confirmed that the group's board of directors will meet on July 8 to consider the task force recommendations. He said the recommendations would be based both on the families' complaint and a response from Tate & Lyle...The Koh Kong families are also suing Tate & Lyle at the High Court of Justice in London for damages for lost farm earnings...[Also refers to BP, Coca-Cola]

- [Case profile: Koh Kong sugar plantation lawsuits \(re Cambodia\)](#)
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[Business & Human Rights Resource Centre case profile for lawsuit against Tate & Lyle and T&L Sugars Limited (a subsidiary of American Sugar Refining) in the UK. The plaintiffs maintain that they remain the legal owners of the land on which the Koh Kong companies grew sugar, and are claiming compensation for the profit from selling the sugar.]

- [\[Bonsucro\] Board Decision 8 July 2013](#)
[Nick Goodall, Chief Executive of Bonsucro](#) 08 Jul 2013
[T]he Board of Bonsucro suspended Tate & Lyle Sugars (TLS) from membership of Bonsucro...TLS has not, in the view of the Board, demonstrated adequate progress within a reasonable time-scale ...to provide information regarding a complaint made against the company, nor adequately explained why these requirements could not be met. The

suspension, provided for within Bonsucro's Code of Conduct, remains in place until such time as TLS satisfies the Board that either one of two conditions are met, namely: A. Carrying out the third party review of compensation specified in Bonsucro's letter to TLS of 19 March, and...carrying out an independent third Party review of their supplier's compliance with TLS' own Code of Conduct, OR, B. Reaching a resolution of the dispute to both parties' satisfaction. The suspension does not imply any view on the veracity of the underlying allegations made against TLS...

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Compiled by [Business & Human Rights Resource Centre](#)
09 Jun 2013

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- **[ES][PDF] Boletín Trimestral sobre la Responsabilidad Legal Empresarial - No.9, junio 2013**
Compilado por el [Centro de Información sobre Empresas y Derechos Humanos](#) 03 junio 2013
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■ **Second Sugar Firm Taken to Thai Human Rights Commission [Cambodia]**

[Zsombor Peter, Aun Pheap, Cambodia Daily](#) 03 Jun 2013

Local rights groups have filed a complaint in Bangkok against a second Thai sugar firm with ties to business tycoon Ly Yong Phat accused of stealing homes and land from hundreds of poor farmers. Licadho and Equitable Cambodia filed the complaint with the Thai government's National Human Rights Commission...against Mitr Pohl on behalf of 602 families in Oddar Meanchey province, who

say the firm's three plantations allegedly forced them out of their homes and off their land...The rights groups also accuse the plantations of killing their livestock and looting their crops. The police and military police are accused of beating some of the farmers and threatening them with violence or arrest...[refers to Khon Kaen Sugar & Tate & Lyle; Business & Human Rights Resource Centre invited Mitr Phol Sugar to respond. Mitr Phol Sugar referred us to its previous response to Business & Human Rights Resource Centre dated 24 Jul 2012, provided.]

- [\[PDF\] New petition about Cambodian sugar concessions filed with the Thai National Human Rights Commission](#)

[Clean Sugar Campaign](#) 30 May 2013

Cambodian NGOs allege serious abuses linked to Thai sugar giant, Mitr Phol Sugar Corporation...Two Cambodian NGOs, LICADHO and Equitable Cambodia, filed a petition with the Thai National Human Rights Commission on behalf of 602 complainants about serious human rights violations linked to large sugar concessions held by Thai sugar giant, Mitr Phol Sugar Corporation. The organizations allege that systematic, serious abuses have taken place in the issuance and cultivation of the Thai company's three enormous economic land concessions (ELCs) for industrial sugarcane production...

- [\[DOC\] Mitr Phol Group response to alleged human rights abuses and seizure of land by sugar companies in Cambodia](#)

[Mitr Phol Group](#) 24 Jul 2012

...Mitr Phol does not support encroachment on private land or forced eviction, or the destruction of private property. In Cambodia, we initially sought out sparsely populated areas and have followed a land concession process prescribed by law. This process has been led by the local and national government officials and its principles are also reflected in project agreements with government authorities. Our understanding of this process is that authorized officials undertook land surveys within a larger identified area...Public consultation followed between officials and locals...to demarcate areas and agree on existing land ownership, to determine compensation offers for any private land identified that included financial payment and substitute land provided by officials. Mitr Phol was excluded from this process and was not a participant, but by agreement was responsible for the expenses incurred from this process...

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- [Private property, public greed in Cambodia](#)

[Joel Brinkley, Politico](#) 06 May 2013

[T]he land [lawyer Mark Moorstein] focused on...is used to grow sugar cane, primarily. A wealthy and powerful Cambodian senator took possession of it after evicting residents...Many of the evictees held identification cards [from] the United Nations...Under the Land Law, that meant they held legal title to the property. The harvested sugar cane...was processed first in Cambodia and then in Thailand until finally it wound up with Tate & Lyle Sugars...Moorstein sued Tate & Lyle, claiming that "pursuant to Cambodian law, the claimants," 200 villagers, "are the owners of the land" and "are entitled to the sugar cane." ...[L]ast Thursday, the company...file[d] its response to the suit. It said Tate & Lyle had no knowledge of any prior ownership of the land in question...[T]he defendants claimed, "The English court cannot adjudicate or call into question" matters of Cambodian law dealing with land concessions. [Also refers to American Sugar Refining]

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