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Vietnamese rubber giant razes indigenous lands as Cambodian government grapples with legacy land issues

While indigenous communities in Cambodia stayed home to stem the Covid-19 outbreak, a Vietnamese rubber firm bulldozed their land. Experts say disputes arising from Cambodia's complicated land management system will be difficult to resolve.



One of the spirit mountains that HAGL cleared near Inn Village in March 2020. Image: Inn Village

By **Tim Ha**

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When the indigenous Kreung and Kachok communities locked down their villages in Cambodia's Ratanakiri province in March to keep safe from the novel coronavirus, no one knew change was afoot in their ancestral forest.

While the families in the Muoy, Inn, Mas and Kak villages were sheltering in place, Vietnamese rubber giant Hoang Anh Gia Lai (HAGL) bulldozed land earmarked for return to the communities after years of tough negotiations involving local authorities, the company, village representatives and rights groups, according to Cambodian non-governmental organisation Equitable Cambodia.



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In March last year, Ratanakiri's governor requested that the Cambodian agriculture ministry return 742 hectares of customary land wrongly included in HAGL's agricultural land concessions to 12 communities following a government-led demarcation process launched two years ago.

HAGL, however, challenged the appeal, arguing that 150 hectares of the designated area had already been cleared and planted and should remain within its concession.

As the pandemic delayed the ministry's decision, the firm razed another 45 hectares of indigenous territory, laying waste to two spirit mountains, wetlands, old-growth forest as well as traditional hunting areas and burial grounds of spiritual value to the villagers. In February—only weeks before the land was cleared—village representatives joined a face-to-face meeting with HAGL under a new dispute resolution process that the company itself had requested.

Julian Oram, who leads the campaign on natural rubber for environmental group Mighty Earth, told Eco-Business the recent land clearing may have been an attempt to plant on additional land and exclude it from a renegotiated deal in the future.

Being robbed of their land has impaired the villagers' livelihoods because they can no longer collect firewood, traditional medicine, honey, fruit and other forest products the way they used to, said Eang Vuthy, executive director of Equitable Cambodia. It has also chipped away at the communities' collective identity and animist traditions which are deeply intertwined with their customary forest.

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mountain, we have no place to pray and the spirits will be very angry with our villagers for allowing this to happen,” said Sev Suen, a community representative from Kak village.

“We tried our best to negotiate with the company, but the government did not respond in time. They do not understand our culture, our needs and our spirits. They only think about development and the economy, but they do not understand the way we live,” said a spokesperson of the Ratanakiri-based indigenous rights organisation Highland Association, who wished to remain anonymous. The group participated in negotiations with HAGL.

“HAGL’s destruction of these sacred places is heartbreaking, and the fact that this company used the cover of a global pandemic to unlawfully clear more Indigenous land is particularly egregious,” said David Pred, executive director of human rights organisation Inclusive Development International.

HAGL—which [received loans](#) from Dragon Capital Group and Vietnamese Enterprise Investments in the past, two Vietnamese banks that the World Bank’s private-sector arm, the International Finance Corporation (IFC), has invested in—was awarded a licence for the disputed land in 2011. The 12 affected communities filed a complaint with the Compliance Advisor Ombudsman, the IFC’s independent watchdog, in 2014.

An IFC-led dispute resolution process followed, during which HAGL first agreed to return land within its concessions that belonged to the villages, only to eventually pull out of the negotiations. According to a report by the South China Morning Post, the IFC no longer has direct financial links with HAGL.

The villagers lodged a [second complaint](#) with the body in March 2019, providing extensive evidence of HAGL’s breaches of IFC’s environmental and social performance standards.

“The clearance of land HAGL knew was designated for return is the latest of many acts of bad faith by this company. The damage it has inflicted on these four communities adds insult to injury, and it calls into question whether this company is truly committed to resolving this long-standing dispute,” said Vuthy.

“HAGL must cease clearances immediately, return the communities’ land and provide restitution for all the damage that the firm has caused to the people of Ratanakiri,” he said.

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Thus far, there has been no official statement from HAGL or the Cambodian government. Eco-Business was unable to reach the company through phone and email for comment despite multiple attempts.

Land rush

HAGL, whose headquarters are in Pleiku, a city in Vietnam about 160 km from Ratanakiri, is one of Vietnam's largest private companies and one of the biggest concession holders in the Cambodian province, where most of its land is leased for rubber cultivation. The devastating impacts of the firm's rush for rubber have been well documented in [various studies](#).

Plantations owned by or affiliated with the conglomerate have occupied vast tracts of land and forests in the region, disrupting the livelihoods, food security, spiritual traditions and health of the Kreung and Kachok people as well as other minority ethnic groups.

As indigenous people, we are not opposed to development. But we would like to have fair development that respects our lands, our culture and our community.

Spokesperson, Highland Association

A 2014 [report](#) by Equitable Cambodia found that affected communities have had no opportunity to take part in decision-making, and in most cases, the company had made no efforts to seek their prior informed consent.

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resources have been disproportionately affected. They often live in coveted resource-rich areas, while political marginalisation and limited understanding of their rights make them easy targets for land-grabbers.

Since 2000, land deals have adversely affected an estimated 700,000 Cambodians, fuelling inequality in the predominantly agrarian nation. Sixty-five per cent of Cambodia's 16 million people rely on agriculture, fisheries and forestry for their livelihoods, with many operating at subsistence levels. Families who lose their land face hunger, poverty and despair.



Land bulldozed by HAGL near Mass Village, Ratanakiri. Image: Mass Village

Rights groups have argued that the central government is a key part of this problem.

The roots of Cambodia's land issue can be traced to the abolition of private ownership when the Khmer Rouge rose to power in 1975. But even as a newly established government began to register

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construction of hydropower dams through its controversial scheme of economic land concessions.

Often, this was done without the knowledge or consent of communities living on the land, leading to violent protests and forced evictions across the country. But not only have officials granted concessions in contravention of their own laws, they have also failed to hold corporates accountable for openly ignoring these same laws.

When actions go unchallenged, companies can act with impunity, taking advantage of the structural weaknesses of Cambodia's land management system. Cambodia's national laws are supposed to protect forests and the people dependent on them, but legal safeguards have rarely been enforced, resulting in an environment that facilitates opaque, deregulated development and renders individuals vulnerable to abuse.

Not surprisingly, disputes quickly flare up when land already occupied is stolen. Where affected communities and activists dare oppose security forces sent to quell protests, conflicts have turned deadly. Making matters worse, 80 per cent of leased land in Cambodia falls within the boundaries of protected forest. The country has one of the fastest forest loss rates in the world.

No easy way out

In response to rallies staged in the Cambodian capital Phnom Penh, the government introduced a moratorium on new economic land concessions in 2012 and pledged to review concessions previously handed out. However, earlier land deals, such as HAGL's, have left a legacy of unresolved land disputes that continue to cause tensions to this day, said Mighty Earth's Oram.

"The role of the government now is to instruct provincial authorities, local communities and local civil society as well as HAGL to return to the negotiation table and lock in the agreement that had previously been reached. And they must ensure that process happens swiftly before more land can be cleared," he said. "But I expect it will take time and that things will move very slowly, unfortunately. I just hope they move in the right direction."

Indigenous groups have urged the government to expedite the registration of collective land to help them stave off land-grabbers. But land titling in the country has been sluggish and rife with legal hurdles while burdening communities with inhibitive fees. At the current pace, it has been estimated it could take another 25 years for all remaining parcels to be registered.

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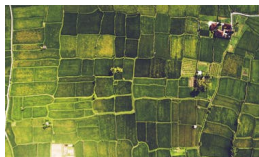
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development that respects our lands, our culture and our community,” the Highland Association’s spokesperson told Eco-Business.

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