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Despite ELC Ban, Minister Talks of New Land Deals

BY AUN PHEAP | SEPTEMBER 30, 2014

Two-and-a-half years after Prime Minister Hun Sen imposed a freeze on the granting of economic land concessions (ELCs), Environment Minister Say Sam Al on Monday appeared to leave the door open to the government giving more companies access to the often-controversial land holdings.

At a press conference at the ministry, Mr. Sam Al said the contract period of new ELCs would be slashed from the current maximum of 99 years to 50 years for any company that signed “new” ELC agreements.

“[F]or companies that have received ELCs and made contracts with the government, we will keep it the same, but for companies that make new contracts with the government for economic land concessions, we have reduced [the contract period] to only 50 years,” he said.

Officials have repeatedly refused to say how companies have pending concession agreements with the government.

The concessions have been widely criticized for their lack of transparency and negative impact on the environment, and have been the trigger for countless land disputes across the country.

In May 2012, Prime Minister Hun Sen announced a moratorium on the issuance of new concessions and ordered authorities to scrutinize existing ones.

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Environment Ministry spokesman Sao Sopheap said Monday that the prime minister's moratorium still stood and the new 50-year contract period mentioned by the minister would apply only to firms that had already been awarded concessions by the government but had yet to complete the necessary paperwork.

"The government will not give anymore economic land concessions, but some companies already received permission before [the moratorium], and they have not yet made the contract, so the government will give them a 50-year contract only," Mr. Sopheap said by telephone.

When asked why contracts on concessions granted more than two years ago were still pending, Mr. Sopheap said: "If companies receive ELCs, it does not mean they have a contract, because they need a long time to solve problems or land disputes with villagers."

Mr. Sopheap said he did not know how many companies had ELCs pending, but said 32 new concessions were issued in the six months following the prime minister's directive because they had already been "in the pipeline."

Mathieu Pellerin, a consultant for Licadho, said this "pipeline excuse" was worrying, particularly in light of a spate of new land conflicts documented by the rights group this year.

"This pipeline excuse being given two years after the moratorium, there is no better way to exemplify why we called it a loophole [in 2012]," he said.

At Monday's press conference, Mr. Sam Al also announced that eight companies that have failed to uphold their development obligations will have their ELCs canceled, saying most of the land would return to national-park status.

All of the concessions set to be canceled are located in Koh Kong and Preah Sihanouk provinces.

According to a government statement dated September 26, the canceled concessions include an island off the coast of Sihanoukville granted to Vimean Seilla Co. Ltd., a pair of concessions totaling 1,338 hectares in Preah Sihanouk's Ream National Park issued to Seang Heng Investment Co. and another 350 hectares in the national park awarded to Blue Metto Co. Ltd.

Sun Vattanak Co. Ltd. is to lose 585 hectares of national-park land in both Koh Kong and Preah Sihanouk; Paradise Investment Co. Ltd. will lose 9,137 hectares in Koh Kong province's Botum Sakor district; and 63 hectares in Koh Kong province will be revoked from Chanroath Group. An unspecified amount is to be taken back from Heng Bonna Co. Ltd.

(Additional reporting by Holly Robertson)

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