

# A COMMUNITY GUIDE TO ECONOMIC LAND CONCESSIONS



Facilitators' Edition



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*A Community Guide to Economic Land Concessions  
Facilitators' Edition*

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## INTRODUCTION

All around the world, the face of agriculture is changing. In many countries, both rich and poor, there is a movement towards large scale, industrialized agriculture, and away from small-scale farming. This is also starting to happen in Cambodia.

Traditionally agriculture in Cambodia has been done on small family farms. Some farmers work their own land to provide food for themselves and their families, and to sell at the markets. Others who own more land may hire people to take care of the land, and sell most of the produce. However, until recently there were few large-scale farms or plantations.

Since the year 2003, this has started to change. Now, concessions for big plantations are being granted to private companies, sometimes measuring 10,000 hectares or more. These plantations usually grow just one type of crop, such as sugar, cassava, or acacia. This type of agriculture often uses modern machinery and a lot of chemicals in order to produce a high volume of crops. In Cambodia private companies can get permission to do industrial agriculture on large areas of State land under Economic Land Concessions (ELCs).

This guide is made for Cambodian communities who are affected by ELCs, or are likely to be affected in the future. It is divided into three parts: ELCs and Communities, ELCs and the Law, and Taking Action. Part One covers the basics of what industrial agriculture and ELCs are, the potential benefits and risks, and the process of Environmental Impact Assessment and public participation. In the Part 2 we discuss the main laws that apply to ELCs in Cambodia, and in Part 3 we look at what communities can do if they are affected by an ELC project.

The guide uses interactive activities to help people understand the information, take part in discussions, and learn new skills, even if they cannot read or write. This way, everyone can participate in planning what they can do to defend their rights and the rights of fellow citizens.



## HOW TO USE THE GUIDE

*A Community Guide to Economic Land Concessions* has been designed and written so that it is accessible to communities, including those who have had limited access to education and have little or no knowledge of the subject. The language used is simple and straightforward and the exercises used are interactive and enjoyable. Everything in this manual has been tried and tested with communities around Cambodia and the authors have considered all feedback and comments in revising and finalizing the lessons.

The guide can be used by people who want to facilitate a training workshop and by people who would like to use it simply as an information resource. The guide is made up of the Facilitators' Edition and the Participants' Edition. The Facilitators' Edition includes all the instructions and everything else you need to run a training session. The Participants' Edition contains only the information on each topic without the facilitator's instructions. It is useful to provide copies of the Participants' Edition to the people who attend your training. It can also be used as a stand-alone resource.

This module explains the basics on how to use the guide and how to organize and deliver a community training.

### ORGANIZING A TRAINING

First, you will need to organize the training workshop. It is important that everything – from the venue, to the selection of modules you will be teaching – is prepared well in advance, and that you are organized. If things do not run smoothly, the training will not be as effective. When organizing a training workshop you should consider the following points:

#### BOOKING A VENUE

It may be possible to teach in the community, or you may need to find or hire a room to do the training. Make sure the venue is quiet and bright and has enough space for all the participants to work comfortably. Make sure that you have decided on and booked the venue at least two weeks before the training.

#### PARTICIPANTS

You will need to decide who should participate in the training. It may be people from one or more communities threatened with eviction, members of a community network or people from NGOs. You may even decide to teach government officials or company employees. Think about who will benefit from the training. You should also consider who will be able to attend and stay for the whole training. Think about how many people should participate – an ideal number of participants is between 15 and 25.

Try to make sure that you have a good mix of participants. There should be equal numbers of men and women, and sometimes it is a good idea to have mixed age groups, as people have different experiences to share. If you are training in an area that has a number of ethnic groups, for example Cham or indigenous peoples, it is important to involve people from these groups in the training and ensure that everyone is treated equally.

## **NOTIFICATION AND INVITATIONS**

Make sure you inform all participants about the training dates well in advance. When the date gets closer, send reminders.

## **PARTICIPANTS' SITUATIONS**

Try to find out what specific problems the participants are experiencing and what their stories are. This way you can decide which sections of the guide are most important to teach. It is also a good idea to ask a few community representatives what topics they think would be most useful.

## **AGENDA**

Once you have the information about the participants you will need to prepare an agenda. This sets out the plan for each day of the workshop. Make sure you have enough time to teach the lessons you have selected. Make sure you also include time for breaks, meals and energizers (explained below).

## **INFORMING AUTHORITIES**

Think carefully about whether it is necessary to inform the local authorities of your plan to conduct a community training.

## **PARTICIPANTS' GUIDE**

At the end of the training it is a good idea to provide the participants with all the information that you have covered. To do this, you will need to photocopy the relevant sections of the Participants' Edition.

## **BE PREPARED**

Make sure you are familiar with the material that you will teach, and make sure that before the workshop starts, you have all the materials that are necessary for each lesson. If there are other facilitators, make sure you have decided who will be responsible for each lesson and activity.

## TRAINING CHECKLIST

### Before conducting a training, make sure that you do the following:

- Organize a venue
- Decide who the participants will be and how many will attend
- Invite the participants well in advance, and send a reminder closer to the date
- Learn about the participants' background, situation and which topics they are interested in
- Choose the modules you will teach and make an agenda
- Inform the authorities, if you think it is necessary
- Photocopy relevant parts of the participant's Guide
- Prepare the materials, for example, paper, pens and handouts
- Revise the lessons so you feel confident to teach them

## STARTING A TRAINING

On the day of the training arrive at the training space or room early to make sure everything is ready. Arrange the materials neatly so that you can access them easily when you need them during the lessons. If tables and chairs are available think about how you would like them to be arranged. Sometimes it is a good idea to arrange the tables in a circle so that everyone can see each other and no one has to sit behind someone else. This will help the training be more interactive because everyone will feel included.

Once the participants arrive and sit down, the first step is to introduce yourself to the group and give participants the chance to introduce themselves. This is done at the beginning of almost all trainings and workshops. In order to start the training in an interesting way, try to keep the introductions short, or try to make them into a game or fun activity. This can be very simple such as asking everyone to say their names, where they are from and their favorite food or song.



It is also a good idea to start the training by explaining the main objectives of the workshop to the participants. You may also want to explain the rules of the training, for example, everyone should turn off mobile phones, everyone should be considerate of other people, there should be no discrimination for any reason, and everyone should have a chance to speak. You can also ask the participants about their expectations for the workshop. You may ask a few or all participants to name one thing they expect or hope to learn during the training. You can come back to these expectations at the end of the training to see if they were met.

## INTERACTIVE TEACHING

The most effective teaching methods are interactive, based on active participation, and focus on the participants, rather than the facilitator. These techniques help people to learn faster and remember more than if they are taught using traditional methods, like lecture.

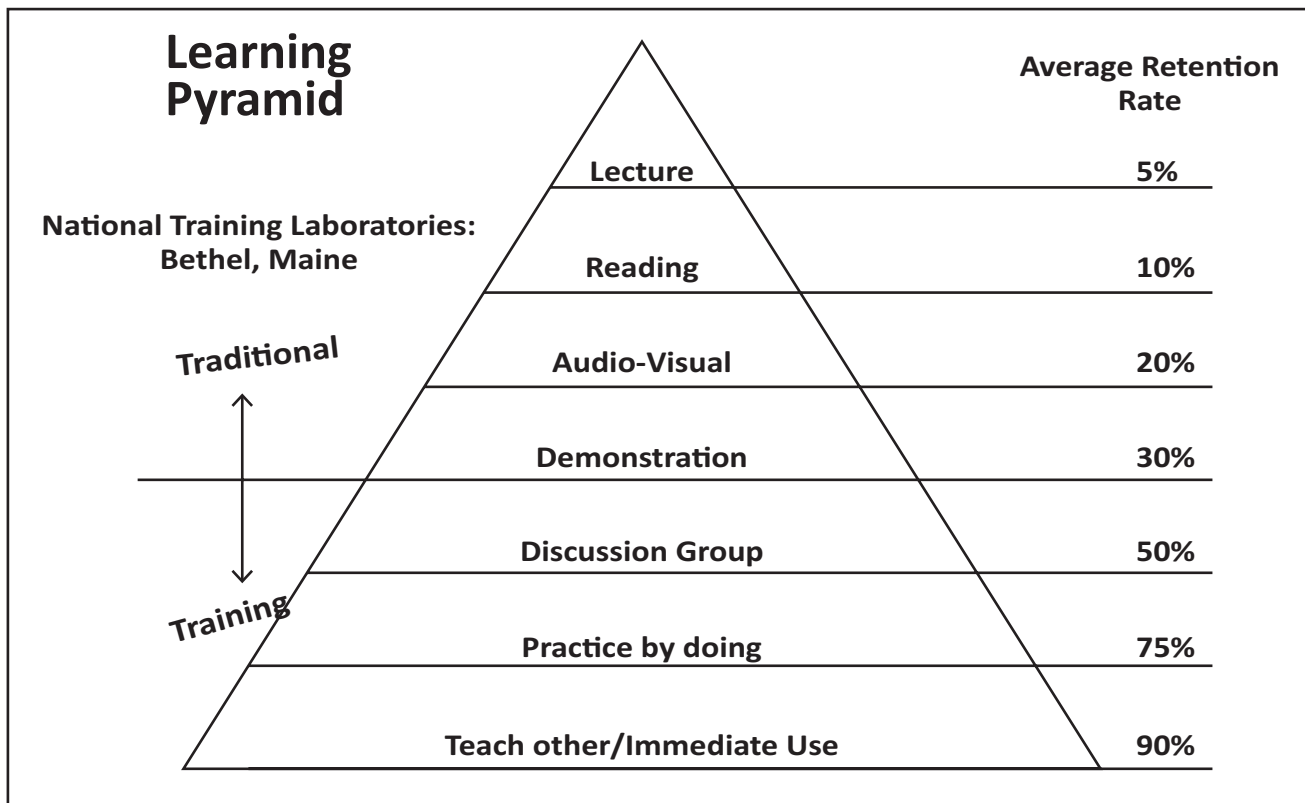
There have been many studies and experiments that have shown that the amount and quality of the information that participants remember depends on the teaching methods used. Research has shown that the lecture style of teaching is less effective for passing on knowledge to participants. Examples of interactive methodology include:

- Role-play
- Demonstrations
- Stories
- Group discussions

One of the best ways for you to improve your understanding of new information and skills is to teach it to others. By teaching others, you will gain a better understanding, know how to explain things using simple language and be able to show how the information and skills can be used. Community trainings are a two-way learning process. As you teach, the participants learn, and you will also become more confident and increase your understanding of the issues you are teaching. You will also have a valuable opportunity to learn from the experiences and stories of the participants.

### HOW MUCH DO PARTICIPANTS REMEMBER ONE YEAR AFTER LEARNING?

- If lectures are used Participants remember approximately 5%.
- If Participants read the information they remember approximately 10%.
- If audio-visual methods are used (a video or PowerPoint) Participants remember approximately 20%.
- If Participants watch a demonstration they will remember approximately 30%.
- If Participants discuss issues in small groups they will remember approximately 50%.
- If Participants are shown a demonstration and then practice it themselves they will remember approximately 75%.
- If Participants teach others they will remember approximately 90%.



## TEACHING METHODS

There are many different teaching methods that can be useful for teaching in communities. These methods are aimed at making those attending the workshop active participants and not passive observers. These methods recognize that participants always come to training workshops with knowledge and experience from their own lives and that they have much to contribute to the learning that will happen in the room. Below are some examples of interactive teaching methods.

### BRAINSTORMING

Brainstorming is a way of allowing participants to think freely about ideas. There are usually no right or wrong answers, and participants are able to express their ideas freely.

During brainstorming on a particular topic, participants might be asked questions, for example, “What are the different ways to teach?” participants then think of as many different ideas as they can, and these should be written or drawn on a whiteboard or flipchart. Everyone’s ideas can then be discussed.



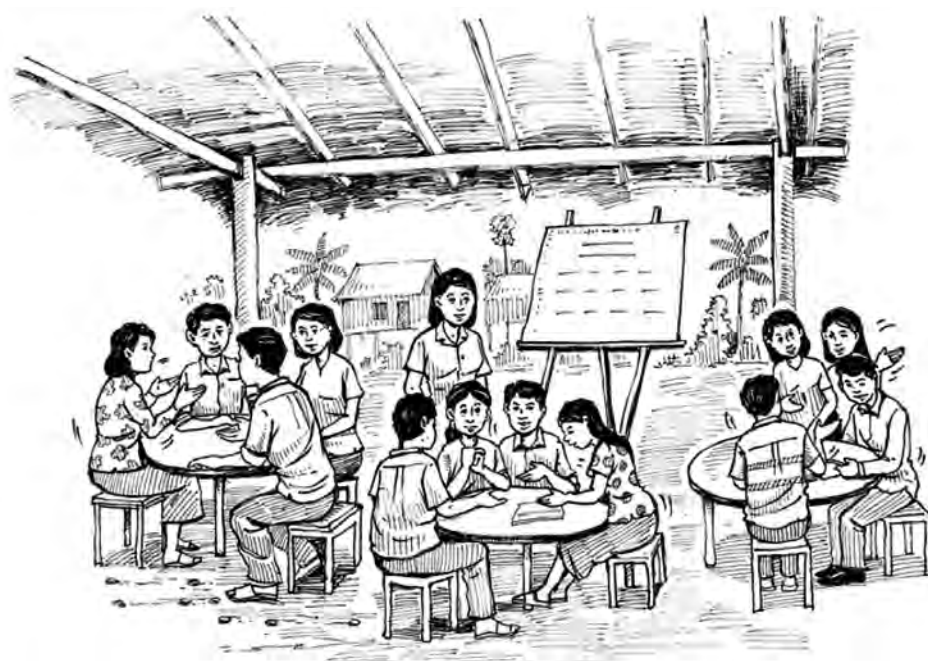


## SMALL GROUP DISCUSSIONS

Small group discussions should be planned carefully. The participants should be given clear rules and instructions and should be allowed enough time for discussion. If possible, the groups should usually not have more than five participants so that everyone has a chance to speak.

## CASE STUDIES

Case studies are stories or a description of an event that can be real or made-up and can be used to help understand how information and skills can be applied. Case studies can be used during group discussions to help participants analyze and think critically about how to use new information and skills in practice.



## ROLE-PLAYS

In role-plays participants (or sometimes facilitators) act out a situation. Participants can either be given the situation in a case study or they can be asked to make it up themselves. Different objects that can be found around the training area can be used to make role-plays more fun. Role-plays are useful because participants are able to be creative, which will make them feel more involved in the lesson, and keep them active and interested.

## QUESTION AND ANSWER

A discussion through questions and answers can often be used instead of lecturing. This way everyone is talking and needs to think carefully about the issues, not just the facilitator. Participants almost always know some information about the issue or the subject that is being taught and how it relates to their lives. Good facilitators will draw out the knowledge and experience of participants and build on it. Asking polite questions to quiet participants can be a good way to encourage them to speak and get more involved.

A good way to start teaching a new topic is by asking the whole group some basic questions on the subject. This way you will find out what everybody already knows. Asking questions at the end of the lesson is also a good way to check that participants understood and that the learning objectives were achieved.



## GAMES

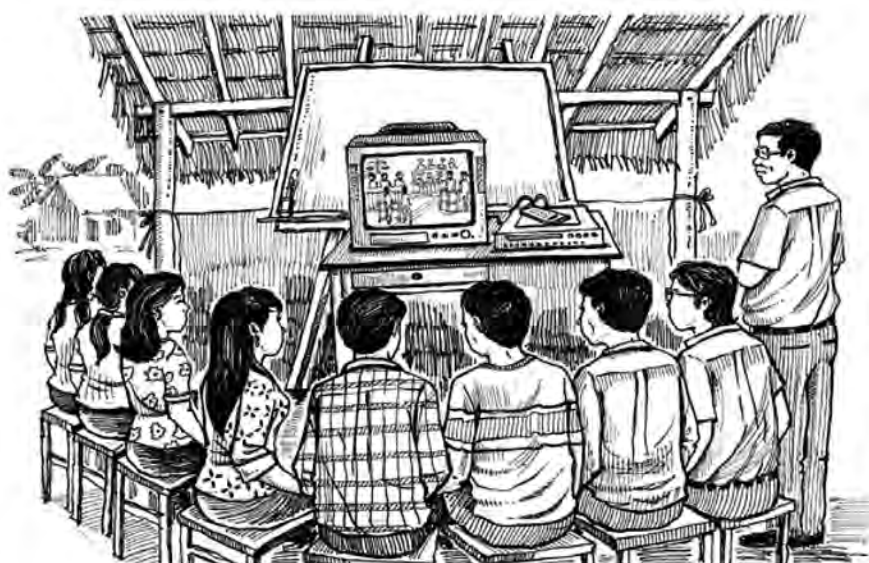
Games are a fun way for both adults and children to learn. Games may be used as ‘ice breakers’ and help participants to get to know each other and become more comfortable with each other. Games are also often used as ‘energizers’ to refresh people when they are feeling unfocused or sleepy between lessons. Games can also be used to teach more difficult topics, such as the law, and to help people remember new information. Games might involve teams and competitions but be careful not to embarrass anyone if they do not know the answers to questions. It can be more encouraging if everyone wins!

## PARTICIPANT PRESENTATIONS

Participants can be given a topic, case study or question to work on in small groups and then present to the rest of the class. Groups can be asked to prepare and present drawings, songs, role-plays, plans, ideas, or answers to questions. Presentations can be made by the whole group, or a group spokesperson can be chosen to present. Afterwards, all the participants (both presenters and observers) can discuss the presentation.

## VISUAL AIDS

Objects, photographs, pictures, drawings, posters and films are all examples of visual aids. Visual aids help focus participants’ attention and are an effective way to bring real life experiences from Cambodia and around the world into the training room. Visual aids are also helpful in expressing ideas, concepts and plans. Participants can be asked to describe and analyse what they see, and apply or compare it to their own experiences and other situations. Visual aids such as films can be especially useful in demonstrating how new skills can be applied. Good and bad examples can be shown and analysed. (Remember that the same thing can be done using role-plays.)



Many community groups, NGOs and United Nations agencies have produced videos on many different issues in Cambodia. If you have access to electricity and equipment you can contact these groups and ask if they have any videos you can use in your community training.

## SONGS

Most Cambodian people love to sing and dance. You can use this in your training workshops. Sometimes you may want to have a break from the lessons and have a song or dance session just to wake people up. You may also use song to teach. After teaching a topic, you could ask participants to make up a song about it. If this can be done using a popular tune it will make it easy for people to remember the things they learned.



### PARTICIPANTS WITH READING DIFFICULTIES

Sometimes there will be participants in your training workshop who have difficulties reading and writing. You need to be aware of this, although it is not a good idea to ask participants in front of everyone else if they can read and write because this could embarrass them.

Many of the exercises involve case studies and other methods that require some reading and writing. If there are participants who will find this difficult, there are a few things you can do. One option is to make sure there is one member of each group who can read and write so that they can read out case studies or questions and write down ideas or answers for the rest of the group if necessary. If there are not enough participants who can read, you or another facilitator can read out case studies and help groups to record their answers. You can also think of other ways that groups can record ideas and answers such as through drawings.

All activities in this guide can be easily adapted in this way so that all participants, including those with reading difficulties can be actively involved.

## LESSON PLANS

A lesson plan is like a road map. If you want to travel somewhere, but are not certain of the correct route, you can use a map. To use a map you should look for the start point and the destination, but also the points you need to pass along the way. A lesson plan works in a similar way. The start point is the aim of the lesson, and the final destination is achieving that aim. But to get to this destination, there are steps that you must take to get there.

The lesson plan used in the guide is broken down into clear steps. Below is a summary of these main steps.

### AIM

The Aim is what you want to achieve with the lesson, and what you want participants to learn or understand by the end of the lesson.

Example:

**Aim:** Participants will share what they already know about Economic Land Concessions (ELCs). They will understand what an ELC is and tell others about any experiences they may have related to ELCs that have been granted in their provinces.



### MATERIALS

This is a list of things that are needed to teach the lesson. You should make sure that you have all of the items ready before starting the lesson.

Example:

**Materials:** Whiteboard/flipchart, markers.

This is a list of all the interactive teaching techniques used in the lesson.

Example:

**Method Used:** Brainstorm, open discussion and introducing information.

## PROCEDURE/TIME BOX

The left column of this box contains a list of the procedures you should follow to run the lesson. The right column of the table indicates the amount of time required for each step. The total time needed to complete the whole lesson is shown at the bottom. This box is very useful for preparing the workshop agenda.

Example:

| <b>Procedure</b>                        | <b>Time Frame (in minutes)</b> |
|---|--------------------------------|
| Step 1 - Brainstorm and open discussion | <b>20</b>                      |
| Step 2 - Introduce information on ELCs  | <b>15</b>                      |
| Step 3 - Debrief                        | <b>10</b>                      |
| <b>Total:</b>                           | <b>45</b>                      |

## LESSON INSTRUCTIONS

After the procedure box, the manual gives step-by-step instructions on how to teach the lesson. The steps correspond to the steps in the procedure table.

Instructions for exercises will usually be in bulleted lists and will give you a clear explanation of how to conduct the exercise. For example:

## Step 1 – Brainstorm and open discussion:

- Start the lesson by writing "ECONOMIC LAND CONCESSION" on the whiteboard or flipchart in big letters. Ask for a volunteer to read it out loud to the rest of the group.
- Explain that this will be the subject for the training. To begin, the whole group is going to do a brainstorm and join an open discussion session to find out what participants already know about ELCs.
- Give each participant a piece of paper and ask them to write down on the paper the first thing that they think of when they think of an ELC. If they prefer they can draw a picture. (If they want to, they can do both.)
- Encourage participants to work alone – they will have the chance to discuss their ideas next. After one or two minutes, ask the participants to stop.
- Ask the participants to lay their papers out together on the ground, stick them to the wall, or lay them on their desk. Next, ask everyone to stand up and look at the other papers. Give everyone five minutes to move around and look at the papers. Tell them they are free to discuss and ask questions of each other.
- When the time is up, ask everyone to return to their seats.
- For the next 10 minutes facilitate a whole group open discussion on what participants already know about ELCs, and any experiences they have had with ELCs.
- Try to keep the discussion as free as possible, but if you need some questions to encourage people to join in you can use these:
  - Who has heard of an ELC before?
  - What do you think an ELC is?
  - Have you ever seen an ELC?
  - Have you been affected by an ELC?
  - What impacts did the ELC have on your community?
- Come back to the papers the participants made at the start of the lesson, and ask if anyone would like to talk about theirs. If you see an interesting answer or drawing, ask who it belongs to and ask if they have anything they would like to add.
- Encourage everyone to join in, and reassure people that they do not have to worry about making a mistake. The aim of this lesson is to share stories and find out what everyone already know about ELCs. The group will study the subject in more detail during the following lessons.

## INTRODUCE INFORMATION

When you need to teach from the text, it will say “Introduce information” followed by the information that you should share with the class.



When you see this icon, it means there is an important point that you may want to write on the flipchart or whiteboard if you have one:

### Step 2 – Introduce information:

## 1. WHAT IS AN ECONOMIC LAND CONCESSION?

An **Economic Land Concession** (ELC) allows a company to lease State private land for large-scale farming known as ‘industrial agriculture’. This usually involves using modern machinery, chemical fertilizers and pesticides to produce large amounts of a single product, such as rubber or sugar. ELCs often cover large areas of land, and can last for many years. ELCs can be granted for plantations, raising animals and building factories to process agricultural products. ELCs have been granted for things like growing corn, sugar, and cassava, breeding pigs, and building processing factories.



The company that is granted the concession is called a **concessionaire**. A concessionaire does not have ownership or unlimited rights to the land –just a right to use the land for a fixed time, and according to the terms of a contract with the Government.

There is a clear legal process that must be followed for a company to be granted a concession. After the concession has been granted, the concessionaire must follow certain rules on how the land is used. We will discuss these legal requirements in Part 2 of this book.



## 2. WHO IS RESPONSIBLE FOR GRANTING ELCs AND HOW MANY HAVE BEEN GRANTED?

The ministry responsible for granting ELCs is the **Ministry of Agriculture, Forestry and Fisheries (MAFF)**.



The MAFF website lists the official figures for the number of concessions and the profiles of the concessionaires; however the information provided has not been regularly updated. According to the MAFF website, as of June 2012:

- 116 companies have been granted ELCs (though some of these concessions are not active or have been cancelled).
- The total area covered by these ELCs is 1.18 million hectares.
- ELCs have been granted in 16 provinces.

However, the information on the MAFF website is incomplete and many concessions that have been known to exist for many years are not listed.

Non-governmental organizations (NGOs) have also monitored the granting of ELCs and have published information on their websites:

- The Open Development Cambodia website listed a total number of 320 ELCs in 21 provinces including Phnom Penh, granted to foreign and local companies, as of June 2012.
- According to the human rights NGO, Licadho, 2,136,170 hectares have been granted in ELCs as of Feb 2012.

### ADDITIONAL INFORMATION

Before debrief step you will see the **Additional information** in the Additional Information Box. This is the extra information which is useful resource for all the participants. It is also important for the facilitator to read and learn and it is very helpful for the facilitator to answer the participant's question during the lesson.

## ADDITIONAL INFORMATION

There are several other types of concessions or licenses that can be granted for development projects, for example:

- **Social Land Concessions (SLC)** – A social land concession is a concession granted to people who are landless or do not have enough land. This type of concession can be used to grant residential or agricultural land to the poor.
- **Infrastructure concessions** – Concessions can be granted for developing infrastructure, for example: generating electricity and building power lines, building roads, bridges and facilities for water supply.
- **Tourism concessions** – Concessions have been granted in some areas to develop tourism sites.
- **Mining licenses** – Mining companies can be granted licenses to explore for minerals, and if they find minerals and wish to mine them, they can apply for a mining license.
- **Special Economic Zones (SEZs)** – An SEZ is a special area designed to make it easier for companies to do business. In an SEZ laws may be different to the rest of the country, for example, companies may get special tax rates if they set up an SEZ. The idea behind these kinds of agreements is to encourage people and companies to invest and do business.

In this book we will only discuss ELCs, and it is important not to confuse the different types of concessions. ELCs only concern large agriculture projects.

## DEBRIEF

The last step in any lesson is the debrief. The goal of a debrief is to evaluate whether the Aim of the lesson was achieved. It is very important that you do not simply summarize the information contained in the lesson, as this will not allow you to check whether or not the participants learned the main points. You can check whether the Aim was achieved by using activities such as questions and answers, by asking participants to summarize the lesson, or by using fun games such as quizzes. A debrief will look like this:

### DEBRIEF:

- Before ending the lesson, ask one participant to tell the group what the definition of an ELC is. Ask all the participants if they have any questions about what an ELC is, or if there is anything that they would like to be made clearer.
- Explain that during the rest of this module the group will look at what industrial agriculture is, what the potential benefits and impacts of ELCs may be, what the law says about ELCs and what people can do if they think they are negatively affected by an ELC.

## PART I

# ECONOMIC LAND CONCESSIONS & COMMUNITIES



### OUTCOMES

After completing this module, participants will:

1. Know what ELCs are.
2. Know the basics of what industrial agriculture is, and how it is different from small-scale farming.
3. Be aware of some of the potential benefits of ELCs.
4. Be aware of some of the potential negative impacts of ELCs.
5. Know what Environmental Impact Assessments are and understand what public participation involves.

## LESSON 1: WHAT IS AN ECONOMIC LAND CONCESSION?

**Aim:** Participants will share what they already know about Economic Land Concessions (ELCs). They will understand what an ELC is and tell others about any experiences they may have related to ELCs that have been granted in their provinces.



**Materials:** Whiteboard/flipchart, markers.

**Method Used:** Brainstorm, open discussion and introducing information.

| Procedure                               | Time Frame (in minutes) |
|---|-------------------------|
| Step 1 - Brainstorm and open discussion | 20                      |
| Step 2 - Introduce information on ELCs  | 15                      |
| Step 3 - Debrief                        | 10                      |
| <b>Total:</b>                           | <b>45</b>               |

**STEP 1 – BRAINSTORM AND OPEN DISCUSSION:**

- Start the lesson by writing "ECONOMIC LAND CONCESSION" on the whiteboard or flipchart in big letters. Ask for a volunteer to read it out loud to the rest of the group.
- Explain that this will be the subject for the training. To begin, the whole group is going to do a brainstorm and join an open discussion session to find out what participants already know about ELCs.
- Give each participant a piece of paper and ask them to write down on the paper the first thing that they think of when they think of an ELC. If they prefer they can draw a picture. (If they want to, they can do both.)
- Encourage participants to work alone – they will have the chance to discuss their ideas next. After one or two minutes, ask the participants to stop.
- Ask the participants to lay their papers out together on the ground, stick them to the wall, or lay them on their desk. Next, ask everyone to stand up and look at the other papers. Give everyone five minutes to move around and look at the papers. Tell them they are free to discuss and ask questions of each other.
- When the time is up, ask everyone to return to their seats.
- For the next 10 minutes facilitate a whole group open discussion on what participants already know about ELCs, and any experiences they have had with ELCs.
- Try to keep the discussion as free as possible, but if you need some questions to encourage people to join in you can use these:
  - Who has heard of an ELC before?
  - What do you think an ELC is?
  - Have you ever seen an ELC?
  - Have you been affected by an ELC?
  - What impacts did the ELC have on your community?
- Come back to the papers the participants made at the start of the lesson, and ask if anyone would like to talk about theirs. If you see an interesting answer or drawing, ask who it belongs to and ask if they have anything they would like to add.
- Encourage everyone to join in, and reassure people that they do not have to worry about making a mistake. The aim of this lesson is to share stories and find out what everyone already know about ELCs. The group will study the subject in more detail during the following lessons.

## STEP 2 – INTRODUCE INFORMATION:

### 1. WHAT IS AN ECONOMIC LAND CONCESSION?

An Economic Land Concession (ELC) allows a company to lease State private land for large-scale farming known as ‘industrial agriculture’. This usually involves using modern machinery, chemical fertilizers and pesticides to produce large amounts of a single product, such as rubber or sugar. ELCs often cover large areas of land, and can last for many years. ELCs can be granted for plantations, raising animals and building factories to process agricultural products. ELCs have been granted for things like growing corn, sugar, and cassava, breeding pigs, and building processing factories.



The company that is granted the concession is called a concessionaire. A concessionaire does not have ownership or unlimited rights to the land –just a right to use the land for a fixed time, and according to the terms of a contract with the Government.

There is a clear legal process that must be followed for a company to be granted a concession. After the concession has been granted, the concessionaire must follow certain rules on how the land is used. We will discuss these legal requirements in Part 2 of this book.

## 2. WHO IS RESPONSIBLE FOR GRANTING ELCs AND HOW MANY HAVE BEEN GRANTED?

The ministry responsible for granting ELCs is the **Ministry of Agriculture, Forestry and Fisheries (MAFF)**.

The MAFF website lists the official figures for the number of concessions and the profiles of the concessionaires; however the information provided has not been regularly updated. According to the MAFF website, as of June 2012:<sup>1</sup>



- 116 companies have been granted ELCs (though some of these concessions are not active or have been cancelled).
- The total area covered by these ELCs is 1.18 million hectares.
- ELCs have been granted in 16 provinces.

However, the information on the MAFF website is incomplete and many concessions that have been known to exist for many years are not listed.<sup>2</sup>

Non-governmental organizations (NGOs) have also monitored the granting of ELCs and have published information on their websites:

- The Open Development Cambodia website<sup>3</sup> listed a total number of 320 ELCs in 21 provinces including Phnom Penh, granted to foreign and local companies, as of June 2012.
- According to the human rights NGO, Licadho, 2,136,170 hectares have been granted in ELCs as of Feb 2012.<sup>4</sup>

<sup>1</sup> <http://www.elc.maff.gov.kh/overview.html> (information is only in English).

<sup>2</sup> Report of the Special Rapporteur on the situation of human rights in Cambodia, Surya P. Subedi, A/HRC/21/63/Add.1, 24 September 2012, p 2.

<sup>3</sup> <http://www.opendevdevelopmentcambodia.net>

<sup>4</sup> <http://www.licadho-cambodia.org>

## ADDITIONAL INFORMATION

There are several other types of concessions or licenses that can be granted for development projects, for example:

- Social Land Concessions (SLC) – A social land concession is a concession granted to people who are landless or do not have enough land. This type of concession can be used to grant residential or agricultural land to the poor.
- Infrastructure concessions – Concessions can be granted for developing infrastructure, for example: generating electricity and building power lines, building roads, bridges and facilities for water supply.
- Tourism concessions – Concessions have been granted in some areas to develop tourism sites.
- Mining licenses – Mining companies can be granted licenses to explore for minerals, and if they find minerals and wish to mine them, they can apply for a mining license.
- Special Economic Zones (SEZs) – An SEZ is a special area designed to make it easier for companies to do business. In an SEZ laws may be different to the rest of the country, for example, companies may get special tax rates if they set up an SEZ. The idea behind these kinds of agreements is to encourage people and companies to invest and do business.

In this book we will only discuss ELCs, and it is important not to confuse the different types of concessions. ELCs only concern large agriculture projects.

### STEP 3 – DEBRIEF

Before ending the lesson, ask one participant to tell the group what the definition of an ELC is. Ask all the participants if they have any questions about what an ELC is, or if there is anything that they would like to be made clearer.



## LESSON 2: INDUSTRIAL AGRICULTURE

**Aim:** Participants will share what they already know about Economic Land Concessions (ELCs). They will understand what an ELC is and tell others about any experiences they may have related to ELCs that have been granted in their provinces.



**Materials:** Whiteboard/flipchart, markers.

**Method Used:** Brainstorm, open discussion and introducing information.

| Procedure   | Time Frame (in minutes) |
|---|-------------------------|
| Step 1 - Group discussion of different kinds of agriculture using Handout 2.1.  | 15                      |
| Step 2 - Introduce information: <b>What is industrial agriculture</b> , using flipcharts to explain some of the information | 10                      |
| Step 3 - Small group discussion and drawing   | 15                      |
| Step 4 - Groups present answers   | 10                      |
| Step 5 - Debrief  | 10                      |
| <b>Total:</b>   | <b>60</b>               |

### STEP 1 – GROUP DISCUSSION OF DIFFERENT KINDS OF AGRICULTURE USING HANDOUT 2.1:

- Give out several copies of Handout 2.1 to the group and ask the participants to look at what is happening. Half of the pictures show more traditional small-scale agriculture, and half show industrial agriculture.
- After a few minutes ask people what they see in these pictures. Ask if they have seen this type of agriculture being done, and if they are involved in this type of agriculture.
- Have a free discussion for another 10 minutes.

## STEP 2 – INTRODUCE INFORMATION:

### 3. WHAT IS INDUSTRIAL AGRICULTURE?

Industrial agriculture is a type of farming that is usually large-scale and uses modern machinery, chemical fertilizers and pesticides to produce large amounts of a particular product.



Usually a company will produce a single product or a small number of different products – but in very large amounts. In developed countries, most meat, vegetables, fruit, dairy products and eggs are produced using industrial agriculture methods.

Examples of the types of ELCs granted in Cambodia include:

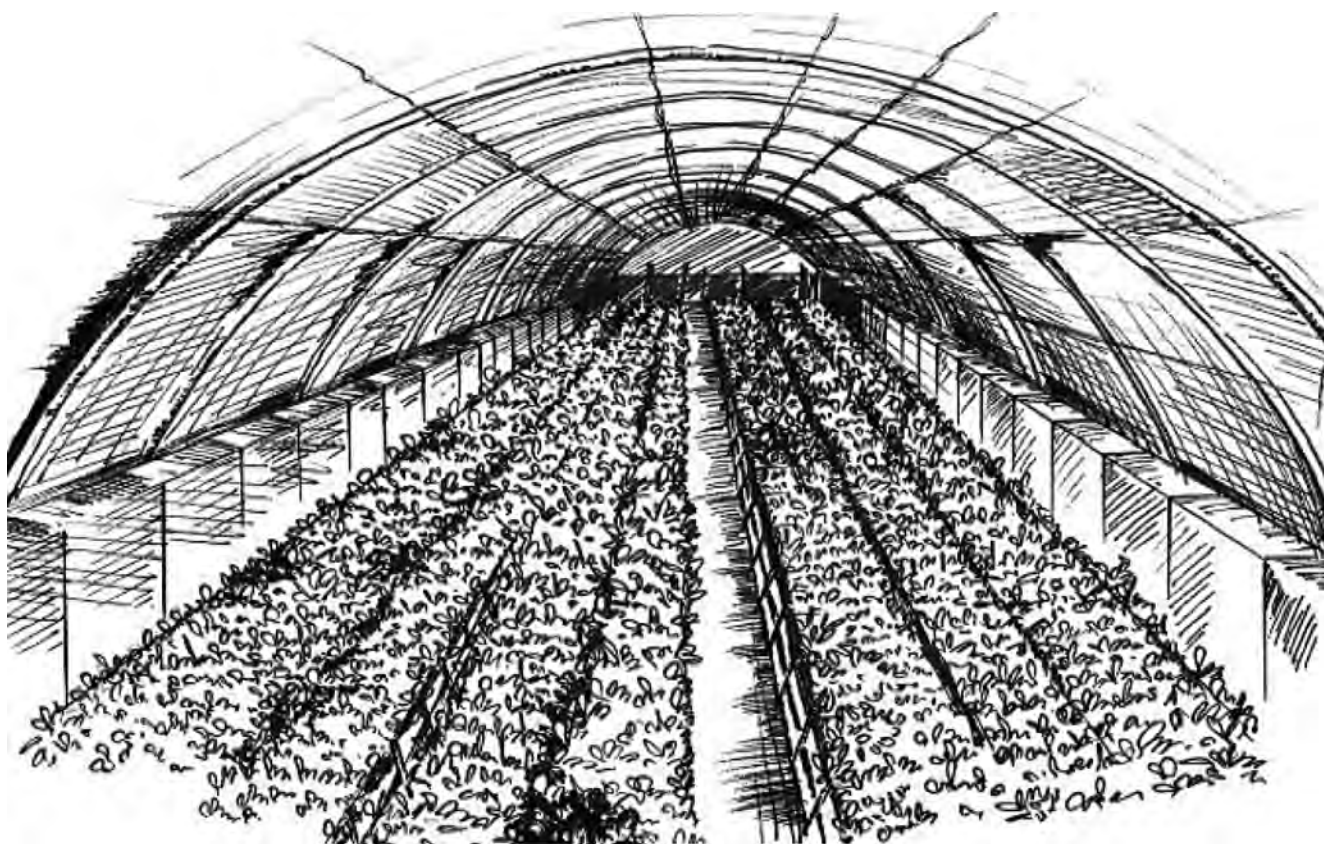
- corn plantations
- cassava plantations
- acacia and teak tree plantations
- cashew plantations
- sugar cane plantations
- rice plantations
- palm oil and castor oil plantations
- pig breeding facilities
- rubber plantations



#### 3.1 HOW IS AGRICULTURE CHANGING IN CAMBODIA?

In the past, farming has mainly been done on a small-scale in Cambodia. Families traditionally work their own piece of land to produce food to feed themselves and then sell what is left to make extra money. Many Cambodian farmers struggle because the techniques they are using are not very efficient, they do not have modern tools, and irrigation is not good. Many families do not have access to enough land to farm and make a good living. Over recent years bad weather has also destroyed crops, leaving many farmers struggling.

The Cambodian Government has seen that the agriculture sector needs to be developed, and has said that developing and encouraging investment in agriculture is important to help the country grow and to reduce poverty.



One way that the government hopes this can be achieved is by increasing local and foreign investment and granting large concessions for large scale farming. Since 2003, there has been a big increase in the number of agricultural concessions granted by the government.

### **STEP 3 – SMALL GROUP DISCUSSION AND DRAWING:**

- Divide participants into four or five small groups and tell each group that they are going to think about the different ideas that come to their mind when they think about industrial agriculture.
- They may think about the different methods that are used, and the different impacts. These can be impacts that they have seen themselves, or problems that they have heard or are worried about.
- Give each group a piece of flipchart paper and ask them to draw their ideas.
- Tell the participants that they have 15 minutes to talk and complete their drawings. Remind them to think about how agriculture is changing in Cambodia and to think of positive and negative impacts and any experiences they may have.
- Move around the class and help any groups that have difficulty with the task or need extra support.

### **STEP 4 – GROUPS PRESENT ANSWERS**

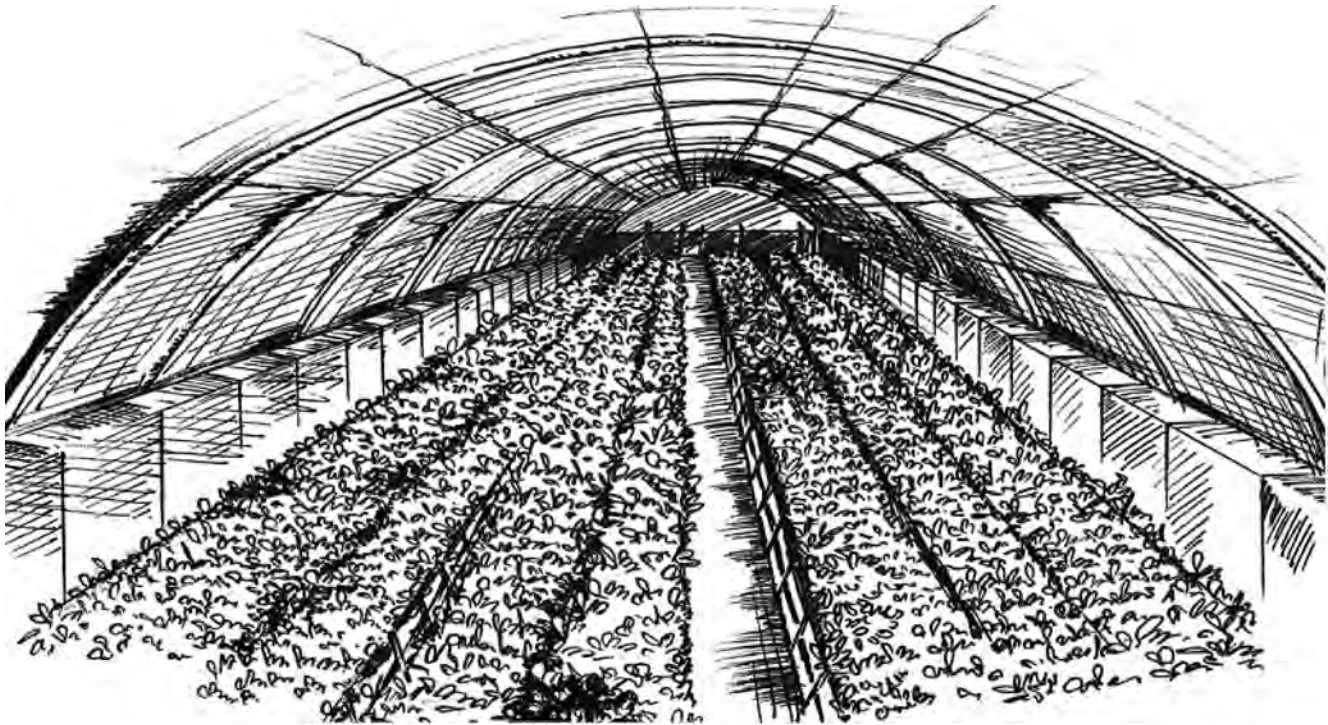
- After 15 minutes, ask all the groups to stick their flipchart paper on the whiteboard or around the room.
- Give each group some time to present their answer to the class. If participants come up with interesting ideas, the facilitator should ask follow up questions. At the end of each group presentation, ask other participants if they want to add anything or ask any questions.

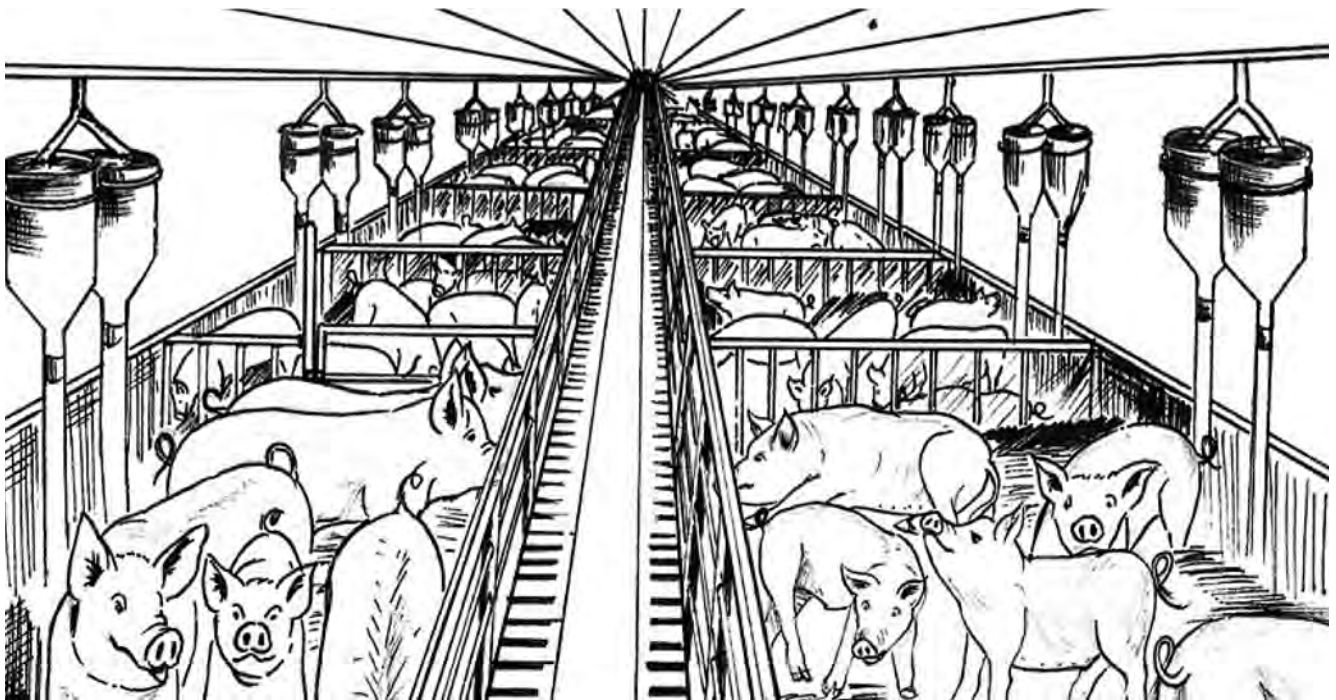
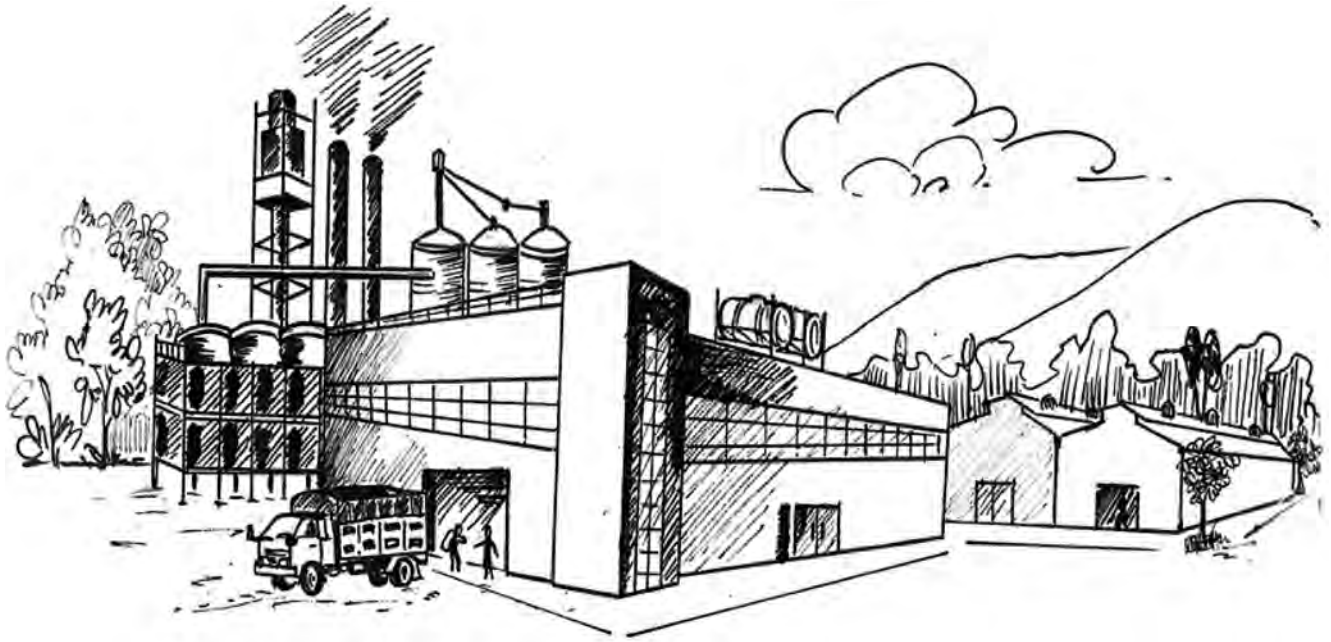
### **STEP 5 – DEBRIEF**

- After all the groups have finished presenting, summarize the main points and ask the participants if there is anything else they would like to add.
- Ask a few participants the following questions:
  - o What is industrial agriculture? (Industrial agriculture is a type of farming that is usually large-scale and uses modern machinery, chemical fertilizers and pesticides to produce large amounts of a particular product.)

Handout 2.1







## LESSON 3: POTENTIAL BENEFITS AND RISKS OF ELCs

**Aim:** Participants will think about some of the potential benefits and risks of ELCs and discuss what they think is actually happening in Cambodia. This will prepare them for the role-play they will do in the next lesson.



**Materials:** Whiteboard/flipchart, markers, enough copies of Handout 3.1 for each participant.

**Methods Used:** Drawing, discussion, case study.

| Procedure   | Time Frame (in minutes) |
|---|-------------------------|
| Step 1 - Participants brainstorm the <b>potential impacts of ELCs</b>                             | <b>10</b>               |
| Step 2 - Further information on positive and negative impacts to add to the brainstorm discussion | <b>25</b>               |
| Step 3 - Groups discuss case study and identify impacts   | <b>20</b>               |
| Step 3 - Debrief  | <b>5</b>                |
| <b>Total:</b>   | <b>60</b>               |

### STEP 1 – PARTICIPANTS BRAINSTORM POTENTIAL IMPACTS OF ELCs

- To start this lesson, brainstorm possible benefits and risks of ELCs.
- If you are personally affected by an ELC, or know someone who is, you may already have strong opinions about whether ELCs are good or bad. However, it is still important to think about why people support this kind of development as well as why they oppose it.
- If you are using a whiteboard, draw a line down the middle and write "Impacts on the Environment" on one side and "Impacts on People" on the other. If you are using a flipchart, use a piece of paper for each.
- Use **different colors** to show whether the impacts are **positive** or **negative**.
- For the next 10 minutes ask participants to suggest potential impacts of ELCs. These can be impacts that they have seen or experienced, impacts they have heard or read about, or ideas of their own.
- If possible, ask volunteer participants to help you write the answers.



**STEP 2 – INTRODUCE INFORMATION:****4. POTENTIAL BENEFITS AND RISKS OF ELCs**

There can be both positive and negative impacts from ELCs.

**POTENTIAL BENEFITS OF ELCs**

- Increased investment in Cambodia
- Improved farming techniques
- Cheaper food
- Regular employment and skills training
- New infrastructure and facilities



The following are some of the potential benefits of ELCs:

- Granting ELCs may attract more investors to do business in Cambodia. This could lead to improved techniques, access to better equipment and money can also be raised for the country through official fees, land rental, and taxes.
- A large plantation may produce goods more cheaply so this can mean food is cheaper for people who buy it.
- Companies may hire local people to work on the plantations and so provide regular pay and a more stable source of income than relying on crops, which sometimes might fail.
- People working on plantations may be trained in new skills, and this could make them more employable in the future
- In order for a large plantation to function, improvements often need to be made to infrastructure, such as roads, irrigation and power supply which are still poor in many parts of Cambodia.
- Some companies invest money in education and social services in the areas where they work. For example, they may build a school or medical center, or contribute other support to the local community.



### CHALLENGES TO THE POTENTIAL BENEFITS

- Corruption
- Long term environmental costs
- Employment promises not kept
- Only short term and low skill jobs offered
- No access to new infrastructure and facilities



These are some reasons why the potential benefits may not be realized:

- Money raised for the country from the sale or lease of common resources like State land and forests should go back into the national budget. However, in countries with problems of corruption the money raised may not go to the right place or be used to make improvements in the lives of ordinary people.
- Although large-scale farming may reduce the cost of agricultural products, this does not always consider the long-term environmental costs. For example, if a community forest is cut down to establish a plantation or rivers are polluted from the use of chemicals, local people will lose access to resources that they depend on. This means that they are paying a cost for this type of development.
- Big plantations that only grow only one type of crop are not sustainable. This means that although they may produce a lot in a very short time, the intensive methods used make the soil less fertile, so more fertilizers need to be used. This causes more pollution and the land will become less productive over time.

- Often companies promise they will employ local people on plantations but they may not do so or may only provide jobs for a short period of the year. Modern farming techniques also mean that companies can cut back the number of employees needed.
- A company may employ some local people in low skilled and manual jobs, but often they bring in outsiders to work in the more skilled jobs (which pay the best salaries).
- Improved infrastructure and new local facilities may not always be affordable for all local people. For example, companies may charge for access to the new improved roads.



### RISKS OF ELCS

- Pollution and negative impacts on health
- Loss of water resources
- Intrusion and displacement
- Cultural impacts
- Violence and intimidation
- Breakdown of communities



The risks of ELCs may include the following:

**Pollution and negative health impacts** – Large plantations often grow a single crop over a large area and this requires a lot of fertilizers and pesticides. Pesticides kill insects that may damage crops, and fertilizers help crops to grow more quickly and have bigger fruit or more seeds. The chemicals can damage the soil and groundwater and be washed into streams.

Large farms that breed animals can also cause pollution. If the waste from the animals is not processed properly it can wash onto surrounding land and waterways. This can be harmful to people who bathe, wash, drink or cook with that water. Plantation workers may also suffer health problems during their work as they don't always receive protective clothing, gloves or masks when handling the chemicals.



**Loss of water resources** – Large plantations use a lot of water. If water is diverted to large plantations small farmers and communities around the concession and downstream from the concession may suffer.

**Intrusion and displacement** – Many concessions in Cambodia have intruded onto private land. This can impact on the livelihoods of farmers. Many people have also lost land that their animals graze on, and some people have even been displaced from their homes by concessions and had to move to a new area. Some may be forced to leave because they can no longer access forests or fisheries, or because water supplies have dried up.

**Forest clearance** – Some concessions are being granted in areas that are still forested. This leads to deforestation (loss of forest). Forests support animal life, and also store rainwater during the wet season. This reduces flooding in the rainy season, but also helps when the weather is hot and dry, as the water continues to slowly trickle down to lower ground. Cutting forests can increase flooding in the rainy season, and increase drought in the dry season.

**Loss of income and food insecurity** – People become poorer when they lose their farmland, access to forests and fisheries, and when they are displaced. They lose their source of income and often get into debt, which can seriously threaten their food security. Often people who are displaced have to move to the city or migrate to other countries to find work.



**Cultural impacts** – Some concessions are being granted in areas where indigenous people live. If concessions are granted in these areas, communities may lose sacred lands, burial grounds and spirit forests.

**Violence and intimidation** – Some people have reported that after a concession has been granted in their area they have been intimidated by security forces and company staff. Sometimes armed forces are used to clear concessions and evict people who are living or farming in the concession area. This can lead to violence and human rights violations.

**Breakdown of communities** – When combined, the above impacts can lead to the loss of communities. People may have to leave their land to find work elsewhere, and increasing debts and poor health put a lot of pressure on families, which can lead to domestic violence, alcoholism and other negative impacts.

### STEP 3 – GROUPS DISCUSS CASE STUDY AND IDENTIFY IMPACTS

- Explain to the participants that they will now look at a case study on a real case that happened in Koh Kong.
- Provide copies of Handout 3.1 to the group.
- Read out the case study slowly to the group (or ask a participant if they would like to read). After each paragraph, ask the group if they can identify any negative impacts of the ELC in this case.
- When you reach the end of the case study, summarize the main environmental impacts and social impacts.
- After you have finished reading the case study, ask if participants have anything else to add, or if they have any more questions.

## STEP 4 – DEBRIEF

- To debrief, ask participants to summarize some of the potential benefits that ELCs may have. After each suggestion, do a show of hands and ask who agrees that this benefit is likely to happen in their area. Ask again who thinks it is unlikely, and then ask who is not sure.
- Make sure that participants understand the reason why they looked at the potential benefits. First, it is important to know what arguments ELC supporters will use. Secondly it is important to be able to question these benefits and think about what happens in reality.
- Ask the groups to think carefully about the different impacts they have discussed in this lesson. Ask them to think about how one impact can lead to another. For example:
  - Pollution can poison rivers, and this kills fish. This means local communities lose access to food and resources.
  - If a fishing community can no longer make a living from fishing it may lead to the break-up of the community.
  - Pollution can also cause health problems for local people, which means they are unable to work or go to school.
  - Deforestation can stop people accessing forest products that they depend on for their livelihood, or may harm areas that have spiritual importance for indigenous people.
- Ask if participants can think of any more examples.
- Explain that although it may be worrying to look at the risks of ELCs, it is important to try to see the full picture. If you have a better understanding of the risks, you can use this in your advocacy.
- Before a company is given an ELC there should be a full investigation into possible impacts of the project. This study should look at all the impacts and how they are connected; however, this does not always happen. We will discuss this later.

**Handout 2.1 (continued)****CASE STUDY: KOH KONG**

In August 2006, a local company was given an Economic Land Concession for 70 years for sugar cane production in Koh Kong province. The lawyers of people living nearby say that the concession has affected more than 5,000 hectares of community land, impacting at least 450 families.

The company has seized and cleared land where local people grew orchards and rice, and as a result many people are facing very serious difficulties in supporting themselves and their families.

Food insecurity has increased as farmers have lost valuable farmland, grazing land and access to the forest. Affected farmers can no longer grow enough food to sustain their families and many have sold their cows because they have nowhere for them to graze. Some villagers have lost their source of income and are now struggling to pay back loans, and so are becoming poorer.

Because families have become poorer they have had to pull their children out of school in order to work and raise money for their struggling families. Some people who lost all their land have had no choice but to work on the plantations, but the pay is low and the work is irregular.

The water quality in and around the concession has got worse, as chemical waste from the plantation has leaked into the local streams and rivers. This is likely to affect the people's health and has also killed fish, which is an important source of protein for surrounding communities.

Many of the affected people have been compensated, but are not happy with the amount they have been given. Some people are still trying to negotiate for fair compensation.

## LESSON 4: DISCUSSING THE IMPACTS OF ELCs

**Aim:** Participants will think about the positive and negative impacts they discussed in the previous two lessons and role-play a discussion between two groups – one that supports an ELC project, and one that is against the ELC project.



**Materials:** Whiteboard/flipchart, markers.

**Methods Used:** Role-play.

| Procedure                         | Time Frame (in minutes) |
|-----------------------------------|-------------------------|
| Step 1 - Groups prepare role-play | 20                      |
| Step 2 - Groups perform role-play | 30                      |
| Step 3 - Debrief                  | 10                      |
| <b>Total:</b>                     | <b>60</b>               |



## STEP 1 – GROUPS PREPARE ROLE-PLAY

This picture demonstrates the discussion between three groups and one facilitator.



- Explain to the participants that in this lesson they will create a role-play that shows a dialogue between three groups plus a moderator. These will be: the community, a group that supports an ELC project and the government authorities. This will be preparation for when they may attend a real meeting like this.
- It is up to the participants to decide which characters will be in the role-play. For example, one group could be a community that is going to lose land because of an ELC, or going to lose access to forest land or a water source. The other groups could be local authorities or department officials and the third will be staff from the development company.
- If the participants need some help deciding who the characters will be you can assist. For example, the community side may have elders and other well-respected and trusted community members. They may also have people representing the different affected people, such as an indigenous representative, someone from a women's group, and a representative from a farmers or fishers association.

- The second side in the discussion may have representatives from different levels of the authorities (village, commune and district). They may also come from different departments, such as the Ministry for Agriculture, the Fisheries Department, and the Forestry Association. They can present on the government's role as well as why the government wants more development in Cambodia.
- The third side will be the company staff who can present on the benefits of the ELC for the community so should think about how the ELC could make life better for people relying on traditional agriculture.
- The fourth group will be the NGO which organized the meeting and is acting as the moderator. The facilitator can take this role but should also aim to have one of the participants take it, with the facilitator's support.
- You can prompt the groups on topics for the debate, such as environmental or economic issues or access to resources.
- Read out the following scenario:

*A company has proposed an ELC in an area where some villagers have already been looking for work because their crops failed last year. They rely on a nearby forest and river for extra food. A company has sent some people into the area to check whether it can develop a sugar plantation on land near the river. This will mean the loss of land being used for grazing cattle and also the destruction of part of the forest and may affect access to both the forest and river. The company has proposed that the plantation will bring work and improve roads. Some people in the community support the project but others do not believe it will make their lives better and that instead they will be poorer. The authorities support the project but do not have much information about the impacts, such as pollution and loss of grazing land. A local NGO has organized for all the parties to get together to raise their concerns and find out what the company intends to do.*

- The three groups should go to different parts of the room and prepare their arguments. They should prepare a short presentation plus at least one question for each of the other groups.
- After 15 minutes they will come together and role-play a discussion where they debate their ideas about the new ELC.
- The groups should sit around a table and you – or a participant, acting with your support – should act as the NGO moderator in the discussion, and make sure that everyone has a chance to speak.
- Each group should have 5 minutes to present their position then after the presentations the groups will answer questions from each other.

- The group that is developing the ELC should explain to the community why a concession would be a good thing, and what positive impacts it will have.
- The government group can then expand on this to relate the benefits to Cambodia as a whole and also state what further information they need before they can give full support.
- The community group should listen and try to respond to this with their concerns. They should explain what they want for their communities. Maybe they don't want the concession in their area at all, or maybe they want the concession but they want guarantees that their rights will be protected. It is up to the participants how they participate.

## STEP 2 – GROUPS PERFORM ROLE-PLAY

The participants should think carefully about:

- What documents they will take to the meeting.
- What they want to discuss in the meeting.
- What concerns they will raise.
- What specific actions does the community want the company and authorities to do to address their concerns, and by what date.
- How they will follow up on the meeting.

They should be courteous and give each other time to make presentations and prepare good questions and answers for each other.

## STEP 3 – DEBRIEF

- To debrief the lesson, ask participants which side of the debate had the strongest arguments.
- Before ending the lesson, ask the participants that had to promote the ELC project what they thought about playing this role.
- Explain that if you are involved in a discussion or negotiation, it is a useful skill to put yourself into the position of the other side and try to understand their arguments. This can help you make your own position stronger.

## LESSON 5: ENVIRONMENTAL IMPACT ASSESSMENTS (EIA)

**Aim:** Participants will know what an Environmental Impact Assessment (EIA) is, and what should go into an EIA.



**Materials:** Whiteboard/flipchart, markers, copies of handout 5.1 for each participant.

**Methods Used:** Introduction to information, brainstorm, open discussion.

| Procedure  | Time Frame (in minutes) |
|--|-------------------------|
| Step 1 - Introduce information: What is an EIA and what should it include? | 20                      |
| Step 2 - Brainstorm  | 15                      |
| Step 3 - Debrief   | 10                      |
| <b>Total:</b>  | <b>45</b>               |

### STEP 1 – INTRODUCE INFORMATION:

## 5. WHAT IS AN ENVIRONMENTAL IMPACT ASSESSMENT (EIA)?

An **Environmental Impact Assessment (EIA)** is an investigation that looks at all the potential positive and negative impacts of a project and results in a report. The law requires that an economic land concession should **not** be approved until an EIA investigation and report have been completed.



This is stated in Sub-decree No146 on Economic Land Concessions 2005, Article 4(3).

A good EIA will look at the impacts that the project will have at all stages, from the construction through to the operation of the project. For example, an EIA of a hydropower dam should look at the impacts of construction, the impacts of running the dam, and the impacts of closing the dam when it is no longer needed.

## 5.1 WHO COMPLETES THE EIA?

The investigation and report are often done by a company that specializes in EIAs, hired by the organization that is responsible for the development project. This is stated in Sub-decree No72 on Environmental Impact Assessment Process, Article 6.



EIAs involve complex technical investigations, and need to be conducted by experts. However, potentially affected people must be consulted and have access to information about the EIA and its results.

We will discuss public participation more in the next lesson.

## 5.2 WHAT IS AN EIA REPORT?

If a company wants to develop an ELC project, they must first conduct an EIA, and the EIA must meet the standards set out in Cambodian law.



The EIA report should outline all the possible positive and negative impacts that the ELC project is likely to have on the environment and on people.

For example:

- What benefits will the ELC bring to the local area and to the country?
- How many people will be employed on the ELC?
- Will the ELC use chemicals that pollute local water sources?
- Will the ELC cut trees in the area and destroy the habitat of wildlife?
- Will the ELC displace people from their homes or farmland?

If negative impacts are identified, the company must make plans to avoid or redress those impacts. For example, if the EIA investigation finds that the ELC will create a lot of polluted waste water, it should also make a plan for avoiding harms caused by this water. In this case the report may recommend building a water treatment facility so that the water is cleaned before it is released.

There are also guidelines from the Ministry of Environment (Prakas No376 Guideline for Preparing a Report of IEIA and EIA, 2009) that state that there are nine sections that should be in a full EIA report.

Once completed, the EIA should be submitted to the **Ministry of Environment (MoE)**. If the MoE approves the report they will add their comments and recommendations and send it to the Government agency responsible for approving the project. In the case of ELC projects, the appropriate ministry is the Ministry of Agriculture, Forestry and Fisheries (MAFF). The comments from MoE should be considered by MAFF when making the decision whether or not to approve the project (Sub-Decree No72 on Environmental Impact Assessment Process 1999, Article 4).

## STEP 2 – BRAINSTORM

- Ask participants if anyone had heard of an EIA before this lesson.
- Has anyone ever been involved in an EIA and, if they were, were they happy with the process?
- Tell the participants to imagine that a company wants to apply for an ELC in their area, and is going to first do an EIA to assess the possible impacts. Tell them to think carefully about what they would like the company to investigate and include in their report.
- If you need to, you can help participants by suggesting they think about the following:
  - What is the ELC for?
  - Who will benefit?
  - What are the impacts on the environment?
  - What are the impacts on local communities?
- Use a flipchart paper or the whiteboard to write down the participants suggestions.

## STEP 3 – DEBRIEF

- Briefly ask the participants to summarize:
  - What an EIA is;
  - What information should go into an EIA; and
  - Why an EIA is important.
- Remind the participants that the EIA is designed to document all the impacts of an ELC project and should include a plan for how to manage these problems.
- Remind the participants that no ELC can be approved until an EIA has been conducted.
- Remind the participants that the public participation part of the EIA process is the one opportunity for the affected people to voice their concerns and have them officially recorded in the EIA document.
- At the end of the lesson, give the participants a copy of Handout 5.1, which are the guidelines for EIAs from the Ministry of Environment Prakas No 376.

**Handout 5.1**

**MINISTRY OF ENVIRONMENT PRAKAS NO 376  
GUIDELINES FOR CONTENT OF AN EIA REPORT**

The following sections should be in a full EIA report:

1. A basic introduction to the project and the EIA process.
2. A description of the laws, rules and regulations that may apply.
3. A description of the project. For example, how big is the concession, what will be grown there, how many people will be employed, etc.
4. A description of the local environment, including a list of all possible aspects of the environment that may be affected by the project. This includes a description of the local soil quality, water resources, forests, habitats, biodiversity, wetlands, ecology, and so on. Also, a description of local communities, including the number of people, their social background, occupations, means of livelihood, presence of cultural/religious heritage sites, water and land use, education, public health and whether indigenous people are present in the area.
5. A record of all consultations held with stakeholders, including relevant authorities, NGOs and local people.
6. A description of all predicted effects on the environment, the local communities and strategies for reducing those effects.
7. An Environmental Management Plan (EMP) – which is a detailed plan for:
  - avoiding or minimizing harm to the environment;
  - dealing with any resettlement and compensation issues;
  - restoring the livelihoods of affected people.
8. A description of the benefits compared to the negative impacts of the project. This should be an analysis of whether the positive aspects outweigh the negative. For example, if it is likely that there will be some minor pollution, but the project will employ 3,000 people and boost the local economy, the report may suggest the positive impacts are bigger than the negative impacts.
9. Conclusions about the project and recommendations the relevant ministries should consider when deciding whether or not to approve the project.

## LESSON 6: THE ROLE OF THE COMMUNITY IN THE EIA PROCESS

**Aim:** Participants will understand what real participation is and why it is necessary in assessing the impacts of investment projects and considering whether or not they should go forward. They will understand that it is not enough just to let people speak – they must also be listened to. People should be involved in the decisions that affect them.



**Materials:** Whiteboard/flipchart, markers.

**Methods Used:** Introducing information, open discussion.

| Procedure  | Time Frame (in minutes) |
|--|-------------------------|
| Step 1 - I Introduce information: <b>Public participation in the EIA Process</b> | 20                      |
| Step 2 - Small group then open discussion  | 20                      |
| Step 3 - Debrief   | 10                      |
| <b>Total:</b>  | <b>50</b>               |

### STEP 1 – INTRODUCE INFORMATION:

#### 5.3 PUBLIC PARTICIPATION IN THE EIA PROCESS

The EIA process must be **transparent**. That means it should be open to the public so they can know what is happening and be involved through **public participation**.



According to the law there must be public participation in the EIA process. This is stated in Sub-Decree No72 on Environmental Impact Assessment Process 1999, Article 1.

Without public participation, an EIA will not provide a clear picture of the impacts that local people may experience. The Forestry Law also says that all EIA documents for projects that affect forests should be available to the public (Law on Forestry 2002, Article 4).

An EIA report must be done before a project is approved and be fully completed and approved by the relevant authorities before the project starts. This is because one purpose of an EIA is to help all stakeholders decide whether it is a good idea to proceed with the project before it is approved.



Public participation means that, *before the project is approved*, potentially affected people:

- are fully informed about the planned project;
- have access to information and documents such as draft project plans and draft EIAs, and the final documents;
- have enough time to review any available information and an opportunity to share their concerns and opinions;
- have their concerns documented in the final EIA; and
- have any concerns fully considered by the authorities.



Specific plans for all of public participation activities should be included in the EIA.

### **PARTICIPATION MEANS PEOPLE ARE LISTENED TO**

Effective public participation means people are listened to, and that they are able to influence whether or not a project is approved. This way they are able to contribute to important decisions made throughout the whole time that the project will exist.

It is not enough that people only have a chance to speak. Serious concerns that are raised should be listened to and considered carefully by the government when it makes the decision whether or not to grant approval for any project.

In the third section of this book we will look more at how people can try to get involved in the EIA process and participate in the decision making process.





### ADDITIONAL INFORMATION

It is important for the community to have their concerns officially recorded and communicated to decision makers as part of the EIA process because there is a better chance that plans will be put in place to reduce possible negative impacts. Having concerns officially recorded can also be useful for advocacy purposes (which are discussed in more detail in later lessons).

EIAs should always consider the special circumstances of vulnerable groups, such as indigenous peoples. The process of conducting the EIA must not discriminate against vulnerable groups. If a project is likely to affect indigenous communities, information and consultations should be presented in a language that members of those communities understand, and the whole process should be accessible to them. If they cannot understand the language or the information about the project they will not be able to be properly consulted about their views. This is a form of discrimination.

## STEP 2 – SMALL GROUP THEN OPEN DISCUSSION

- Explain that public participation is an idea that is being discussed more and more often. However, it is rare that communities are properly consulted, and even rarer that they have the chance to influence whether a development project is approved or not, or how the development project is designed and developed.
- Explain that participation is a very important right in a democratic society and, because of this, many communities around the world that are affected by development projects are demanding that they be allowed to participate in decisions that affect them.
- Next, ask participants to form small groups to discuss what public participation means to them.
- Ask all the participants to share their ideas about how they would like to be consulted, and how they would like to participate in any decision to approve a development project in their community.
- After about 10 minutes return to the whole group and ask each group to feedback to the whole class.
- Ask a participant to help you record the answers of the participants. Explain that this type of discussion should be held by any community that is likely to be affected by a development project. If community members have discussed this type of issue amongst themselves, they will be able to meet with companies and authorities with a strong position and a clear idea of how exactly they wish to be consulted.
- This section of the lesson could even be led by one of the participants, especially if there is someone who is well-respected or a strong community leader. (If you do this you should still provide support and help them facilitate the discussion, and make sure that less confident participants are included in the discussion.)

### STEP 3 - DEBRIEF

- Explain to the participants that this lesson covered public participation in the EIA process because it is very important that the public is involved in the process of impact assessment.
- To debrief the lesson, ask the group the following questions:
  - Why is it necessary to conduct an EIA before granting an ELC?

**Suggested answer:** Firstly, this is a requirement of the law. EIAs need to be conducted to assess if the project is going to have serious impacts on the environment and/or people. The EIA should be considered when the authorities decide whether or not to grant an ELC.

If the possible impacts are very serious, the authorities should properly consider whether or not to approve the project before it starts. In some cases it may be possible to adjust the project, or put in place measures to minimize the negative impacts and make sure that affected people can benefit.

- Why is it important that the public is consulted during the process?

**Suggested answer:** Only the local communities, including indigenous people, know the full details about local conditions, local needs and local values.

- What is public participation?

**Suggested answer:** Public participation is when the public is actually involved in making the decisions that affect them. For example, this can be done by sharing information and holding open consultations about a proposed project, and listening to the views and opinions of people. These views should be considered when making a decision whether or not to approve the project, or how the project should be implemented.

## PART II ECONOMIC LAND CONCESSIONS & THE LAW



### OUTCOMES

After completing this module, participants will:

1. Know and be able to identify the different classifications of land in Cambodia.
2. Know where ELCs can legally be granted.
3. Know the legal limits on granting ELCs.
4. Know that even after an ELC is granted, the concessionaire must follow the terms of the ELC contract and other laws related to the environment.

## LESSON 7: CLASSIFICATION OF LAND IN CAMBODIA

**AIM:** Participants will be able to identify the different classifications of land and understand why they are important. They will understand that the classification of land has an impact on whether it can be privately owned, and what it can be used for.



**MATERIALS:** Whiteboard or flipchart, markers, copies of Handouts 7.1, 7.2 and 7.3

**METHOD(S) USED:** Quiz, group work, large group discussion.

| Procedure   | Time Frame (in minutes) |
|---|-------------------------|
| Step 1 - Provide copies of Handout 7.1 to the group and introduce the information: <b>7. Classification of Land in Cambodia</b> | 25                      |
| Step 2 - Explain exercise and divide the participants into groups   | 5                       |
| Step 3 - Small group work   | 20                      |
| Step 4 - Large group discussion   | 20                      |
| Step 5 - Debrief  | 10                      |
| <b>Total:</b>   | <b>80</b>               |

**Step 1 – Provide copies of Handout 7.1 to the group and introduce information:**

### 7. CLASSIFICATION OF LAND IN CAMBODIA

During the Pol Pot regime, the Khmer Rouge abolished private ownership of property and destroyed all official land records. At this time, all the land belonged to the State and there were no private owners. After the Khmer Rouge fell, and for the next ten years, the right to own land was still not recognized and all land was owned by the State. This began to change towards the end of the 1980s, and in 1992, a Land Law was passed that recognized the right of all Cambodians to privately own and transfer land.

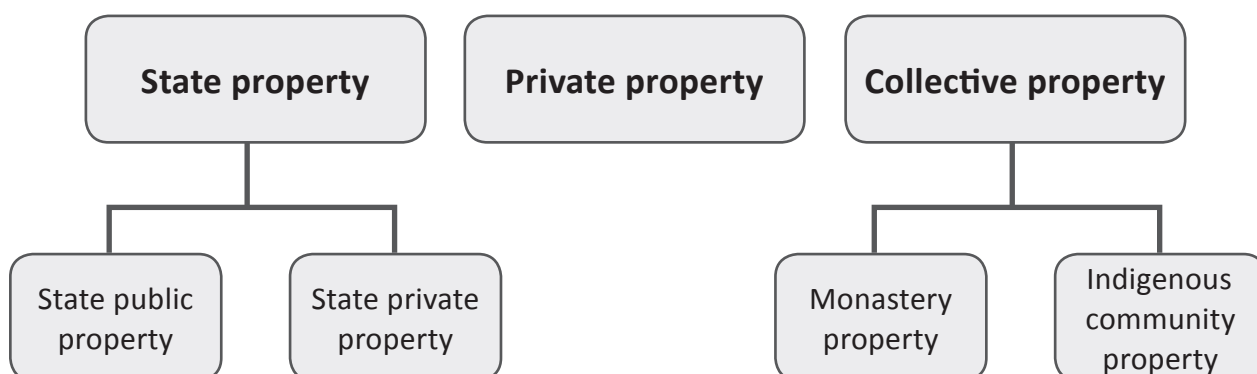
A new Land Law was passed in 2001. Under this law, land in Cambodia is divided into three main classifications:

- State property
- Private property
- Collective property



State property is divided into State public and State private property.

Collective property is divided into monastery and indigenous community property.



### WHY IS IT IMPORTANT TO KNOW THE DIFFERENT LAND CLASSIFICATIONS?

It is very important to understand the different classifications of land because the classification of a piece of land will determine who can own the land and for what purposes the land may be used. For example, ELCs can only be granted on State private property.

Unfortunately, it is often difficult to find out the classification of a piece of land. The Government has the responsibility to draw up maps of the whole country and classify the different types of land.<sup>1</sup> However, this has still not been done in many areas. It can also very difficult to access information about those areas that have been classified already.

<sup>1</sup> Sub-decree #118 on State Land Management 2005.

## 7.1 PRIVATE PROPERTY

**Private property** is property that is owned or possessed by a private individual or company (Land Law, Article 10). Private owners and possessors can enter, stay, use, transfer or exclude people from their land as they wish, as long as they do not break any laws (Land Law, Article 85).



If someone has a legal title for their land, issued by the Ministry of Land Management, they are legally recognized as an owner.

### LEGAL POSSESSION

Under the Land Law, even if you do not have a legal land title you may have rights as a legal possessor.



According to Articles 30 and 38 of the Land Law, you may be a legal possessor if you meet the following criteria:

- You have lived on your land since before the Land Law was passed in 2001 or you received your land from somebody who lived on the land before 2001.
- You or the person you received your land from occupied the land peacefully, openly, and with the knowledge of people in your community, you may be a legal possessor.
- The land you occupy is not classified as State public property.

Legal possessors have similar rights to owners, including the rights to use and manage their land and stop others from coming on to it (Land Law, Article 39).

Legal possessors have the right to transfer their possession into legal ownership and receive title.

Unfortunately, in practice, the authorities do not always respect possession rights.

## 7.2 COLLECTIVE PROPERTY

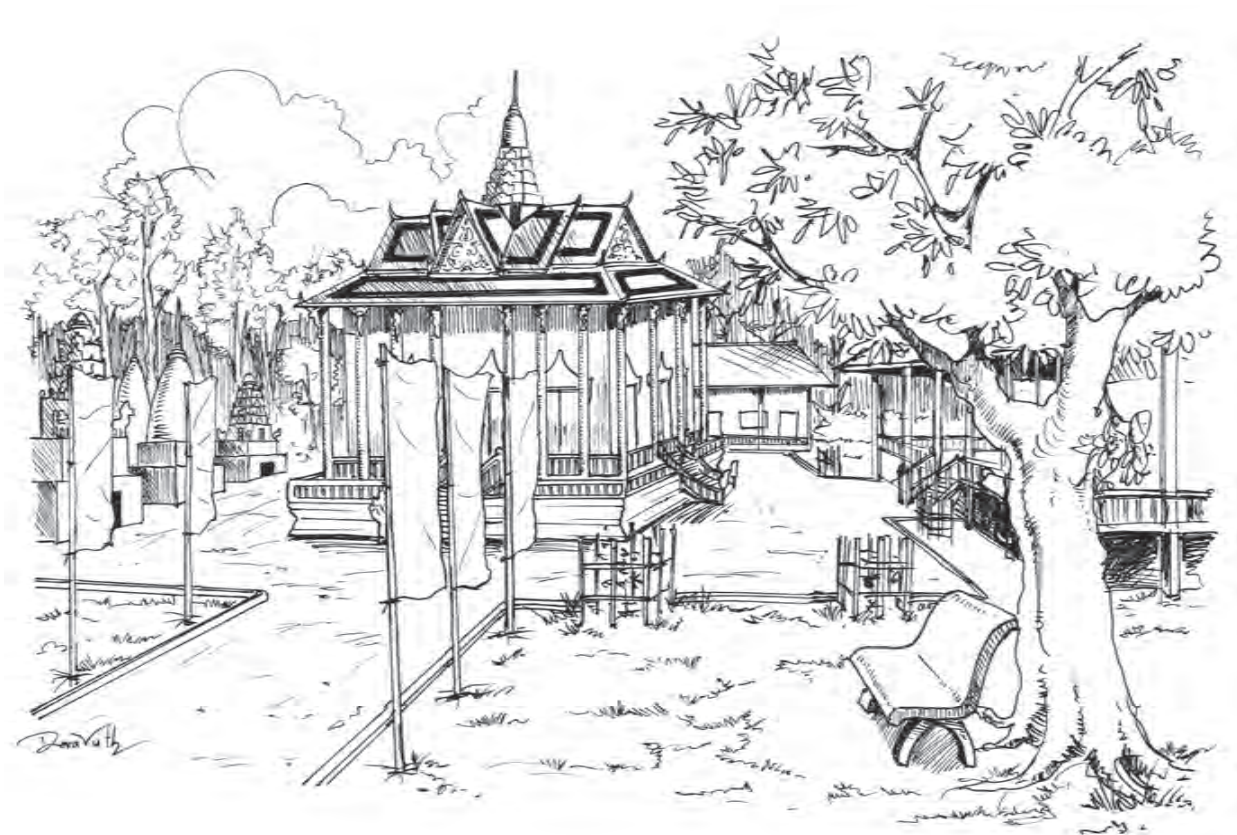
**Collective property** is owned by a community, not just one person (Land Law, Article 10). There are two types of collective property: monastery and indigenous community.





## MONASTERY PROPERTY

**Monastery property** is property within the lands of Buddhist monasteries. It cannot be sold or privately owned or possessed by anyone outside the pagoda. The management of monastery property is the responsibility of the pagoda committee.<sup>2</sup>



Monastery property

## INDIGENOUS COMMUNITY PROPERTY

Indigenous community property is property where indigenous communities have made their homes and where they use traditional methods to farm (Land Law, Article 25). The law recognizes that indigenous people own land collectively (as a group). Until they have the opportunity to have their land registered, the Land Law protects the rights of indigenous people to continue to manage their land according to their traditional customs (Article 23).



The community's collective ownership includes all the rights and protections of ownership that are enjoyed by private individual owners. The exercise of these rights and the conditions of land use should be decided according to customary decision-making process of the community (Land Law, Article 26).

<sup>2</sup> Land Law 2001, Article 21.



**Indigenous community property**

### **7.3 STATE PROPERTY**

State property is property that does not belong to any individual, company or is not collectively owned. This type of land is controlled by the State, but it does not belong to any individual or political party. State land should be controlled and managed by the State for the good of the country and the good of the people. We will discuss this more in the following lessons.



## STATE PUBLIC PROPERTY

**State public property** is property that belongs to the State but is either available for the public to use, or provides a service or special value to the public. The following table describes the types of property that are classified as “State public”:<sup>3</sup>



| Type of property   | Examples  |
|--|---|
| Property of natural origin   | Forests, riverbanks, seashores, lakes   |
| Property created for general or public use, or to provide a public service | Roads, public gardens, public parks, railways, airports, public schools, public hospitals, administrative buildings |
| Archeological, cultural, historical estates                                | Angkor Wat, historical sites  |



State public property – A public high school

<sup>3</sup> Land Law 2001, Article 15.

If a piece of State public property is no longer used for the public interest, it can become State private property (this type of land will be explained next). For example, if a public hospital is moved to a new building and the old building is left empty, it can become State private property. This is because the building is no longer providing a service to the public (Land Law, Article 16). However, the land must be properly reclassified according to the law.



State public property – a riverbank

## STATE PRIVATE PROPERTY

**State private property** is any property belonging to the State that is not State public property (Land Law, Article 14). Although this land is the property of the State, it is not made available for the public to use and does not offer a public service. Any property that is not State public property, private property or collective property is State private property (land law, article 16).

State private property can be sold by the State, but this must follow the procedure set out in the law.



According to Article 58 of the Land Law:

State private property is the only type of land where ELCs can be granted.

### **Step 2 - Explain exercise and divide participants into groups:**

- Divide the participants into groups of four or five and give each group a copy of Handout 7.2. Explain that the handout has 10 examples of types of property.
- Participants must decide how each of these properties should be classified:
  1. The local public high school
  2. The monks' classroom located inside the grounds of a pagoda
  3. The local main road
  4. The public hospital
  5. An empty field between two villages that nobody uses and nobody privately owns or possesses
  6. A forest
  7. A small village in the hills where an indigenous community has lived for many years
  8. A house and land in town bought by a newly married couple using a legal contract. The couple recently received a title to their land.
  9. Angkor Wat
  10. A house where a family lives, built 10 meters from a lake. The land is not registered to anyone, but the family has lived there since 1985.

### **Step 3 - Small group work:**

- Participants should work together and decide how each example of property should be classified and give reasons for their answer.
- If participants cannot read, you should read out the types of property from the handout.

### **Step 4- Large group discussion:**

- Write the five classifications of land on the board/chart:

| State public | State private | Private | Indigenous community | Monastery |
|--------------|---------------|---------|----------------------|-----------|
|              |               |         |                      |           |

- Instead of asking each group to present all of their answers, ask one volunteer participant to come to the front of the class and write the first example under the correct classification.
- Invite a new participant to write the answer for each example.
- After each example, ask the participant for their reasons and ask the others if they agree or not. You should confirm what the correct answer is.

**Suggested Answers:**

1. State public property – the local public high school is used to provide a public service.
2. Monastery property – the school is inside the grounds of the pagoda and it is not open to the public, only monks.
3. State public property – the road is used to provide a public service.
4. State public property – the public hospital is used to provide a public service.
5. State private property – the empty field has no legal owner or possessor, so it is State property. It has no public use so it is State private property.
6. State public property – the forest is property of natural origin.

7. Indigenous community property – it has been occupied by an indigenous community for a long time.
8. Private property – as long as the couple bought the land using a legal contract and followed the other necessary legal requirements, the house is their private property.
9. State public property – Angkor Wat is an archeological, cultural, and historical estate.
10. Private property – the land is not State public (lakes are State public property, but the land around them is not). The land is not registered, but the family has lived there since 1985, so they are likely to be legal possessors. If they are legal possessors, the land is private property.

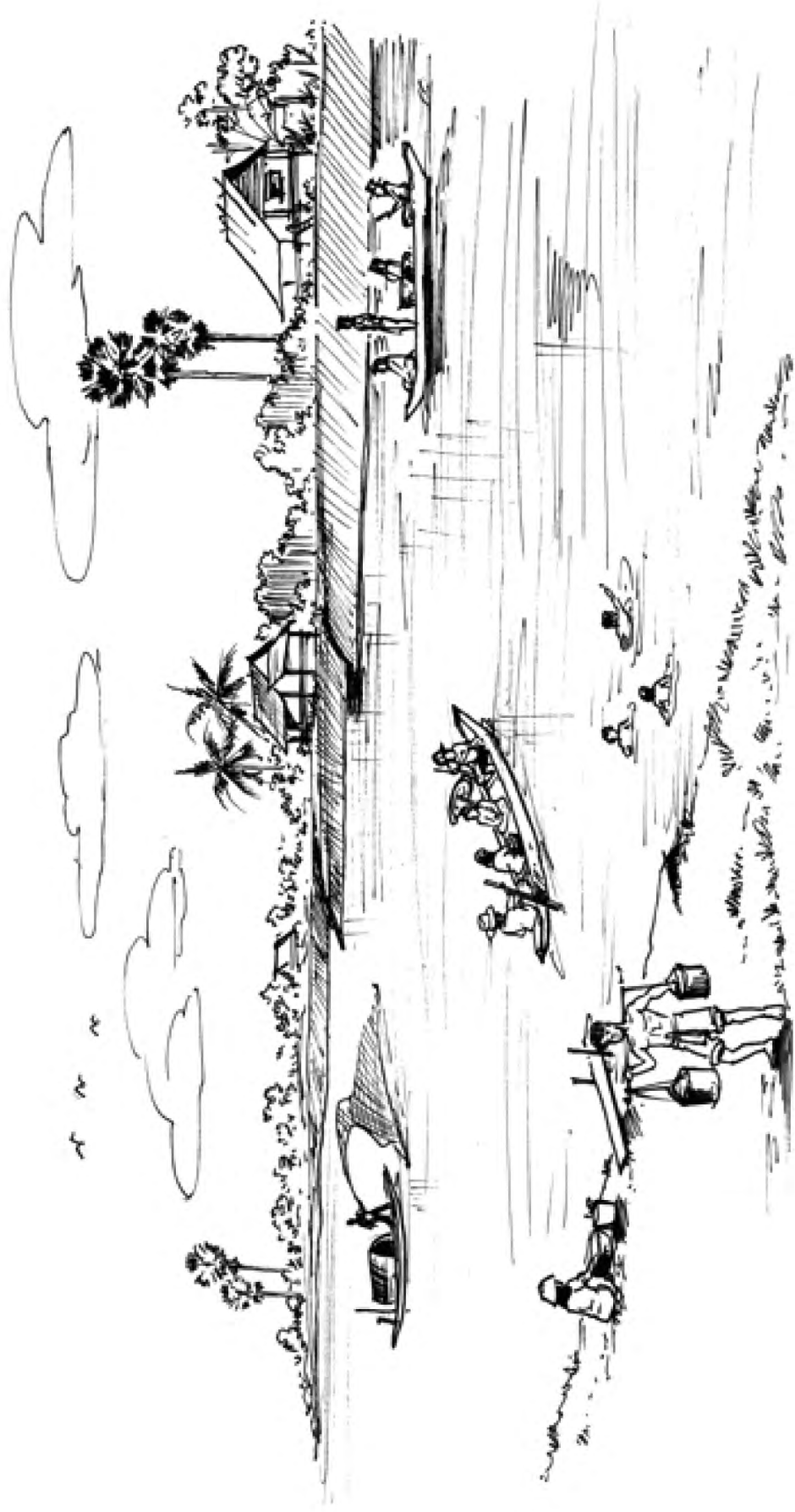
### Step 5 - Debrief:

- Emphasize that according to the law, ELCs can only be legally granted on State private land.
- To debrief the lesson, play a short game. Show the participants Handout 7.3. Ask them which of the pictures does not belong in the group.

Suggested Answer: The answer is the picture of the river. The river is State public property. The other three pictures are all private property if they legally owned or possessed, if not, they are all State private property.

- Make up some more examples if there is time and call them out to the class, for example:
  - A forest
  - A house on a riverbank
  - A road
  - A house 20 meters from a lake

**Suggested Answer:** The house near the lake does not belong in this group, as the other three are all State public property. The bank of a lake is either private property if it is owned or possessed, and if not, it is State private.



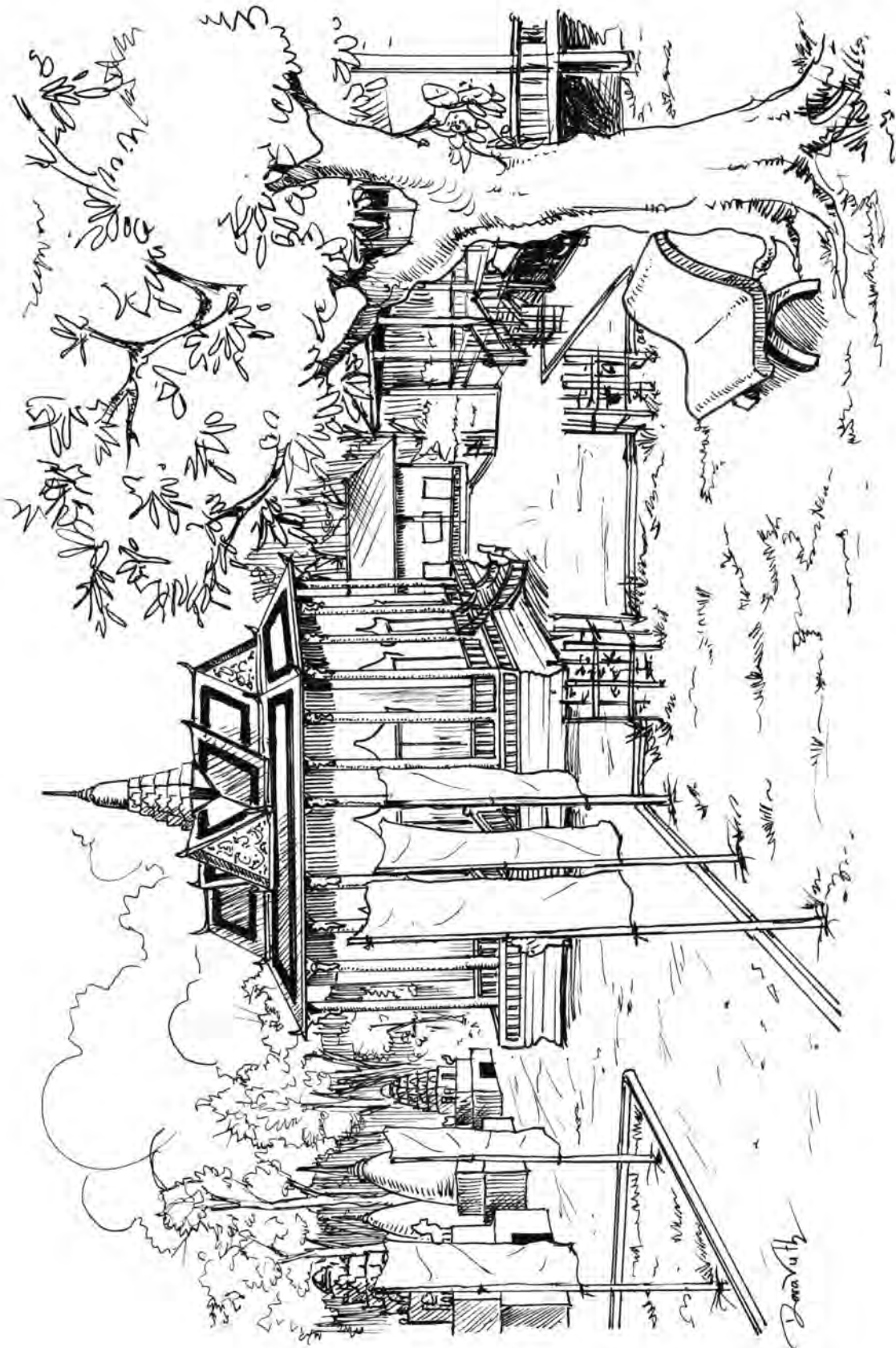


HANDOUT 7.1





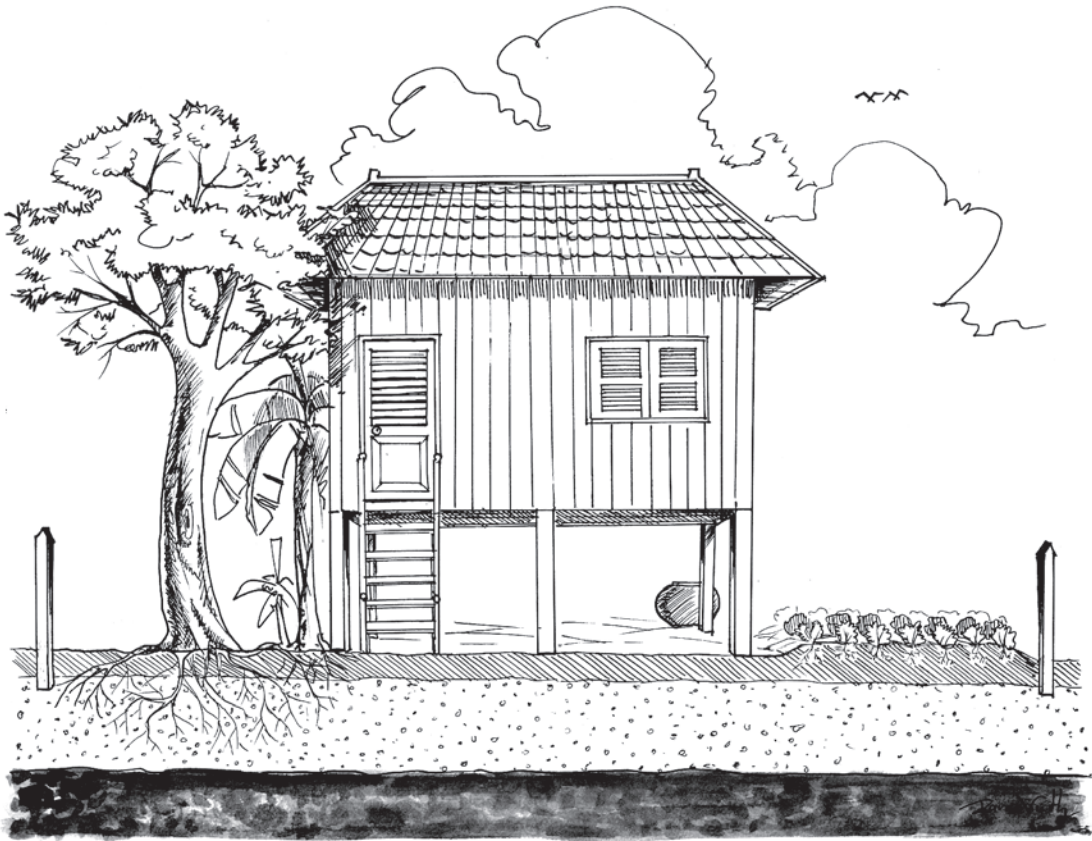


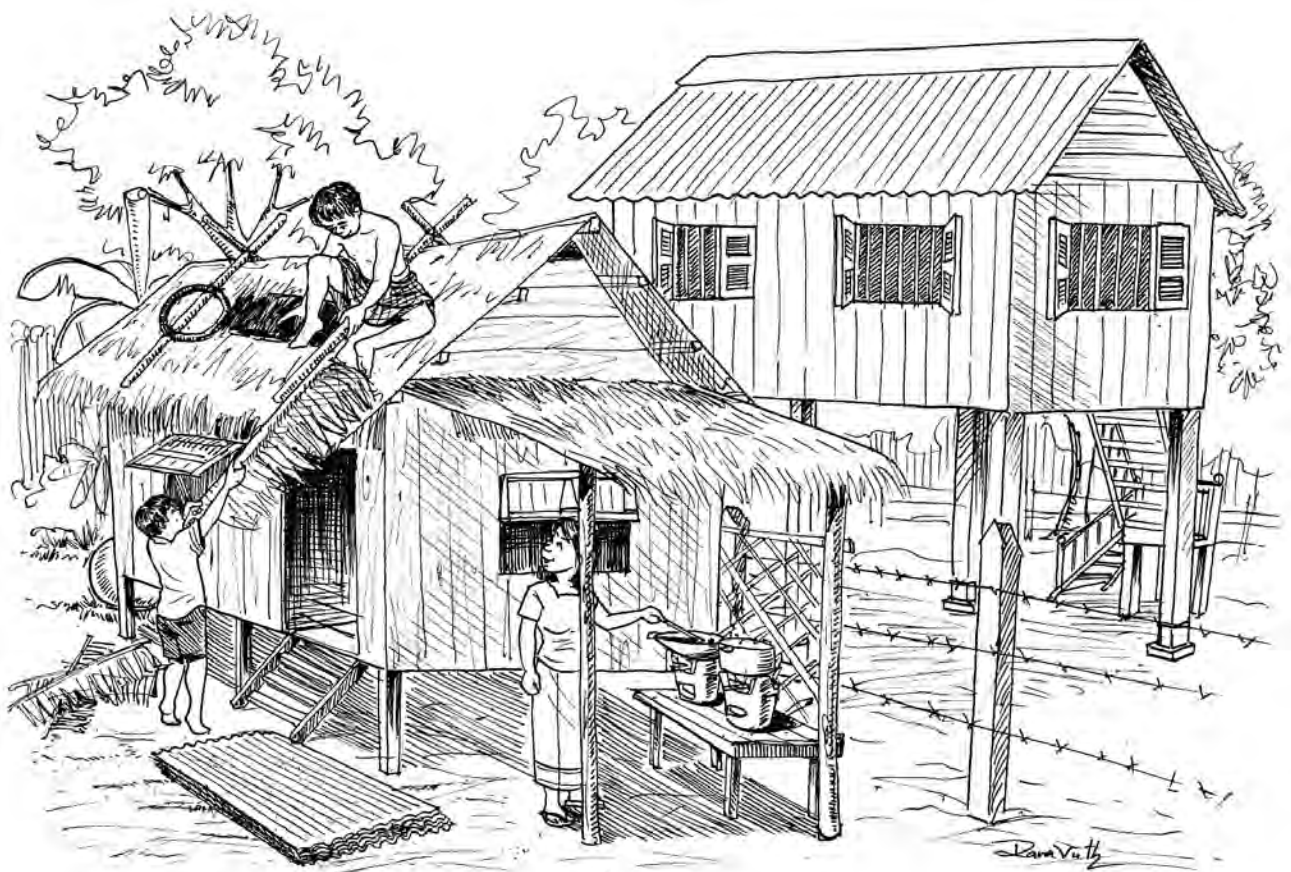




## HANDOUT 7.2

1. The local public high school
2. The monks' classroom located inside the grounds of a pagoda
3. The local main road
4. The public hospital
5. An empty field between two villages that nobody uses and nobody privately owns or possesses
6. A forest
7. A small village in the hills where an indigenous community has lived for many years
8. A house and land in town bought by a newly married couple using a legal contract. The couple recently received a title to their land.
9. Angkor Wat
10. A house where a family lives, built 10 meters from a lake. The land is not registered to anyone, but the family has lived there since 1985.







## LESSON 8: WHERE CAN ELCs BE GRANTED?

**AIM:** Participants will know that ELCs can only be granted on State private land. Participants will understand that ELCs cannot legally be granted on land where people already have rights, including owners, legal possessor and indigenous people.



**MATERIALS:** Whiteboard/flipchart, markers, Handout 8.1.

**METHOD(S) USED:** Brainstorm, small group discussion of case studies, role-plays.

| Procedure  | Time Frame (in minutes) |
|--|-------------------------|
| Step 1 - Introduce information: <b>8. Where Can ELCs Be Granted?</b> | 30                      |
| Step 2 - Small groups discuss case studies and prepare role-plays    | 15                      |
| Step 3 - Groups perform role-plays and discuss cases                 | 30                      |
| Step 4 - Debrief   | 15                      |
| <b>Total:</b>  | <b>90</b>               |

### Step 1 - Introduce Information:

## 8. WHERE CAN ELCs BE GRANTED?

As we learned in the last lesson, Article 58 of the Land Law states that ELCs may only be granted on State private property. However, there are some examples around the country of ELCs being granted on land that appears to be private, State public or indigenous property. Because of this, we will look in more detail in this lesson at where ELCs cannot be legally be granted.

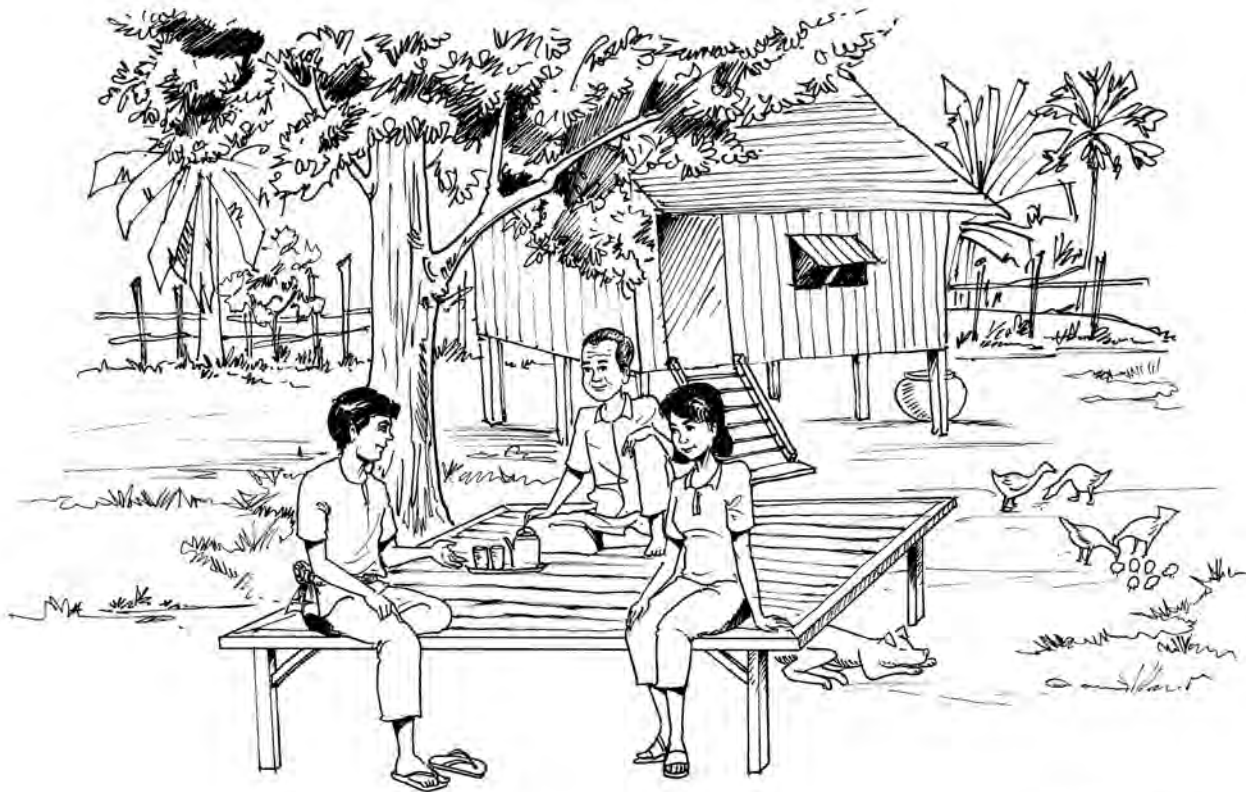


The Land Law says that before any action is taken that interferes with someone's peaceful occupation of their land, it must first be determined who has rights to that land. This must be done following the legal procedure (Land Law, Article 248).

Before an ELC is granted over a piece of land, it must be clear that no other person has rights to that land and the land must be officially registered as State private land (Sub-Decree No146 on Economic Land Concessions 2005, Article 4(1)).

### 8.1 ELCs CANNOT BE GRANTED ON PRIVATE LAND

As we discussed in the last lesson, private property is property that is owned or possessed by a private individual or company. If land is privately owned or possessed, the owner or possessor should not have their peaceful occupation of the land disturbed.



ELCs cannot legally be granted on private land

#### WHEN CAN LAND BE LEGALLY TAKEN AWAY FROM OWNERS AND POSSESSORS?

The Land Law (Article 5) and the Expropriation Law (2010) state that no owner or legal possessor should have their land taken away from them unless it is in the public interest and they are compensated at the market value in advance. The public interest is something that is for the benefit of the Cambodian people because it will help them improve their standard of living, provide an important service, or keep the public safe. This includes developments like road expansion or constructing a new public building like a hospital.

An ELC is not a public interest project so it is not allowed to take the land of an owner or legal possessor for an ELC unless they freely consent to sell it.

## 8.2 ELCs CANNOT BE GRANTED ON INDIGENOUS COMMUNITY PROPERTY UNLESS THE COMMUNITY AGREES

Indigenous land rights are protected by the Land Law and International Law. Anyone who stops an indigenous community from managing their traditional lands may be breaking the Land Law (Article 23). If an ELC is granted on indigenous land, this interferes with the community's right to manage their land according to its traditions.



The 2002 Forestry Law also protects the traditional use rights of indigenous people to use forests in line with their customs, beliefs and religion (Law on Forestry, Article 40). This means if an ELC is granted on indigenous land, or if an ELC is granted that stops indigenous communities from accessing its traditional forests, it may be breaching the Land Law and/or the Forestry Law.



Cambodia has also voted in support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This is a declaration of the world's governments that recognizes the rights of indigenous people. It states that indigenous peoples have the right to their traditional lands.

## United Nations Declaration on the Rights of Indigenous People

**Article 26:** "Indigenous people have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired."



Any development that prevents indigenous people from enjoying these rights goes against Cambodia's commitment to protect the rights of indigenous people.

The United Nations Declaration on the Rights of Indigenous People (Article 32) says that governments should only approve projects that affect the land, territories and other resources of indigenous people after fully consulting them and obtaining their free, prior and informed consent. This means that indigenous communities must be able to freely participate in the decision-making process about the proposed project without facing any pressure or intimidation, and they have the right to say YES or NO to the project. If they say no, then the project should not go ahead.



### 8.3 MONASTERY PROPERTY CANNOT BE GRANTED FOR AN ELC

As we discussed in the last lesson, all monastery properties belong to the Buddhist religion and are under the management of the pagoda committee (Land Law, Article 21). They cannot be bought and sold and cannot be granted for an ELC.



### 8.4 STATE PUBLIC PROPERTY CANNOT BE GRANTED FOR AN ELC

State public property is property that has a natural origin, serves a public function or has historical importance. This type of property cannot be granted as an ELC and the Government has a responsibility to protect this type of property for the public benefit.



We can see that there are many ELCs granted within forests. The existing forest is cleared and plantations are then planted in its place. As we learned earlier, forests have a natural origin, and therefore are State public property. It is possible for forests to be reclassified as State private property, but according to Article 16 of the Land Law, State public land can only be reclassified if it first loses its public interest value.

## Step 2 - Small groups discuss case studies and prepare role-plays:

- In the following exercise, participants will work in small groups and discuss some fictional examples of ELCs and then create role-plays to present the case to the rest of the group.
- Participants should discuss whether or not they think the ELC in their case is legal or not, and be able to give reasons for their answers.
- Divide the participants into four groups and give one case study to each group. You can use Handout 8.1 for copies of the cases.
- After 15 minutes, bring the groups back together to perform their role-plays and discuss their case.

### Case A

A company has been granted an ELC for a sugar plantation in Battambang province. The ELC area includes five villages, and local officials are telling people that when the ELC becomes active they will have to leave. The affected people have not been consulted about this, and all have full legal land titles.

### Case B

An ELC has just been granted to a company for a cassava plantation in Stung Treng province. The ELC area overlaps with the land of one community that has lived and farmed there for over 20 years. They are being told that they must move, and because they do not have land titles they will get no compensation.

### Case C

A Cambodian and a foreign company have been granted an ELC for a joint project growing rubber trees in Kratie province. The land has already been classified as State private land. There are no legal owners or possessors on the land, but there are some people who have grown crops on the land since 2006. These people are non-lawful possessors, as they moved on to the land after the Land Law was passed.

The companies are aware that these people use the land, and although they are not owners or possessors, the company has consulted with them and has put in place a plan for compensating them, so that they are not left worse off after the ELC becomes active.

### Case D

A new ELC has been granted to a Cambodian company for a palm oil plantation in Kampong Speu. The ELC is in an area where there are some indigenous communities, and some of the planned ELC area overlaps the borders of some forested areas. Indigenous people in the area are worried that they will lose sacred sites and also lose access to forest products such as the resin trees that they depend on for their livelihood.

### **Step 3 - Groups perform role-plays and discuss cases:**

- After 15 minutes, bring the groups back together to perform their role-plays and discuss their answers.
- After each group performs their role-play, one member of that group should summarize the facts and explain whether or not they think the ELC in that case is legal.
- Next you should encourage an open discussion about the case. Ask others if they want to add anything, or if they have any questions.
- Before moving on to the next case, you should clarify the correct answer using the suggested answers below.

#### **Suggested answers:**

##### Case A

All of the affected households have full legal land titles. This means that the only time that they can be forced to leave their land is if it is in the public interest. If there is no public interest justification, the only way that the company can take the land is if the current owners agree to sell the land. An ELC is not recognized by the law as a public interest project, so the people should not be forced to move against their will.

##### Case B

This ELC affects a group of people who have lived on and used their land for over 20 years. Even if they do not have full land titles, this does not mean that they can be forced to move – many of the people may be legal possessors. If these people meet the requirements of legal possession as described in the Land Law, they have possession rights, which are very similar to ownership rights. Legal possessors should not be forced to move unless it is in the public interest and they have received compensation at the market price in advance.

##### Case C

If the affected people in this case are non-legal possessors, they may be legally moved from the land against their will. However, according to international law, this should only be done as a last resort, and no one should be left worse off after an eviction. This applies to non-lawful possessors too.

In this case the company has consulted with the affected people and has put in place a plan for compensation. As long as the conditions of the compensation and relocation are adequate, it may be lawful for these people to be moved, even if it is against their will.

##### Case D

This ELC is likely to affect members of indigenous communities. In this case it may lead to the destruction of sacred forests or access to forests where people collect forest products like resin.

According to Cambodian law, it is illegal to stop indigenous communities from managing their traditional land according to their custom. It is also illegal to cut trees used by local communities for collecting resin. The rights of indigenous people to collect forest products are protected by the Forestry Law.

ELCs should not be allowed in indigenous areas unless the affected communities are fully consulted, able to participate in the decision making process, and give their consent to the project going ahead.

#### **Step 4 - Debrief:**

- To debrief the lesson, ask the participants to summarize what they have learned about ELCs and where they can legally be granted.
- Make sure that they mention:
  - ELCs may only be granted on State private land.
  - Owners cannot have their land taken unless it is for a public interest reason, and ELCs are not a public interest project.
  - Legal possessors have similar rights to owners and should not be forced to leave their land either.
  - Monastery property cannot be granted as ELC.
  - State public land cannot be granted as ELC. If State public land has lost its public use, it may be reclassified and then granted as ELC – but this must follow the legal procedure.
  - ELCs should not prevent indigenous communities from continuing to manage their land according to their custom, or interfere with traditional indigenous land uses, such as collecting forest products.

### FICTIONAL ELC CASES

#### Case A

A company has been granted an ELC for a sugar plantation in Battambang province. The ELC area includes five villages, and local officials are telling people that when the ELC becomes active they will have to leave. The affected people have not been consulted about this, and all have full legal land titles.

#### Case B

An ELC has just been granted to a company for a cassava plantation in Stung Treng province. The ELC area overlaps with the land of one community that has lived and farmed there for over 20 years. They are being told that they must move, and that because they do not have land titles they will get no compensation.

#### Case C

A Cambodian and a foreign company have been granted an ELC for a joint project growing rubber trees in Kratie province. The land has already been classified as State private land. There are no legal owners or possessors on the land, but there are some people who have grown crops on the land since 2006. These people are non-lawful possessors, as they moved on to the land after the Land Law was passed.

The companies are aware that these people use the land, and although they are not owners or possessors, the company has consulted with them and has put in place a plan for compensating them, so that they are not left worse off after the ELC becomes active.

#### Case D

A new ELC has been granted to a Cambodian company for a palm oil plantation in Kampong Speu. The ELC is in an area where there are some indigenous communities, and some of the planned ELC area overlaps the borders of some forested areas. Indigenous people in the area are worried that they will lose sacred sites and also lose access to forest products such as the resin trees that they depend on for their livelihood.



## LESSON 9: LIMITS ON ELCs

**AIM:** Participants will know that the law contains a number of restrictions on granting ELCs. Participants will be able to look at example cases and identify if the concession was granted legally or not.



**MATERIALS:** Whiteboard/flipchart, markers, Handout 9.1.

**METHOD(S) USED:** Small group discussion of case studies.

| Procedure  | Time Frame (in minutes) |
|--|-------------------------|
| Step 1 - Brainstorm                                      | 10                      |
| Step 2 - Introduce information: <b>9. Limits on ELCs</b> | 30                      |
| Step 3 - Small groups discuss case studies               | 20                      |
| Step 4 - Groups feedback answers                         | 30                      |
| Step 5 - Debrief   | 10                      |
| <b>Total:</b>  | <b>90</b>               |

### Step 1 - Brainstorm:

- Start the lesson by explaining to the participants that now they will learn about limitations on ELCs. They have already learnt that ELCs can only be granted on State private land, but there are a number of other limits.
- Ask the participants if they know what any of these limits are. Write their ideas on the flipchart or whiteboard.
- After 10 minutes, end the brainstorm session and use the text below to explain some of the important legal limits on ELCs.

## Step 2 – Introduce the information:

### 9. LIMITS ON ELCS

As we have learned, Economic Land Concessions can only be granted on land that is registered as State private land according to the law.

The only institution that can grant ELCs is the Ministry of Agriculture, Forestry and Fisheries (MAFF). Up to 2008, local authorities could also grant concessions for areas smaller than 1,000 hectares, but local authorities no longer have any legal right to grant ELCs (according to the law ELCs amendment law).

The law also makes a number of other restrictions on granting ELCs:

- ELCs are limited to 10,000ha and cannot last more than 99 years.
- The same company or individual cannot have several concessions that cover more than 10,000ha.
- ELCs should not be granted until an EIA has been conducted and approved.
- ELCs should not be granted on the land of lawful landholders
- If there are non-lawful possessors on the land, it may be legal for them to be relocated, but this must follow appropriate standards.



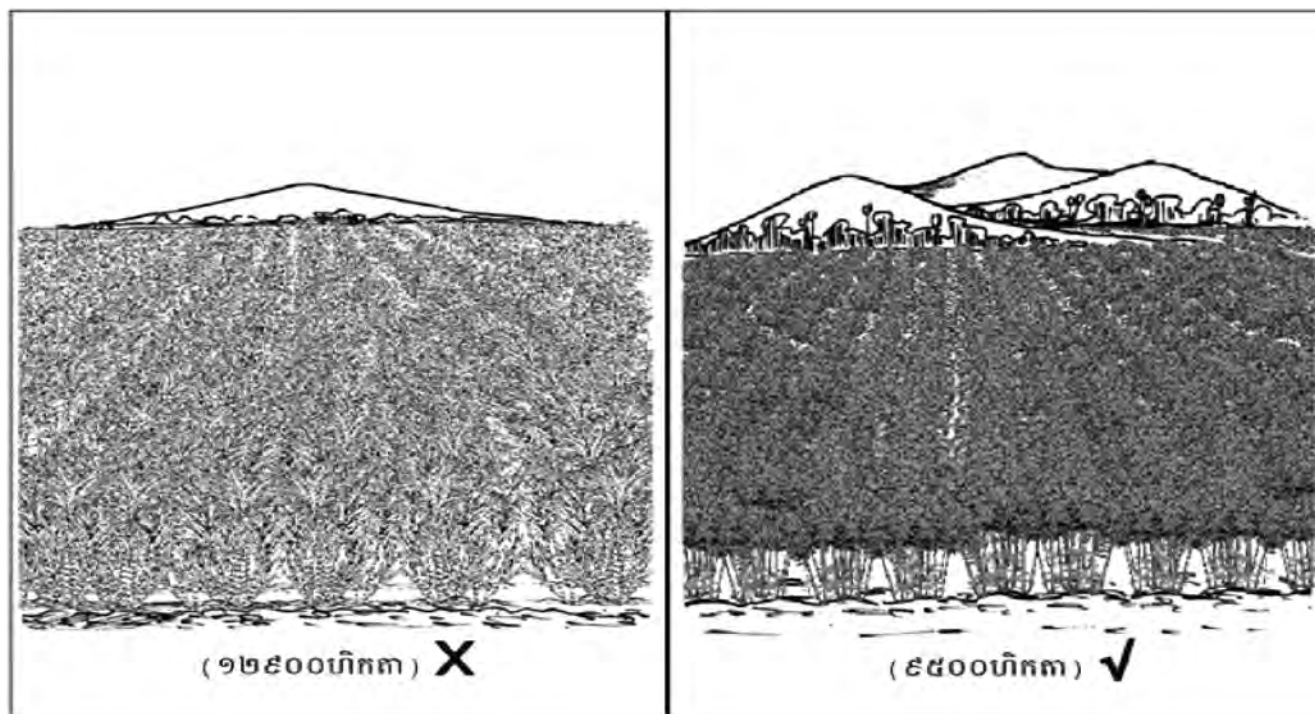
These are discussed in more detail below.

#### 9.1 ELCS CANNOT BE BIGGER THAN 10,000 HECTARES

According to Article 59 of the Land Law, the maximum size for an ELC is 10,000 hectares. Any concession granted after the 2001 Land Law should be below this limit, or else it is illegal. Some concessions were granted before the 2001 Land Law, and they are much bigger than 10,000ha. The sub-decree on ELCs has created a process for the concessionaire and government to negotiate reducing the size of these concessions (Sub-Decree No146 on Economic Land Concessions 2005, Articles 38 & 39).

Also, the same company cannot have several concessions that total more than 10,000 hectares. For example, Tiger Co cannot have 8,000 hectares in Mondulhiri and 7,000 hectares in Kratie. The total is 15,000 hectares – which is 5,000 over the legal limit.

This should also apply to different companies controlled by the same person (Land Law, Article 59). For example, Mr. Khim owns two different companies. One is called New Development Co. Ltd. and already has a 7,500 hectare concession in Kampong Speu. He wants to apply for a 10,000 hectare concession in Preah Vihear with his other company Future Investments Co. Ltd. This is not legal as he controls both companies and the total is 17,500 hectares.



## 9.2 ELCS CANNOT BE GRANTED FOR LONGER THAN 99 YEARS

The maximum time limit for an ELC is 99 years (Land Law, Article 61). If a concession is granted for longer than 99 years it is not legal. The concessionaire only has rights to the land for the period of the concession contract.

## 9.3 ELCS CANNOT BE GRANTED UNTIL AN EIA HAS BEEN CONDUCTED

As we learned in part 1 of this guide, the law states that an EIA must be done before an ELC project can be approved. This means that the company that wants the ELC (or a consultant company hired by them) must conduct a full investigation into the project and must record all potential positive and negative impacts that the ELC is likely to have. During the EIA investigation, all affected people must be consulted and should have their comments and concerns heard and recorded. The EIA report should include a plan for avoiding or minimizing negative impacts. The EIA must be approved by the MoE and then the MAFF must consider the results of the EIA when deciding whether or not to approve the ELC.



#### 9.4 ELCs CANNOT BE GRANTED OVER THE LAND OF LAWFUL LAND HOLDERS

As we already learned, owners and other legal landholders should not be displaced by ELCs. If people are already present on the land and they have rights as owners or legal possessors then a company that wants to use the land should make the owner or possessor an offer for their land, which they are free to accept or reject. Legal landholders should **never** be forced to move against their will (Sub-Decree No146 on Economic Land Concessions 2005, Article 4).

##### NON-LAWFUL OCCUPANTS

There may be cases where there are **non-lawful occupants** on the land. A non-lawful occupant is someone who does not have rights to the land they live on or use because they are not an owner, legal possessor or a member of an indigenous community. In such cases, it may be legal for them to be resettled but there should be a plan for resettlement as set out by the law.<sup>4</sup> The law does not yet say who is responsible for the relocation process or for compensating those people who have to move.

<sup>4</sup> Sub-Decree No146 on Economic Land Concessions 2005, Article 4(4).

## ALL RESETTLEMENT MUST BE CONDUCTED ACCORDING TO INTERNATIONAL LAW OBLIGATIONS

Although the legal regulations on resettlement have not been fully developed yet in Cambodia, the Government has international legal obligations to conduct resettlement in a manner that respects human rights. Cambodia has signed an **international treaty called the International Covenant on Economic, Social and Cultural Rights (ICESCR)**. This treaty protects the right of everyone to adequate housing and says that evictions should only ever happen as a last resort. No one should be made worse off after an eviction. This can be avoided by consulting with people before relocation, providing adequate housing at a relocation site, and providing livelihood opportunities.

If non-lawful occupants have to be resettled to make way for an ELC they should be consulted, and although they do not have the right to receive market price compensation, they should not be left worse off after the resettlement.

### Step 3 - Small groups discuss case studies:

- In the following exercise, participants will work in small groups and discuss some fictional examples of ELCs. Participants should discuss whether or not they think the ELC is legal, and be able to give reasons for their answers
- After the small group discussions, the groups will come back together to share their answers.
- Divide the participants into five groups and give each group copies of the case studies from Handout 9.1.
- If there is time each group can look at all the case studies, but if not, you can give one case study to each group.

#### Case A

MAFF has granted a company a 70 year ELC for growing eucalyptus trees on 8,000ha of land in Pursat. The concession affects five villages, and over a 100 households have been told they must accept compensation and leave, even though they have full legal titles.

#### Case B

A company has been granted an ELC in Mondulhiri. The ELC is in an area where there are many indigenous communities. However, none of these communities have been told anything about this concession, and they are very worried that it is going to negatively impact on them.

#### Case C

A wealthy businessman was granted an ELC over 9,500 ha in Banteay Meanchey five years ago. Last week he was granted a second concession over 8,000 ha in Kampong Chhnang, but to one of his other companies.

There are already many people living in the concession in Kampong Chhnang, and they have lived there for over 20 years but do not have land titles. The residents are poor farmers and they live on the land, and grow rice and fruit in the fields.

#### Case D

A company has been granted a 50 year concession over 6,000ha in Kampong Cham. The concession is granted on State private land, and there are no owners or legal possessors in the area. There are some non-lawful possessors in the area who have been using the land since 2007 to grow crops. The company is aware that these people use the land, and although they are not owners or possessors, the company has consulted with them and has created a plan for compensating them.

#### Case E

A company has approached the provincial authorities in Kratie and asked for a 900 ha rubber plantation. The company did not approach MAFF because they thought that the process was too slow and expensive. The concession will affect lands that have been cultivated by farmers since 1980.

### **Step 4 - Groups feedback answers:**

- After 20 minutes, bring the groups back together to discuss their answers.
- Work through the five cases, and ask a different group to start the discussion for each. For example, group 1 can start by explaining their answer to Case A, the other groups can then add their ideas. Group 2 can introduce Case B, and so on.

### **Suggested answers:**

#### Case A

The ELC is within the 10,000ha legal limit, is within the 99 year duration and was granted by MAFF, which is the appropriate authority. However, it affects the lands of over 100 landowners. This means that other people already have rights over that land, and so it is private land, not State private land. This ELC cannot be legal, and the people cannot be legally forced to move.

#### Case B

If this ELC impacts on any traditional indigenous lands it is illegal. As the communities in this case have no information about these concessions, they have clearly not been consulted properly, and if an EIA was done it was not adequate, as it failed to consult with them. For this reason, if the ELC does impact on these communities it is illegal and should not have been granted.

#### Case C

It is illegal for a single person to have more than 10,000 ha in ELCs – even if the concessions are granted to different companies. Because of this, the second ELC in Kampong Chhnang is not legal. Also, it looks like there are many legal possessors already living and farming in that area, and it is also illegal to displace any legal land holders, including legal possessors.

#### Case D

The concession is within the legal size and time limits and is on State private property. The main issue here is that some people are already using the land for growing crops. They are not owners of the land, and as they only started to use the land in 2007 they cannot be legal possessors. Because of this they are probably non-lawful possessors.

However, the company is dealing with the situation appropriately and has put in place a plan for resettling and compensating these people. This compensation should be in line with Cambodia's international legal obligations, and if anyone needs to be resettled, they should not be made worse off.

#### Case E

If this concession was granted it would not be legal. Although in the past it was legal for provincial government to grant concessions less than 1,000 ha, this was changed in 2008. It is now only legal for MAFF to grant concessions of any size. Also, this concession may affect the lands of legal landholders. In this case, farmers have used the land since 1980, which means they may be legal possessors.

### Step 5 - Debrief:

- To debrief the lesson, ask the participants to summarize what they have learnt about the various limits on ELCs in Cambodia.
- Make sure that they mention:
  - ELCs may only be granted on State private property.
  - ELCs may only be granted by MAFF.
  - ELCs cannot be bigger than 10,000 hectares.
  - ELCs cannot last longer than 99 years.
  - ELCs can only be granted after an EIA has been done and affected people have been consulted.
  - Concessions cannot displace lawful landholders – including owners, possessors and indigenous people.
  - If an ELC causes any relocation of non-lawful possessors, the relocation must follow appropriate standards.
  - ELCs should only be granted if a resettlement plan is in place for those people.

### FICTIONAL CASE STUDIES

#### Case A

MAFF has granted a company a 70 year ELC for growing eucalyptus trees on 8,000ha of land in Pursat. The concession affects five villages, and over a 100 households have been told they must accept compensation and leave, even though they have full legal titles.

#### Case B

A company has been granted an ELC in Mondulkiri. The ELC is in an area where there are many indigenous communities. However, none of these communities have been told anything about this concession, and they are very worried that it is going to negatively impact on them.

#### Case C

A wealthy businessman was granted an ELC over 9,500 ha in Banteay Meanchey five years ago. Last week he was granted a second concession over 8,000 ha in Kampong Chhnang, but to one of his other companies.

There are already many people living in the concession in Kampong Chhnang, and they have lived there for over 20 years but do not have land titles. The residents are poor farmers and they live on the land, and grow rice and fruit in the fields.

#### Case D

A company has been granted a 50-year concession over 6,000ha in Kampong Cham. The concession is granted on State private land, and there are no owners or legal possessors in the area. There are some non-lawful possessors in the area who have been using the land since 2007 to grow crops. The company is aware that these people use the land, and although they are not owners or possessors, the company has consulted with them and has created a plan for compensating them.

#### Case E

A company has approached the provincial authorities in Kratie and asked for a 900 ha rubber plantation. The company did not approach MAFF because they thought that the process was too slow and expensive. The concession will affect lands that have been cultivated by farmers since 1980.



## LESSON 10: WHAT MUST HAPPEN AFTER AN ELC IS GRANTED?

**AIM:** Participants will understand that even after an ELC has been granted the concessionaire must continue to follow relevant laws. Participants will also review the other conditions on ELCs that they have learnt during this module.



**MATERIALS:** Whiteboard/flipchart, markers, copies of Handouts 10.1 and 10.2.

**METHOD(S) USED:** Case study, small group discussions.

| Procedure  | Time Frame (in minutes) |
|--|-------------------------|
| Step 1 - Introduce information: <b>10. What Must Happen After an ELC is Granted?</b> | 20                      |
| Step 2 - Read out case study   | 10                      |
| Step 3 - Small groups discuss case study   | 20                      |
| Step 4 - Feedback and discussion   | 20                      |
| Step 5 - Debrief   | 20                      |
| <b>Total:</b>  | <b>90</b>               |

### Step 1 - Introduce information:

## 10. WHAT MUST HAPPEN AFTER AN ELC IS GRANTED?

Even if the concession is granted according to the law, including with public consultation and full EIAs, the concessionaire must use the concession in a way that follows the law after the concession has been granted:

- ELCs cannot block public access to public roads, sidewalks or paths, and cannot block rivers, ponds and lakes that the public use in their daily lives.
- The concessionaire must follow the concession contract.
- The concessionaire must follow environmental laws and regulations.
- All ELCs must be listed in the ELC logbook.



If any of these obligations are not met, the ELC may be cancelled (Land Law, Article 55).

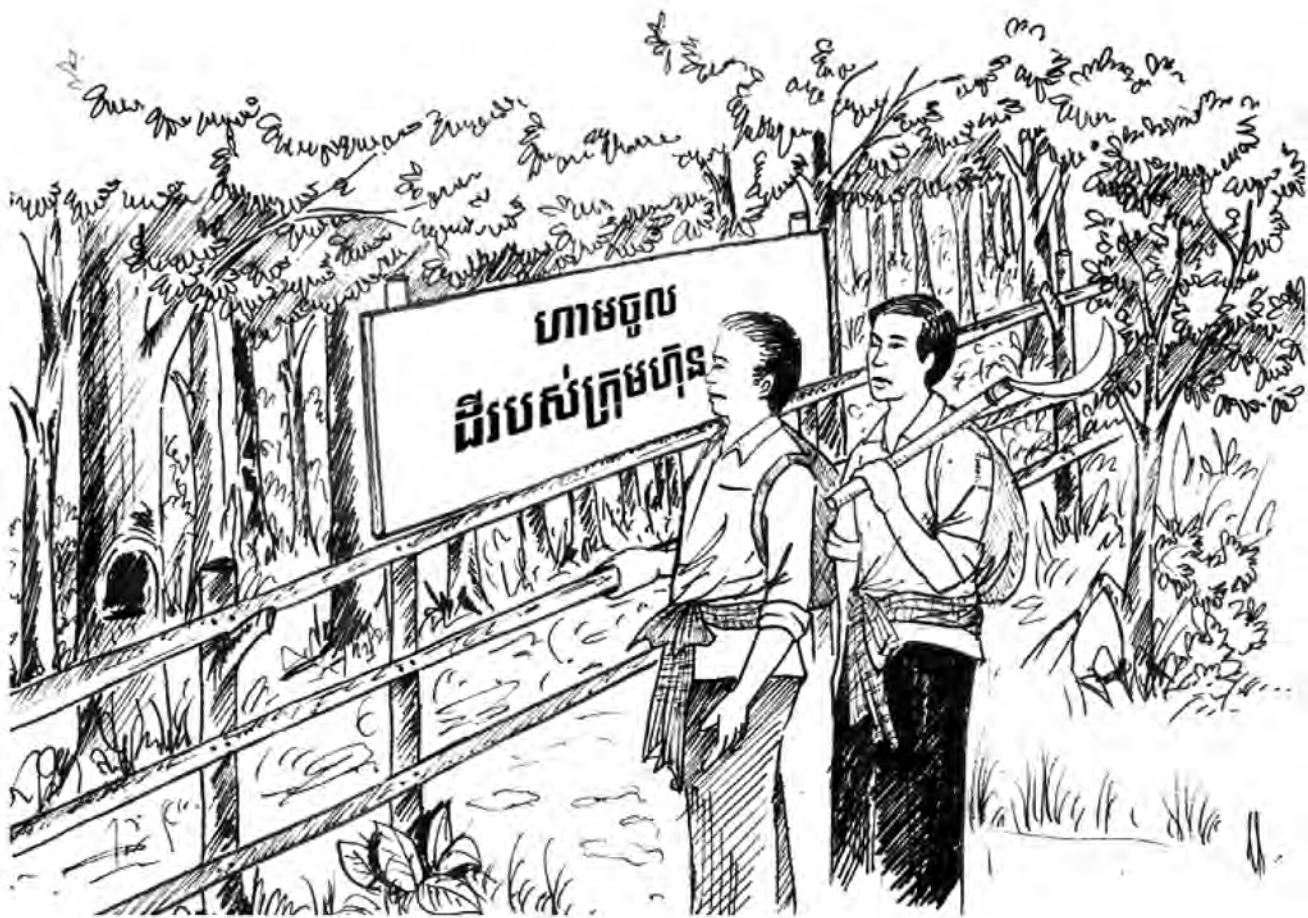
Each of these obligations are explained in more detail below.

## 10.1 ACCESS TO PUBLIC PROPERTIES

Concessionaires cannot block public roads, sidewalks or paths, and cannot block rivers, ponds and lakes that the public use in their daily lives (Land Law, Article 58).

As we discussed earlier, the Forestry Law also protects traditional user rights of communities living near forests. A concession should not block access to forests for people who have traditionally collected forest products there (Forestry Law, Article 40).

The Forestry Law also prohibits the cutting of trees that local communities tap for collecting resin according to traditional custom (Forestry Law, Article 29).



## 10.2. A CONCESSIONAIRE MUST FOLLOW THE ELC CONTRACT

Concessionaires have the right to manage the land and to benefit from any of the products that they grow or produce on the land. For example, a concessionaire has the right to keep and sell fruit, rubber or rice that they grow on the concession. Concessionaires also have the right to stop other people from entering the area.

It is important to understand that a concession is not the same as ownership - it is a right to use the land for a fixed time, and for a fixed purpose.

All ELCs require a contract between the concessionaire and MAFF setting out the purpose of the concession. The concession contract will set out how long the concession will last, what area it covers and what the concession will be used for. All concessionaires must follow the terms of this contract (Land Law, Article 55) and all concessionaires must start operations within 12 months of receiving the concession (Land Law, Article 62). If there is a breach of contract, or the concession does not become active within 12 months, the concession may be cancelled.

The concessionaire must use the land in a way that follows this contract. For example, if the contract says that the land will be used to grow rubber trees, then the concessionaire can only use the land to grow rubber trees. If the concessionaire uses the land for another purpose, it is breaking the contract and the ELC can be canceled.

A concessionaire cannot sell the land and they cannot transfer the ELC to another company or person. The only way that the ELC can be transferred to another person is if the authorities create a new ELC contract for the new company (Land Law, Article 57).

### 10.3. A CONCESSIONAIRE MUST FOLLOW ENVIRONMENT LAWS AND REGULATIONS

A concessionaire has the obligation to follow the laws and regulations regarding environmental protection. This includes managing waste products and other pollution, and safeguarding the health and safety of workers and those living around the concession.

Although the Land Law says that a concessionaire is allowed to clear the land (Article 49), it cannot change the natural structure of the land. For example, a company could not destroy a mountain. Also, the concessionaire cannot damage the land in such a way that it will be destroyed at the end of the concession period (Article 56).



## 10.4. ELC LOGBOOK

Details of all ELCs should be listed in the ELC Logbook (Sub-Decree No146 on Economic Land Concessions 2005, Article 36). This logbook should be updated and maintained by MAFF, and the Government has made a commitment to make this logbook available to the public. Unfortunately, at the moment it is only available on the internet, and the information is incomplete, out of date and only in English. This website can be found at: <http://maff.gov.kh/elc/>.

An up to date logbook, which is available to the public in Khmer, would improve transparency in the way concessions are granted and respect for the law by both the Government and concessionaires. For this to happen, the information needs to be updated and published across the country in Khmer language and be accessible to those without access to the internet.

### **Step 2: Small groups discuss checklist and case study**

- Give the participants Handout 9.1 and Handout 9.2 and tell them you are going to read out a fictional story about a community affected by an ELC in Battambang.
- Read out the case study in Handout 9.2 slowly (or ask a participant to read for you).
- Next, divide the participants into groups of four or five to discuss the case study and use the checklist of conditions in Handout 9.1 to help them identify whether the ELC is legal.
- After 15 minutes bring the groups back for a discussion among the whole class.

### **Step 3 - Feedback and discussion:**

- After 20 minutes bring the groups back together to feedback their answers.

### **Suggested answers**

#### **Looking at the facts, it seems like this ELC is not legal for several reasons:**

- There were already legal land holders in the area where the ELC was granted. Although they do not have legal land titles, they lived there for many years before the Land Law was passed, so may be legal possessors.
- If the land was legally possessed, it was not State private property, it was the private property of those who lived on or used that land.
- The two concessions are both partly owned by the same person – the law says that two different companies controlled by the same person cannot be granted concessions totaling more than 10,000 ha. In this case, the concessions add up to almost 20,000 ha.

- Families were pressured into taking inadequate compensation for their land. If they were legal possessors, they should not have been pressured to give up their land.
- If the people were non-lawful possessors, there should have been a resettlement plan in place, and any resettlement or confiscation of land should have been done according to appropriate standards.
- No EIA has ever been made public, and the affected people were never consulted about the project.

#### **Step 4 - Debrief:**

- As this is the last lesson looking at the legal framework for ELCs, take another opportunity to ask participants to summarize the conditions for granting an ELC, and what must happen after the ELC is granted. (The answers are all summarized in the ELC checklist in Handout 9.1)
- Ask participants to think back to the very first lesson where everyone shared their experiences with ELCs. Now that everyone has learnt more about the legal framework for granting concessions, ask the participants if they can identify whether or not the concession that has affected them followed these legal requirements or not. Make sure that they give reasons for their answers.

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## PART III TAKING ACTION



### OUTCOMES

After completing this module, participants will:

1. Be able to identify the different groups involved in the process of developing Economic Land Concessions.
2. Know how to gather information and documentation about their community.
3. Know how to gather information and documentation about the company and the impacts of an ELC project.
4. Understand that it is important for affected communities to mobilize – this means becoming active and organized.
5. Know a number of different advocacy strategies, including letters, petitions, meetings, negotiation, and legal complaints.
6. Understand that it is usually best to start with quiet action, as authorities and companies can be more open if they are approached in this way.
7. Understand that if quiet action is unsuccessful, more public advocacy may be necessary.
8. Know that many companies care about their reputation, so public pressure on companies can sometimes be a strong advocacy strategy.

## LESSON 11: WHICH FACTORS ARE INVOLVED IN AN ELC PROJECT?

**AIM:** Participants will learn to identify which factors are involved in an ELC project. They will understand the importance of knowing exactly who is involved in a project in order to develop their advocacy strategy.



**MATERIALS:** Whiteboard/flipchart, markers, copies of Handout 11.1

**METHOD(S) USED:** Brainstorm, case study.

| Procedure   | Time Frame (in minutes) |
|---|-------------------------|
| Step 1 - Provide copies of Handout 7.1 to the group and introduce the information: <b>7. Classification of Land in Cambodia</b> | 25                      |
| Step 2 - Explain exercise and divide the participants into groups   | 5                       |
| Step 3 - Small group work   | 20                      |
| Step 4 - Large group discussion   | 20                      |
| Step 5 - Debrief  | 10                      |
| <b>Total:</b>   | <b>80</b>               |

### Step 1 – Introduce information:

## 11. WHICH FACTORS ARE INVOLVED IN AN ELC PROJECT?

If a company is granted an ELC in your area, or if you think that this may happen in the future, it is important to know who is involved. In this section we will learn about the different factors who may be involved in granting and developing an ELC, and who will be impacted. The factors can be divided into four groups:

- The Authorities
- The Implementers
- The Affected People
- Others





## 11.1 THE AUTHORITIES

The authorities are the State institutions that control whether or not an ELC project can be developed. They do this by deciding whether or not to give a company a concession, and then by monitoring the company's activities after they begin operating.

Different institutions will be involved in authorizing and monitoring an ELC:

- Ministry of Agriculture, Forestry and Fisheries
- Ministry of Environment
- Local authorities
- Foreign governments



1. Ministry of Agriculture, Forestry and Fisheries (MAFF) – The Ministry of Agriculture, Forestry and Fisheries is the authority responsible for granting ELCs and ensuring that the law related to ELCs is followed.



2. Ministry of Environment (MoE) – The Ministry of Environment is responsible for assessing the environmental impacts of new development projects, including ELCs, and ensuring that environmental laws and regulations are followed.
3. Local authorities – Local and provincial government and departments may handle day-to-day dealing with the company and any problems that come up. If necessary, they may forward questions or problems to higher authorities.
4. Foreign governments – The company involved may come from a foreign country or have foreign investors. If so, representatives of the government of that country may be another important factor.

## 11.2 THE IMPLEMENTERS

The **implementers** are the people, groups or companies who are actually involved in developing the project. They include:

- The company
- The EIA company
- Investors
- Company staff
- Contractors
- Security forces



1. *The company* – The company is responsible for following the agreement it has with the government and respecting the country's laws, so it is important to identify the company's name (or names, if there is more than one company involved). It is important to identify if the companies involved are Cambodian or foreign as this may affect your advocacy strategy. If possible, you should try to identify who the owner of the company is. This may be one person, a group of people, or another company.



2. *The EIA company* – If an EIA is being conducted, you may also want to identify who is doing it. EIAs are often done by EIA consultants - special companies that specialize in this area. They are usually not connected to the project and do not have a direct interest in the ELC project, but they are hired by the company.
3. *Investors* – Investors are people who have put money into the company and hope to make a profit from their investment. For example, they may give some money to help the company start up, and have an agreement that when the company starts to make a profit, some of it is given back to them. It is important to identify if the investors involved are Cambodian or foreign, as this may affect your advocacy strategy.
4. *Company staff* – The company staff are the ones who do the practical work within the ELC area. For example, this could be people employed to clear the land, build fences, plant crops or work in a processing plant. Company staff will also work in the company offices.
5. *Contractors* – Sometimes a company with an ELC may need help from another company with special expertise. For example, if it needs to improve the electricity supply it may need to get another company that specializes in electrical work. If it needs a new road, it may contract a company that specializes in road building. This type of outside company is called a contractor.
6. *Security forces* – Sometimes security forces are employed to protect concession areas. Security forces can either be the public security forces of the Government (RCAF) or a private security company employed by the company.

### 11.3 THE AFFECTED PEOPLE

As well as looking at who is responsible for the ELC project, you need to think about who is affected. This may help you find other people who support you and share your concerns, and it may also provide useful information for your advocacy.

Affected people may include:

- Your community
- Other communities



1. *Your community* – You should be aware of who is affected within your community. It will be very useful if you can gather basic information about the number of people affected, how much land is affected and what kind of problems people have.
2. *Other affected communities* – Outside your village there may be other villages and communities that are affected by the same or similar activities. It is important to make contact with them and discuss your problems together. You may be able to discuss plans and solutions together.

## 11.4 OTHERS



Other actors include:

- NGOs
- Media
- Donors

1. *NGOs* – Local and international NGOs may be able to help you. They may be able to give you legal advice, help you communicate with the authorities, link up with helpful experts and networks, or support your advocacy. However, it is important not to depend on NGOs. We discuss this more in the lesson about ‘Mobilizing Your Community’.
2. *Media* – The media may report on the situation in your community. Over recent years there have been many stories in the national and international media about ELCs, evictions, land problems and environmental issues in Cambodia. These reports help raise awareness of the problem and may influence the Government's decision whether or not to grant ELCs in some areas. You should be aware that there is the risk that media attention can do harm as well as good, so you should think carefully before you talk to the media. We will discuss this more in later lessons.
3. *Donors* – Some donors are active in areas where ELCs are granted. In these cases, projects that they support could be affected by the concession. For example, a donor funded project that supports conservation in an environmentally sensitive area could be affected by a big ELC project that cuts trees and pollutes the area. If an ELC threatens the donor's project, they may be willing to assist you. Look for donors or organizations in your area whose projects may be impacted in this way.

## Step 2 - Identify actors in case study

- Stick four pieces of paper onto the wall – each one with a different category of factor written at the top. So one piece of paper will have ‘Authorities’; one will have ‘Implementers’; one will have ‘Affected People’; and the last one will have ‘Others’.
- Next, explain to the participants that they are going to look at a case study and try to identify the different factors that may be involved.
- Divide the participants into four groups and ask each group to stand by a different piece of paper. For example, Group 1 by "The Authorities", Group 2 by "Implementers", and so on.
- Explain that you will read out a short case study and each group should listen carefully and try to identify the factors involved.
- The case study has also been set out in Handout 12.1. You should provide this handout to the participants and also put copies up on the wall and leave them there throughout the training.
- If a group hears an actor that comes under their group, they should write it down on their flipchart paper. For example, the "Authorities" group would write down "the police" when they hear it mentioned in the case study.
- If participants have difficulty reading and writing, they can draw a picture for any factors they identify to help them remember them.
- Read out the case study in Handout 11.1 to the whole group slowly and clearly, while they follow with the handout. Stop after each part to check that everybody is following the case and understands what they are supposed to be doing.

## Step 3: Feedback answers:

- Go around the room and ask the different groups to explain which factors they identified in this case study. If they miss any out, ask the other groups if they have anything to add, and then use the suggested answers below to fill in the gaps.

## Suggested answers

### *Authorities:*

- The Commune Chief – When the community approached him, he tried to find out more information about the company.
- Ministry of Agriculture, Forest and Fisheries – MAFF is responsible for granting all ELCs.

- Provincial officials – In this case, provincial officials deliver a letter to the community to show that the ELC will be in their area.
- The police – The police accompanied provincial officials when they came to the village.

*Implementers:*

- New Day Agriculture – Responsible for the ELC project.
- Green Fields Group – Responsible for the EIA. They came to the village and told community members about the ELC.
- Company staff – The company staff have been seen taking photographs and soil samples from the fields.

*Affected people:*

- The village – 200 villagers live in this village.
- Neighboring villages – Four other villages of similar size are having the same problems.

*Others:*

- Development Rights Cambodia – This NGO is based in Phnom Penh and has heard about the case from the radio. They have expertise helping communities affected by ELCs.
- Media – The media reported on the case and broadcast it on PP3 radio.

#### **Step 4 – Debrief**

- Ask participants the following questions and tell them to keep them in their minds as they move on to the next lessons.
  - What are the relationships between the factors?
  - Which of the factors you identified have the most influence? Which ones have the least influence? Why do you think this?
  - Which factors may be willing to support you?

### A Company is Granted a New ELC

Try to identify which factors are involved in the following case. Imagine the village in the case study is the village where you live. Look at the case below which is also set out in the pictures in the handout and try to identify which actors are involved, and if they are Authorities, Implementers, Affected People or Others.



Your village was built in 1999. The village has 200 hundred families.



There are four other villages of similar size close by.



An office has opened near the village, with a sign on the front that says: “New Day Agriculture Co. Ltd.” Some staff from the new company start taking photographs and take soil samples to test.

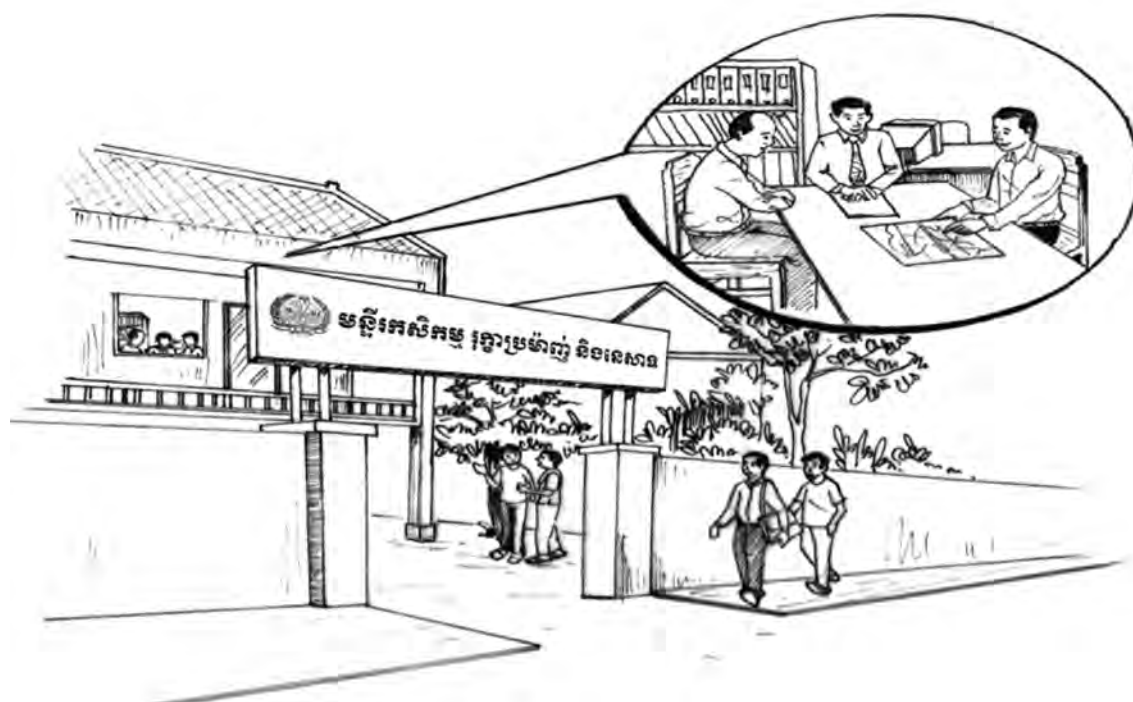


People from an environmental impact assessment company called “Green Fields Group, Co. Ltd” come to the village and speak to members of the community about the ELC planned by New Day Agriculture Co. Ltd. The EIA staff take pictures, studying the local area. They get the villagers to write their names on a list of paper and put their thumbprint next to their name to say that they have been consulted.





The villagers go to the commune chief to complain but he does not know what is happening.



The Commune chief then goes to a MAFF official who points to plan for the ELC, which is for a tree plantation.



Authorities and police come to village and show an official plan about the ELC. The authorities show the villagers a map of the area with the villages and the ELC covering a lot of their common area



A radio reporter comes to village and interviews community members.



An NGO in Phnom Penh called 'Development Rights Cambodia' hears the report on the radio. A representative from 'Development Rights Cambodia' calls the village chief from Phnom Penh to offer help.

## LESSON 12: COLLECTING INFORMATION AND DOCUMENTATION ABOUT YOUR COMMUNITY'S SITUATION

**AIM:** Participants will know what kind of information they can collect about their community if they are affected or likely to be affected by an ELC. Participants will understand the importance of gathering and documenting information and making a community profile.



**MATERIALS:** Whiteboard or flipchart, markers

**METHOD(S) USED:** Case study, group work, whole group discussion

| Procedure  | Time Frame (in minutes) |
|--|-------------------------|
| Step 1 - Introduce information: <b>12. Collecting Information and Documentation About Your Community's Situation</b> | 25                      |
| Step 2 - Explain the exercise and divide into small groups   | 5                       |
| Step 3 - Small group discussions   | 20                      |
| Step 4 - Class discussion  | 20                      |
| Step 5 - Debrief   | 10                      |
| <b>Total:</b>  | <b>80</b>               |

Note to Facilitators: As you facilitate this lesson, ask if anyone has already taken steps to get these documents or record this kind of information. When explaining the different types of documents people can collect, you should write down on the board the list of these documents. Make sure to erase the list before the participants start the exercise.

## Step 1 - Introduce information:

# 12. COLLECTING INFORMATION AND DOCUMENTATION ABOUT YOUR COMMUNITY'S SITUATION

If you are affected by an ELC, or if you fear that you may be in the future, it is very important that you start to collect information and documentation about yourself and your community, and any impacts that the ELC has had on people. You should also collect information about the company, what they are doing, and how they treat local people and the environment. You and your community can use this evidence later if you talk with officials, write a complaint, talk with the press or do other kinds of advocacy.

Gathering information may help support your legal claims to your land, show how a project is impacting local people, or show that a company is not following laws or standards. In this lesson we will discuss gathering and documenting evidence about your community. In the next lesson we will discuss gathering and documenting information about the project and the company.

## 12.1 RECORDING & COLLECTING DOCUMENTATION ABOUT YOUR LAND

All members of a community should gather documents about their land, how long they have lived there, and what rights they have to that land. Here are some examples of the things you should record:



- Documents that prove you own the land
- Documents that show how long you have lived on the land

1. *Documents that prove you own the land* – If you have a full land title for your land, you are the legal owner and cannot be forced to move unless it is in the public interest, and only after fair and just compensation has been paid in advance. No landowner can be forced to move for an economic land concession.
2. *Documents that show how long you have lived on the land* – If you have no land title, you should collect and keep safe any documents that show how long you have been living on your land. If you can show that you have lived on and/or used that land since before the Land Law was passed in 2001, or you purchased the land from someone who occupied it prior to 2001, you may have rights as a legal possessor.

According to the law, legal possessors have similar rights to legal owners, however, this is not always recognized by the authorities. Gathering information that proves you are a legal possessor at least gives you a stronger position to negotiate from, and will hopefully help you to get better compensation if you do have to move.

The more information you have, the more evidence you have to use later, and the better your chances are of influencing the way a project is designed and/or implemented. Record everything! Always try to keep records and keep documents in a safe place. Make copies as back-up, if you can. You may even be able to persuade the authorities to investigate or even reject the project. Having well documented evidence may also makes it easier for NGOs or other partners to support your community.

## COLLECT DOCUMENTS RELATED TO YOUR LAND AND KEEP THEM SAFE

The only document that absolutely proves that you are the owner of your land is an official legal land title. However, the following documents can provide evidence that you have rights as a legal possessor, which means you have similar rights to a landowner:



1. Photographs of the land and any buildings or improvements you have made to it.
2. Birth certificates and family books showing how long you have been living on the land.
3. Copies of any electric, water, or other utility bills you paid while living in your house.
4. Documents from the purchase or transfer of the land, for example, the contract of sale.
5. ID cards and voter registration cards.

Keep these documents in a safe place in case there is ever any conflict concerning the land that you live on. Never let anyone take the original documents away from you unless it is absolutely necessary. If an official needs to see them, you should make copies of the document and give the copies to the officials, not the original. If the official procedure requires the original documents, then be sure to make and keep copies of them first. You must also write the name of the person you give the original documents to and the date you give the documents to them.

## 12.2 COLLECT INFORMATION ABOUT YOUR COMMUNITY

If your community is experiencing negative impacts from an ELC, or fears that it will in the future, it is important to start documenting important information about your community. You can use this information to make a community profile – a document or collection of documents that explains your community's situation.

### COMMUNITY PROFILE

A community profile is all the information that you can find about your community, its history and its current situation. This includes information about your community's land, maps of the land, the value of the land, photos and other evidence about your community. This profile will help you to do effective advocacy in the future.

You should try to collect the following information for your community profile:

1. Who is affected in your community? It is important to document how many people are likely to be affected by the ELC in your community.
2. What is the land situation of people in your community? Make sure that you document how much land each community member has and what they use it for. You should also document how long that person has held the land and what documents each household has (for example: a family book, possessory certificate, land purchase contract, etc.).
3. Photograph your community. Take pictures of the land, the people who live there, how you use the land, what resources are located there, and any other things that are important to your community. If you don't have a camera, you may be able to ask a local community organization or NGO if they can help you to take pictures of your community.



4. Make maps of your community. Try to make maps of your community's land. If you can get official maps from local authorities this can be very useful, but if not you can also try to draw a map of your community yourself.
5. Try to find out what your land is worth. Try to find out the economic value of your land by asking someone who sells land in your area. You may be able to ask an NGO to find someone who does this, and ask them what it would cost to buy land in your area. This information can help you later if you want to negotiate for compensation.

## **Step 2 – Explain the exercise and divide participants into small groups**

- Divide the participants into four groups. Tell the participants to think about what they would do if an ELC was being developed in or near their village. They may already have experience with an ELC in their area or they can just imagine an ELC has been proposed. They should discuss what documents they should collect and information that they should document in order to gather evidence.
- Give each group several pieces of blank paper and explain that participants should use them to draw examples of the documents they think they need. The participants should make as many documents as they can think of.
- You should make a document to show the participants as an example. Take a piece of paper and draw a picture of the house. Explain to the participants that this is a photograph of the house. Ask participants to do the same. For example, they may draw an example of a contract, or a receipt from the land purchase.
- Tell participants to think about which documents individuals can collect, and how these can be combined into a community profile.
- Tell participants they have 20 minutes to discuss and make these documents. After this, each group will share their ideas with the rest of the group.

## **Step 3 – Small group discussions**

- Follow the group's discussions closely to make sure participants understand their task. If the participants are having difficulties, you can help them by encouraging them to think about:
  - Documents they have received while they were living on the land.
  - Documents that show how much land they have, what they use it for, and how long they have occupied or used that land.
  - Any official recognition that they have that says they live on that land.
  - Documents they can make themselves to show that they live on or use that land.

## **Step 4 – Class discussion**

- After the group discussions, ask each group to stick the documents they have made on different walls. If there is not enough space, the participants can put the documents on the floor around the center of the room.
- Participants should stand in the middle of the room and you should ask a volunteer from one group to give an example of a document and explain what the document is.



- Ask participants from other groups to give more examples. Participants should try to give new ideas each time and not repeat something that has already been said.

### **Suggested Answers:**

- Documentation related to the land. For example:
  - Land sale contracts
  - Land titles
  - Possession certificates
  - Photographs
  - Birth certificates
  - Family books
  - ID Cards
  - Voter registration cards
  - Any other documents that show how long you have been living on that land
- Documentation of your community. For example:
  - Information about how many people live in your community
  - How many people are likely to be affected
  - Maps of your community
  - Evidence of the value of your land

### **Step 5 - Debrief**

- Once the exercise is over, ask the participants to collect all of the documents. Explain to the participants that these documents make up the community profile and ask the participants to keep them safe.
- Ask participants why they think it is important to collect and keep as many of these documents and records as possible.
- Ask participants what documents they already have and what information they could try to find in the future.
- Remind the participants again that people should always keep these documents safe and never let anyone take the original documents from them unless it is absolutely necessary.

## LESSON 13: COLLECTING INFORMATION AND DOCUMENTATION ABOUT A PROJECT

**AIM:** Participants will know what kind of information they should try to collect about an ELC and possible ways that they can collect this information. They will also understand the importance of collecting such information.



**MATERIALS:** Whiteboard or flipchart, markers, Handout 13.1.

**METHOD(S) USED:** Case study, group work, whole group discussion.

| Procedure   | Time Frame (in minutes) |
|---|-------------------------|
| Step 1 - Introduce information: <b>13. Collecting Information and Documentation About a Project</b> | 25                      |
| Step 2 - Documentation exercise   | 25                      |
| Step 3 – Feedback   | 15                      |
| Step 4 – Debrief  | 10                      |
| <b>Total:</b>   | <b>75</b>               |

### Step 1 – Introduce information:

## 13. COLLECTING INFORMATION AND DOCUMENTATION ABOUT A PROJECT

In this lesson we will discuss the kinds of information your community can collect about an ELC project that affects you and different ways to collect this information.

### 13.1 COLLECT INFORMATION ABOUT THE ELC

It is important to gather as much information about the ELC as possible. This information will be very useful later on in your advocacy. However, you may need help from an NGO or other groups to collect some of this information.

## COMPANY PROFILE

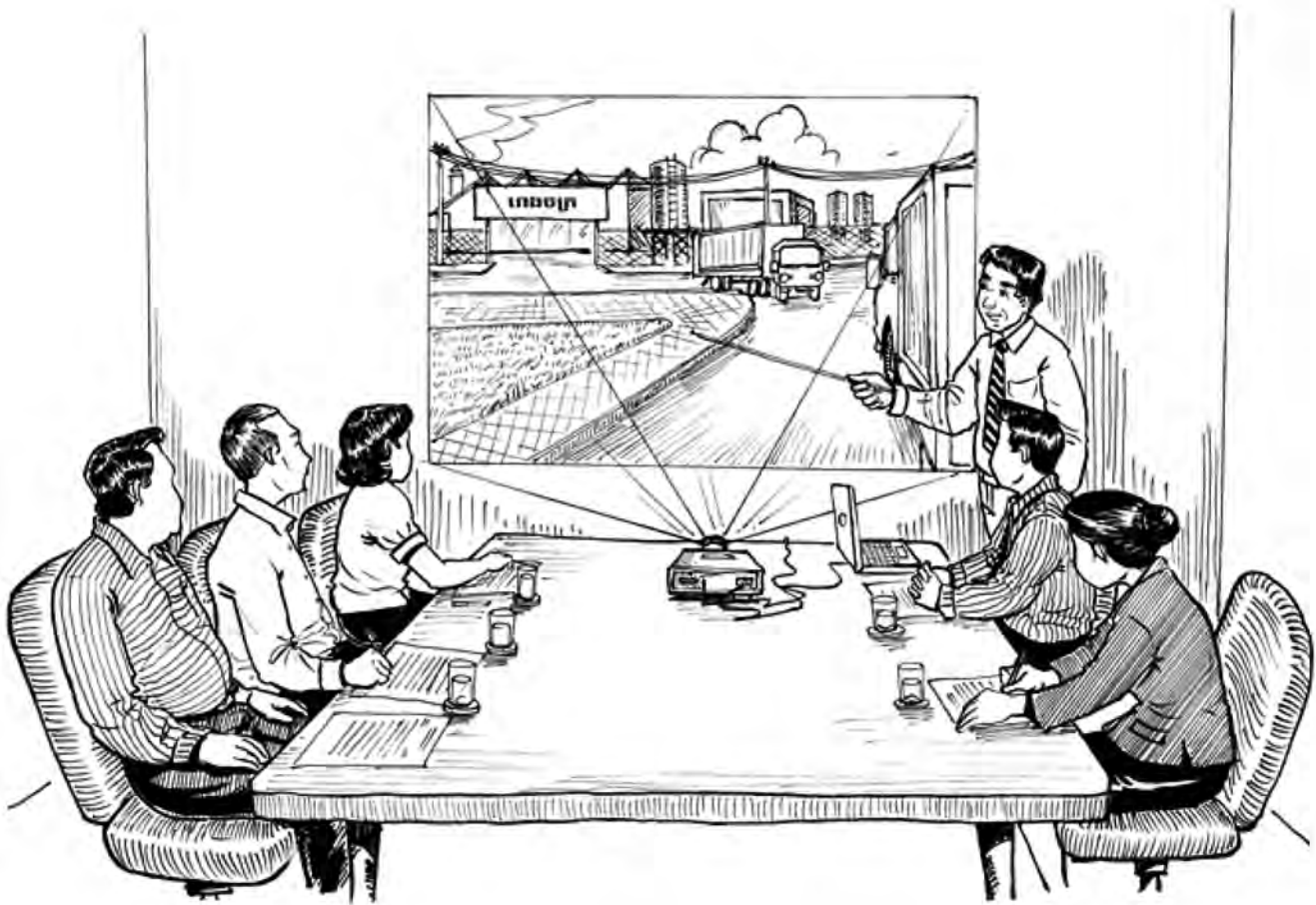
All this information can form a company profile. A company profile is all the information that you can find on a company and its activities. The company profile is important information and you may need it to conduct advocacy campaigns.

You should be aware that these documents are often very hard to find, but they are very valuable if you can get hold of them. In some cases you may not be able to see the documents, but company staff or officials may tell you details about them, or they may be discussed in meetings with officials and company staff. You should record this information.

The main types of information you can try to get to build this profile are:

1. Plans and permits for the ELC - This includes documents like:
  - Copies of the EIA
  - The concession contract
  - Any plans for development of the ELC.
  
2. The company background – This includes information about the company, such as:
  - The name of the company
  - The country the company comes from
  - The owner (or owners) of the company
  - The name of investors (e.g. a bank) where it gets its financing from
  - Whether the company has a Code of Conduct (these are internal rules that the company has promised to follow).

This information can also be difficult to obtain and you may require help from NGOs that have expertise in doing this kind of research. Some information you get can be very difficult to understand. For example, an EIA is a technical document and might need to be explained to you by an expert. Sometimes NGO partners can help you find an expert to explain this information to you. Similarly, there might be information in a language you cannot understand. NGOs may be able to find people to help translate this for you.



Company staff discuss plans for their ELC project

The following table is a summary of other types of information and evidence you should collect and tips on how to collect it. Sections 13.2 and 13.3 provide a more detailed explanation.

| WHAT TO COLLECT  | HOW TO COLLECT IT  |
|--|--|
| <p><b>Information on negative impacts on people and the environment:</b></p> <ul style="list-style-type: none"> <li>• Loss of farmland</li> <li>• Eviction</li> <li>• Violence</li> <li>• Loss of access to forest</li> <li>• Deforestation</li> </ul> | <p><b>Note taking</b></p> <ul style="list-style-type: none"> <li>• Record how, where and when any events happened, and who was there.</li> <li>• Record the date and time.</li> <li>• The note taker should sign their notes.</li> </ul> <p><b>Photographs and videos</b><br/>If you don't have equipment, ask an NGO to help.</p> <p><b>Drawings and maps – and official maps from local authorities</b><br/>Make your own drawings to show where the ELC is and how it is affecting your community.</p> <p><b>Official requests for information</b><br/>Ask the company and authorities for information and also keep a record of your requests</p> <p><b>Unofficial information gathering</b><br/>Talk to authorities and company staff</p> <p><b>Internet searching</b><br/>Ask an NGO for help if necessary</p> |
| <ul style="list-style-type: none"> <li>• <b>Illness to people and animals that you can show is directly caused by the ELC, such as through chemicals and pollution in soil and water</b></li> </ul>  | <ul style="list-style-type: none"> <li>• Get medical records to show impacts on health.</li> <li>• Take notes of the impacts on people and animals.</li> <li>• Take photos of impacts – for example effects on the skin of people or animals. If fish in nearby ponds and streams start to die in large numbers this should be recorded in notes and, if possible in photos.</li> </ul>  |

## 13.2 COLLECT INFORMATION ABOUT THE IMPACTS OF THE PROJECT

It is important to monitor the impacts that an ELC has on people living in the area and also any impacts that it has on the local environment:

1. *People* – Are there any negative impacts on people, or violations of people’s rights? If so, these should be recorded. For example, if someone loses farmland or is evicted, this should be recorded in as much detail as possible. If anyone is involved in a violent incident connected to the ELC, or if anyone has their freedom of movement restricted, this should also be recorded. For example, if company staff stops people going into the forest to collect forest products, you should record how and when this happened, and who was there.

Record any impacts on the health of local people. It is important that you do not unfairly blame all health problems on ELC activities, but if you see a direct link between a new development and an increase in poor health, you should record this. For example, chemical pollution of water sources can damage people’s skin. If you can get official medical records showing the health problem this is an excellent form of documentation to show health impacts in your advocacy actions.

2. *Environment* – Record all of the environmental impacts that you can see. This could include deforestation, destruction of wildlife habitats, pollution of water, and any other harm caused to the environment. Often if plantations use a lot of chemicals this can kill animals living in or around the concession. If animals are dying or getting sick, this is an early sign that the company is polluting the local area. If fish in nearby ponds and streams start to die in large numbers this should be recorded.



## EVIDENCE OF IMPACTS

Documentation of your community and any project impacts becomes your **evidence**. You can use this documentation to show others what is happening to your community.

Some information you get can be very difficult to understand. For example, an EIA is a technical document and might need to be explained to you by an expert. Sometimes NGO partners can help you find an expert to explain this information to you. Similarly, there might be information in a language you cannot understand. NGOs may be able to find people to help translate this for you.

### 13.3 METHODS FOR COLLECTING INFORMATION

Above are some of the types of information that are very useful to have. Now we need to consider how to gather this information. There are many different ways to do this:

1. *Photographs* – A photograph is one of the best ways to document something, but it requires having a camera and knowing how to use it.

Remember to be careful when taking photos. Company staff and people working for the Government are unlikely to want photos to be taken of them. You should only take photos when you feel it is safe to do so, and if there are people in the photograph it is best to have permission from them whenever possible.

2. *Video* – Video is another excellent way to show information. To make video you also need a video-camera and the skills to use it. As with photographs, you should be careful when using a video-camera.
3. *Note-taking* – You should write down detailed and regular notes in a notebook about all the important information you gather about the ELC, including any serious incidents that occur. Make sure you record as much detail as possible. For each note, write down the date, the time, where the event happened, and the names and the position of the people involved. Describe in detail exactly what took place and be sure to be completely truthful. If you can, support what you say in these notes with documents or other evidence, such as photographs.



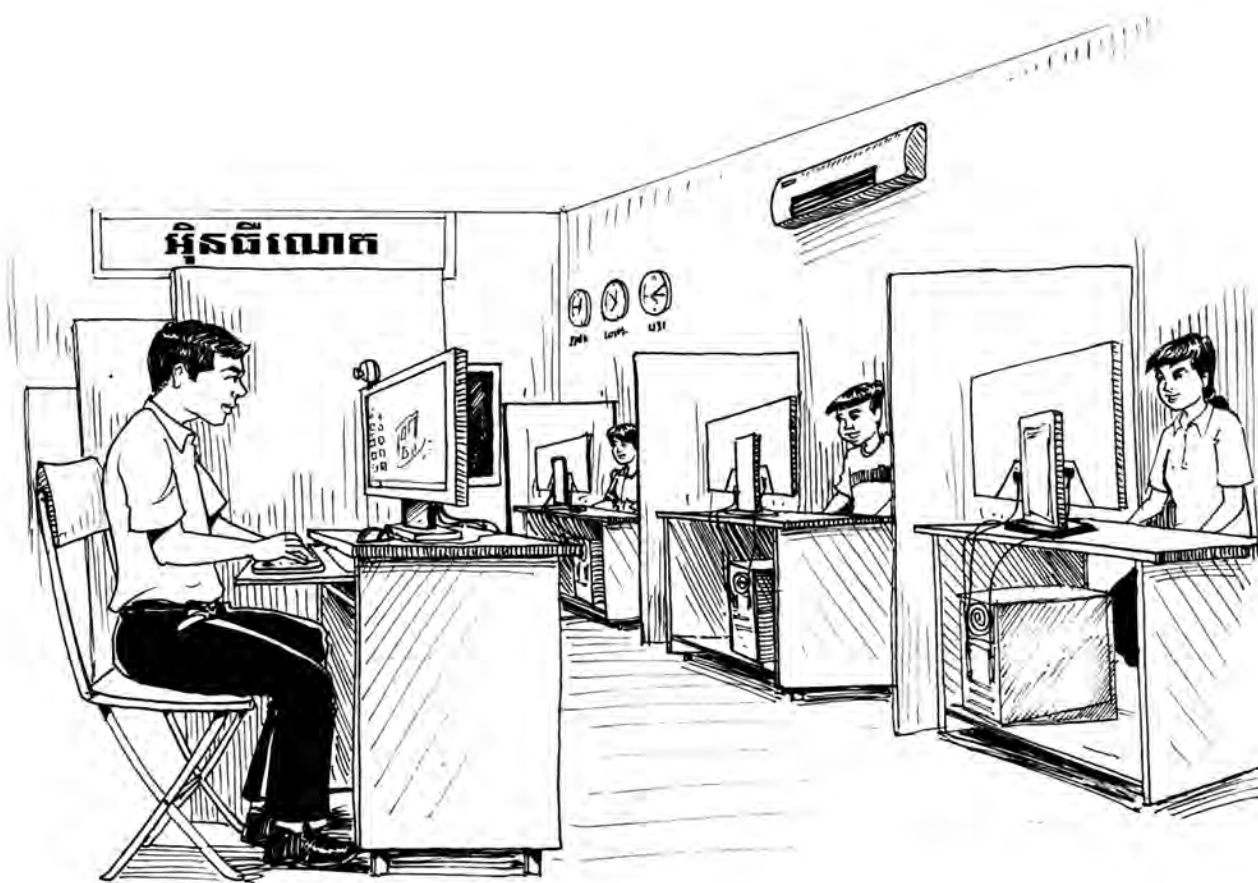
Community member and NGO workers monitor company activity

4. *Drawings and maps* – Sometimes drawing can be a good way to illustrate information. For example, drawing maps can help show where a company is operating or planning developments, like building a road. If you use drawings to illustrate information you must make them as accurate as possible. You may also be able to get official maps from local government departments.





5. *Official requests for information* – Write letters or ask for meetings to formally request information from the authorities or company. This may result in you getting the information you require – or at least some of it.
6. *Unofficial information gathering* – Talking unofficially with the authorities and company staff members can provide very useful information about the ELC – or other important related information. It is important to realize that sometimes officials and company employees are local people themselves, or at least care about what happens in the local area. As a result they may be happy to help you. Sometimes these people may even be willing to provide you copies of official documents.
7. *Internet searching* – The internet gives access to a lot of information. This can be extremely useful when you are making a company profile, and trying to access information about a company's operations. However, this requires access to a computer that is connected to the internet, and a printer to print off copies of the information you find. You will also need the skill to be able to search for the information, and the ability to read English well. If necessary, you could request help from an NGO.



Searching the internet for information on a company

## Step 2 – Documentation exercise

- Explain to the participants that they are going to look again at mapping the actors involved in an ELC from a previous lesson (the New Day Agriculture case). This time they will try to identify what type of information the affected people could document about the project.
- Divide the participants into four groups, and explain that there are some new developments in the case. These are explained in handout, which you will read out. The groups should think about how they could document the ELC.
- Tell the groups to think about:
  - How to collect information about activities of the company
  - How to collect information about impacts of the company activities
  - Getting documentation about the details of the ELC
  - Collecting information on the company.
- Give each group a sheet of paper and tell them to put a line down the middle of it. On the left side of the paper they need to write the heading “Things to document”. On the right side they need to write the heading “How to document these things”. In their groups, participants should discuss their ideas about these things and then write them down. If they prefer, they can draw pictures.
- Ask participants to look at the pictures from Lesson 11 in Handout 11.1. Remind them about what they learned about this case so far:
  - The village was established in 1999, and has around 200 families.
  - New Day Agriculture is a Cambodian company with an ELC to grow a tree plantation in the area.
  - Villagers saw company staff taking photos and testing the soil.
  - An EIA company, Green Fields Group, Ltd, came to talk to the community.
  - Provincial Officials told the villagers the ELC has been approved over land they use for their farming.
- Give the participants Handout 13.1, which has the next part of the case study.
- Remind participants that they need to note on the paper their ideas for:
  - What they need to document, and
  - How they could document it.
- Go to each group to ask them if they understand what they have to do. Clarify any misunderstandings they have, but try not to give them any answers.

- Alternatively, you can do the exercise as a whole group. Ask a participant to help you write down answers on a board, while others call out their thoughts.

### Step 3 – Feedback answers

- After 20 minutes, bring the groups together and feedback the answers that each group came up with.
- If the participants miss anything from the suggested answers, you can add this information when they have finished presenting.
- Participants may come up with other information that is not contained here. This is good – encourage participants if they give creative answers.

### Suggested answers

- The community should be monitoring the activities of the company:
- Any important activity should be recorded in writing, in something like a note book if possible, including the date, time, description of activity, description of who was responsible for the activity and the impacts (if any).
- If possible, it is very useful if communities can take photographs of any company activity. For example, in this case the community should record that the company has built permanent buildings on the land, hired an electric company and a construction company to build roads, and improve power supply.
- In some cases you may be able to talk to company staff to get an idea of what is going on inside the concession. This may be easier in this case, as the story says that the company has employed some local men.
- The community should try to approach local officials and the company to try to get as much information as possible about the company's planned activity. This may be hard, but it would be very useful to get copies of documents like the EIA, as well as any documents that show how the company is planning to develop the area.
- The community should try to find out as much as possible about the company. This may be difficult, as information about Cambodian companies can often be hard to find, and information about foreign companies may all be in English and require special skills for doing research on the internet. It is possible that an NGO might be able to help you find out more information.
- In this case the company is called New Day Agriculture. It is a joint Cambodian and German company with a concession to develop a tree plantation in the area. The community should make a company profile which includes as much detail as possible about New Day Agriculture, including:

- Who the owners of the company are;
  - Who the investors of the company are;
  - What plans they have for the area;
  - If they have been active in the agriculture sector in other areas of the country, or in other countries;
  - What the reputation of the company is; and
  - If the company has a Code of Conduct or other policies that set out how the company is supposed to behave.
- The community should be generally more aware and be ready to document any activity in the area. They should be watching for any negative environmental impacts coming from the project.
  - The community should document any impacts on people, so in this case they should document any cases of land loss, restrictions on peoples' movement, and the company blocking people going into the forest.
  - The community should document the water pollution caused by the company. If possible they should take photographs.
  - Any other environmental impacts should be recorded. The person recording this info should write down as much detail as possible, including a description, time, date, etc. The community should continue to monitor these impacts and record them if they get better or worse.
  - In this case above, animals have become sick and people have gotten skin problems from the water. This should be recorded. If possible, the community should ask an NGO to find an expert to take some samples of water to be tested and, if possible the sick community members should ask a doctor to give them an official certificate describing clearly what their problems are.

#### **Step 4 - Debrief:**

- To debrief the lesson, ask the participants to look at the different answers that came up during the lesson. Ask the participants to explain to you why it is important to document the activities of the company, and any impacts.
- Summarize the participants' responses, and explain that if your community information is well documented, you are in a better position to advocate for your rights. For example, if you can prove how long you have lived and worked on your land, you may be able to show that you have legal rights as an owner or possessor, or as an indigenous community. Also, if an ELC is causing pollution, and you can prove this, you may be able to raise this to the Government and persuade it to take action.
- Explain that the process of gathering information can be empowering in itself, because it means that community members must be active and must cooperate with each other.

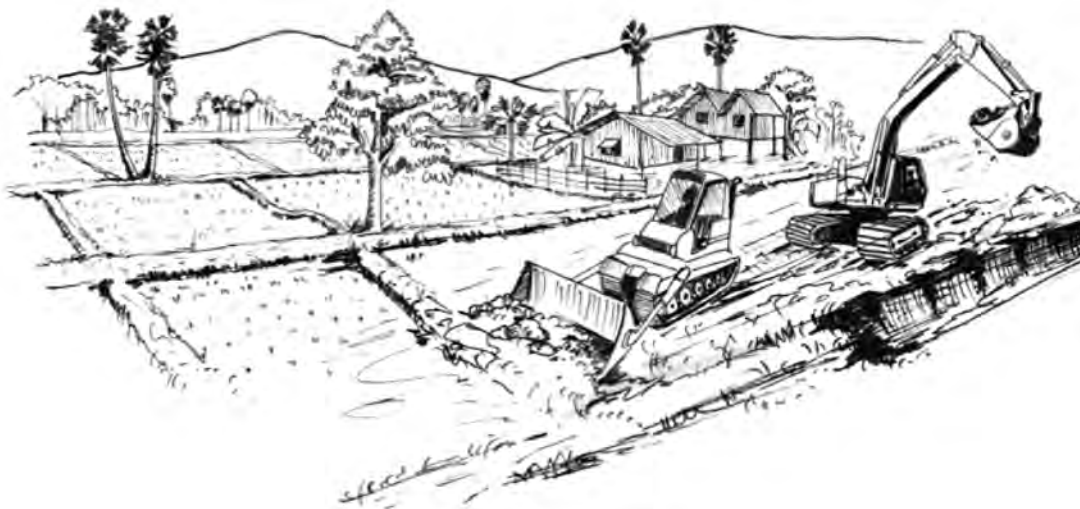
### THE ELC STARTS TO OPERATE

Think back to the case we looked at earlier on identifying the factors involved in an ELC. In that case New Day Agriculture Co. Ltd. had been given an ELC to grow a tree plantation in the area. Now the situation has developed. Below is a summary of what happened next in the case and a description of some new developments in the case.

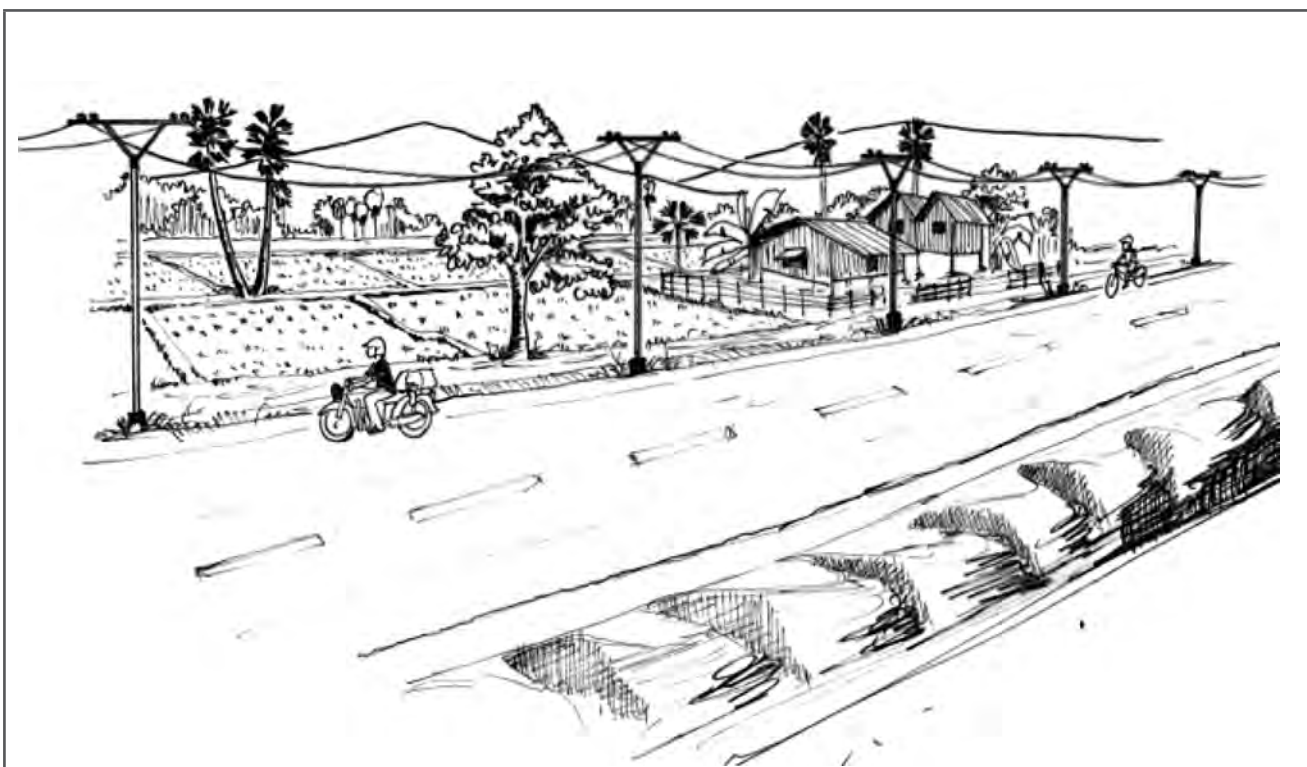
#### New infrastructure developments:



The company has now built some permanent buildings.



The company has started to employ local people to build buildings and clear land.



New electricity lines have been installed and a good road is being built around the ELC.

**Impacts:**



The villagers are starting to experience negative impacts from the company's activities. Some people have lost farmland to the ELC.

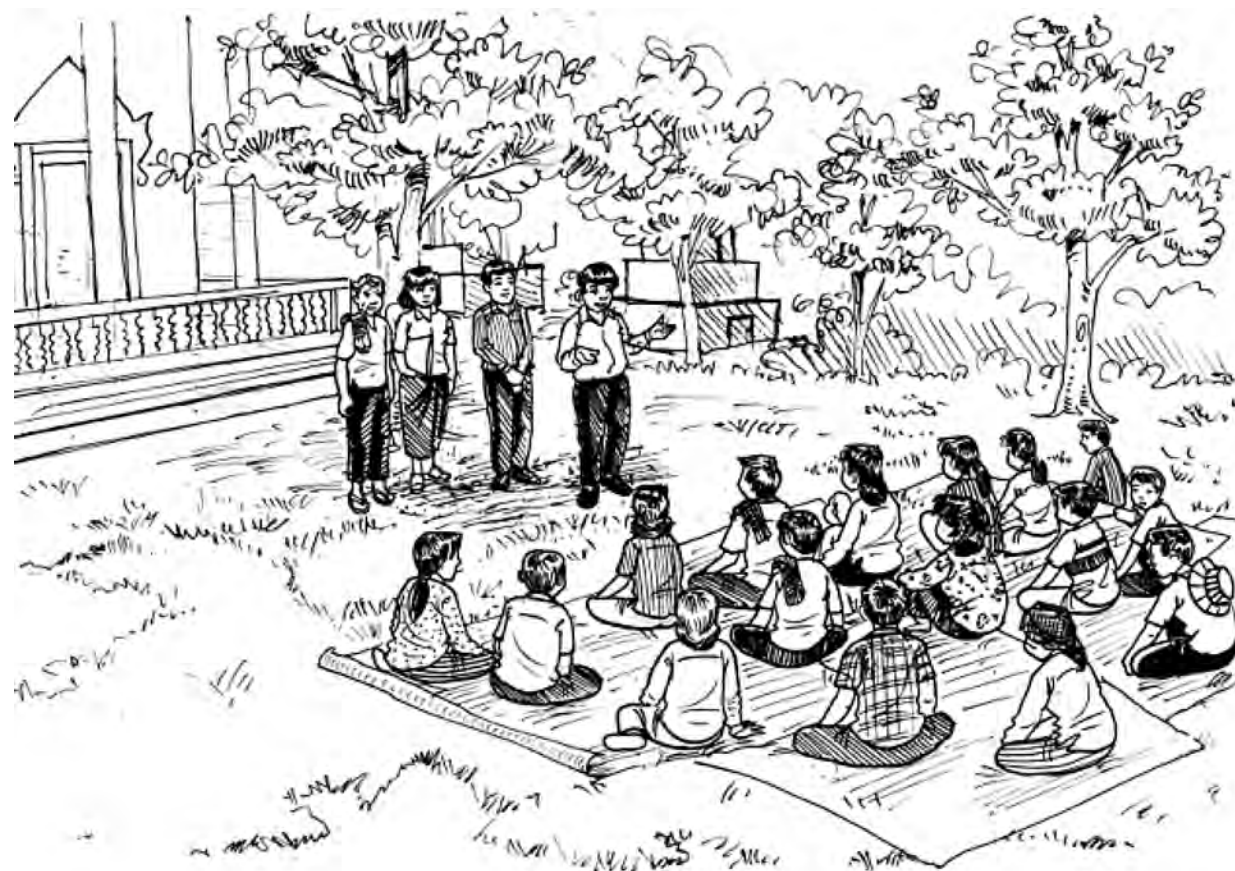


Villagers are not being allowed to travel to the nearby forest to collect forest products as they have done for many years.



Waste from the construction is starting to pollute the local water sources, and now local people have to travel a long way now to get clean water to drink.

**Support from NGO:**



The community has stayed in touch with the NGO Development Rights Cambodia, which offered to help them. The community met the NGO to give them clear information about the case.



## LESSON 14: MOBILIZE YOUR COMMUNITY

**AIM:** Participants will understand the importance of mobilizing their community, selecting representatives, and have a basic knowledge of how to build networks.



**MATERIALS:** Whiteboard or flipchart, markers, 25 wooden chopsticks.

**METHODS USED:** Solidarity demonstration, discussion.

| Procedure   | Time Frame (in minutes) |
|---|-------------------------|
| Step 1 - Community solidarity demonstration                   | 10                      |
| Step 2 - Discussion on building community & network strength  | 15                      |
| Step 3 - Introduce information: 14. Mobilizing Your Community | 25                      |
| Step 4 - Debrief  | 10                      |
| <b>Total:</b>   | <b>60</b>               |

### **Step 1 - Community solidarity Demonstration:**

- Ask three volunteers to stand in front of the class:
  - First, give one chopstick to one volunteer and ask him or her to break it.
  - Next, give another volunteer three chopsticks and ask him or her to break them all at the same time.
  - Next, give the last volunteer twenty or more chopsticks and ask him or her to break them.
  - Ask the participants if they think it was easier to break one chopstick or twenty. Tell them that the chopsticks represent the community. When they work together, each community member strengthens the others and the whole group is stronger.
- Tell participants to keep this in mind during the following discussion and exercise.

### **Step 2 – Small group discussion on building community and network strength:**

- Tell participants to think about what are the weaknesses and strengths in their community that could affect how they respond to an ELC development.
- Take a piece of paper and ask one participant to come to the front and write “Building Community & Network Strength” on the top of it. Stick the paper up at the front of the group.
- Ask participants to think about the different ways that impacted people can build solidarity in their community.
- If participants need some assistance to get them started, ask them:
  - What might be the easiest way to organize the community when they are making decisions about what to do?
  - What might be the easiest way to document all the activities that the community would like to do?
  - What things could they do to build awareness and greater organization in their area about the ELC company’s activities?
- Then ask participants to think about which different types of organizations would be able to assist them.
- Then ask participants what specifically they could ask these organizations to assist them with.
- As participants answer, you should write their ideas down on the board or flipchart. You may ask a participant to help you with this if you want.

## Suggested Answers

There are many things that the community could do to get organized and mobilize to take action. For example:

- The community should create and implement a plan for gathering information on the land and the people who live, farm, fish or work there.
- The community should create and implement a plan for gathering information on the company and the project.
- The community should create and implement a plan for gathering information on any impacts caused by the project.
- This information should be collected and kept safe, and shared among the members of the affected community.
- The community could select strong representatives to help them implement the plans and communicate with outside people and organizations.
- Regular community meetings should be held to share information, raise concerns and make plans for future advocacy.
- The community should try to hold meetings with other nearby affected communities.
- They may also try to make contact with a community network or NGO network working on these issues.

### Step 3 – Introduce the information:

## 14. MOBILIZE YOUR COMMUNITY

In cases where people have successfully challenged displacement and harmful development practices, they have been active, organized and worked together as a community. For example, documenting activities should be shared among community members. If people plan and work together to collect this information, the process can be a good way to unite people and encourage them to become active.

### 14.1 SELECTING COMMUNITY REPRESENTATIVES & MAKING PLANS OF ACTION

There are many other ways to unite your community. First, it can be useful for the whole community to select trusted community representatives. Some communities choose to elect several representatives and change them from time to time – sometimes every year or six months.



Election of community representatives

When electing representatives, first inform community members about the process of voting for the representatives and the purpose of selecting them. You should aim to have at least three representatives in a community and, if possible, more than this. People often have a good idea as to who should be appointed so it should not be too difficult to identify potential candidates. They should have honesty and integrity, be respectful and patient and be prepared to work hard.

At this stage the community should also organize its structure and decide who will be responsible for different actions. This should be confidential for the security of the community representatives. It should only be known to the key people.

Often the community and the elected representatives develop a plan of action together. The plan of action should clearly describe the outcome the community would like to achieve, and it should also identify the activities the community needs to do and who will be responsible for these activities.

The role of the community representatives in these cases is not to tell people what to do, but to listen to community members and help to organize and unite the community to create and implement a community plan of action together.



If a community wants to talk with a lawyer or NGO for advice, the representatives may be the best people to contact and meet them. If a community is granted a meeting with authorities or the company, the representatives may be the best people to join this meeting.

It is also very important to have regular community meetings to share information and discuss advocacy strategies. These meetings are important because they give representatives the opportunity to get the opinions, ideas and agreement of the rest of the community before they take any action. Representatives should always consult with their community and get their agreement before taking action.

It is important to hold regular meetings, but you may also need to call emergency meetings from time to time if the situation develops (for example, if someone is given an eviction notice, or the company starts to clear land).

## 14.2 TALK WITH OTHER COMMUNITIES

There are many communities around the country that have been affected by ELCs. If you are impacted by an ELC, it is probably true that communities near you are also impacted. By talking with them you may be able to learn more about the impacts of ELCs, and what strategies were successful or not in trying to reduce these impacts.

There are several community networks working in Cambodia to support communities negatively affected by development activities, including ELCs. They may be able to share useful experiences with you. You may also be able to share experiences that are helpful to your neighbors.

If you are able to gather useful information on a company or project you should share this with your community and with other affected communities. After reading this guide, or joining a workshop on it, tell other people what you have learned!



## 14.3 BUILDING NETWORKS

When communities have help from outside they can become even stronger. When people from different communities and areas start to organize around the same issue they become a network. In Cambodia there are community networks and NGO networks. Both of these may be able to support a community threatened by an ELC. Networks operate well when members share information and provide support to each other.

It is useful for community networks to have people from different backgrounds and with different skills. For example, some people may be better at developing strategy than others; some people may be confident and strong speakers; and others may have good contacts with an NGO or with authorities. There are some activities that you may need to seek help from experts with, for example soil and water testing. In this case it may be good to have connections to NGOs with those skills.

When you are thinking about building networks and working with non-governmental organizations, it is important to remember the following:

- *Communities should always remain in control* of the decision making process about what activities to do and how they are done. This is particularly important if a community uses a network partner to access the media. The media message must reflect the communities' opinions and requests.

- *The community should have responsible representatives* to help implement the community plan of action and manage relationships with networks and/or NGOs. Representatives should consult with community members regularly before taking any action on their behalf.
- *Community members should have clear roles* – As activities related to the ELC increase, the community will need to be organized, with community members having clear roles about what they are responsible for doing.
- *Requests for help should be specific* – If your community feels like it needs help, you may want to request support from an outside group. Remember that specific and detailed requests for help are much more effective than a general request for help.
- *Make sure you have regular and clear communication with network partners* –The networks should understand very clearly the expectations of the community and they should regularly check with the community representatives that what the network is doing is what the community wants. They must also give regular updates about what they are doing on the community’s behalf.

#### **Step 4 – Debrief**

- To debrief the lesson, ask the participants to look at the different answers that came up during the lesson. You should have many different ideas for how to build strength within the community, and what type of organizations and networks the community would like to contact to seek assistance.
- Ask them if they think that these strategies are achievable for Cambodian communities affected by ELCs. Ask them what they think are the biggest barriers stopping communities from becoming organized. Ask how these can be overcome.

## LESSON 15: WRITING LETTERS AND PETITIONS

**AIM:** Participants will share their ideas about different actions communities can take if they feel threatened by an ELC, and they will also learn new strategies. Participants will discuss advocacy techniques and learn what to include in a petition or letter.



**MATERIALS:** Whiteboard/flipchart, markers.

**METHOD(S) USED:** Brainstorm, discussion, petition writing.

| Procedure  | Time Frame (in minutes) |
|--|-------------------------|
| Step 1 - Brainstorm  | 10                      |
| Step 2 - Introduce information: <b>15. Writing Letters and Petitions</b> | 20                      |
| Step 3 - Petition writing exercise                                       | 20                      |
| Step 4 - Feedback and discussion   | 10                      |
| <b>Total:</b>  | <b>60</b>               |

### Step 1 - Brainstorm:

- Ask the participants to think about their community's current situation and if they feel threatened by an ELC. If they are not currently affected by an ELC, they can think about a community they know of, or the community in the pictures in Lessons 11 and 13.
- Ask participants to suggest possible advocacy strategies that affected people may be able to use in this situation. Write them down on the whiteboard or flipchart.
- After 20 minutes, stop the participants and review the answers that they gave. Some of these actions may show ways to engage with the authorities and the company, while others may be more public actions, like a demonstration.

## Step 2 - Introduce information:

### 15. WRITING LETTERS AND PETITIONS

An important step in any advocacy is to make private and quiet communications with the implementers and with authorities by engaging with them one on one. Maybe the company is not fully aware of the impacts that its project is having on your community, and private discussions may be able to help resolve some issues. It could also be the case that in order to protect their reputation a company or the authorities would prefer to solve a dispute quickly and quietly without it becoming a big story. Quiet and private advocacy could help you in this situation. Also some activities may make people angry, and therefore less willing to help you. This is another reason why it is often best to try the informal, less confrontational methods first. This approach gives the best chance of developing a good relationship with authorities and implementers, and the best chance that you will not need to use more confrontational approaches, like court complaints, or public forms of advocacy later on.

However, if your private discussions do not help improve your community's situation, you may then decide to try to get a lot of public attention to your case.

The activities listed below are a range of activities you can consider doing to directly engage with the authorities and/or implementers to try to improve your community's situation.

Some of these actions may be difficult to do on your own, and you may need help. However, it is best if community members themselves can assess what assistance they will need, and then they can approach others (such as NGOs) for specific help.

#### 15.1 LETTERS OF COMPLAINT AND PETITIONS

Writing a letter of complaint or a petition is a good way of showing that you are concerned. If you can gather thumbprints or signatures from many people within your community it shows that your community is organized, and you are not the only person or community that is upset. In that letter or petition you can request a meeting with authorities to discuss your concerns.

If you are not able to access your local authorities or company officials, you may decide to send a petition to provincial and then national authorities or company offices.

It is not illegal to collect thumbprints for a petition as long as:

- the petition does not call for anything which is illegal;
- you are honest about the contents of the petition; and
- everyone who signs the petition does so freely.







You may send letters of complaint as an individual, as a whole community, or as a group of communities. Some examples of people who you may want to contact include:

- Local Government authorities such as Commune Council officials
- The local, provincial and national offices of the Ministry of Agriculture, Forestry and Fisheries (MAFF)
- The company at their local, Phnom Penh and/or international office (if they are foreign)
- The local office and/or headquarters of the bank that finances the company
- The National Authority for Land Dispute Resolution
- The Ministry of Interior
- The Senate Human Rights Commission
- The Embassy of the country where the company comes from (if the company is foreign)
- The Office of the Prime Minister



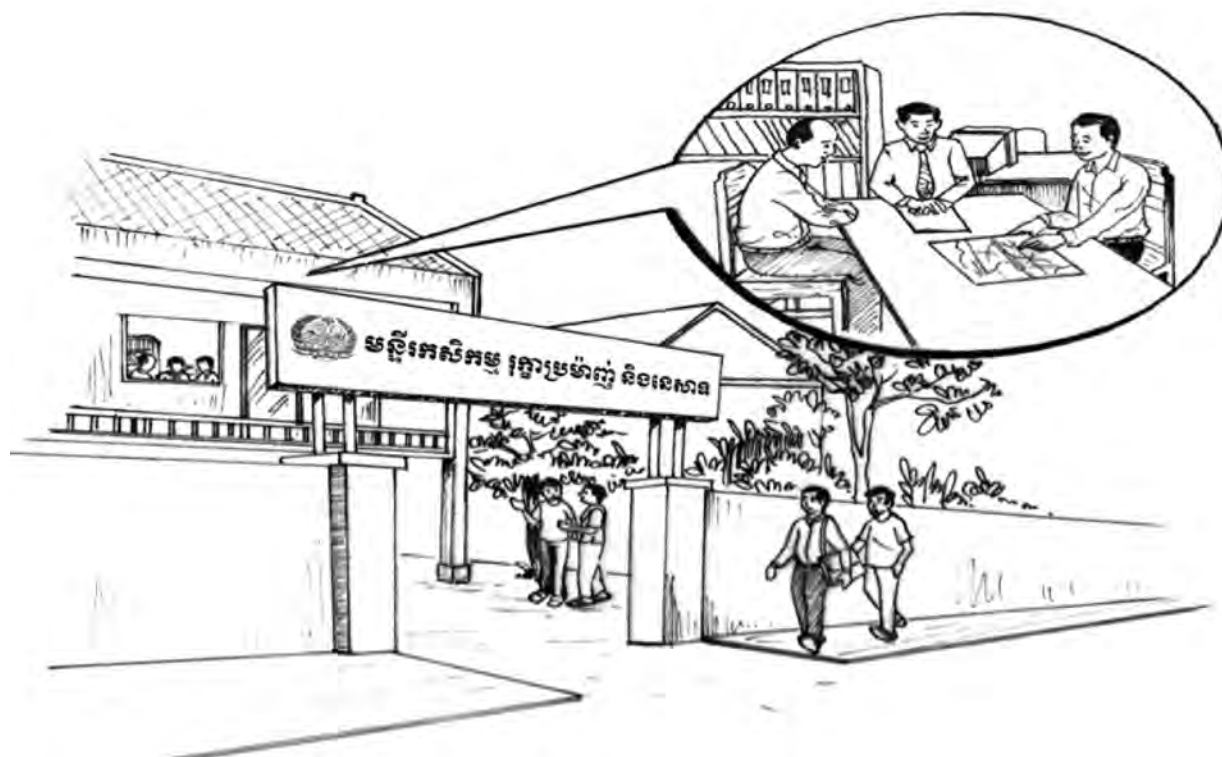
## WHAT TO INCLUDE IN A COMPLAINT LETTER OR PETITION

It is up to you and your community how you draft your letter of complaint or petition, but you may want to think about including these points:

- Names of the people, officials or company who are involved in the case.
- A brief explanation of the situation.
- A description of the affected area. For example, where it is, what size it is and what the land is currently used for.
- Who lives in the area and how long they have been there.
- References to the law, if you know a particular law has been or will be violated.
- Descriptions of actions, positive or negative, already taken by the authorities.
- A brief list of all the other things you have done to try to solve the dispute.
- A list of actions you would like the authorities/company to do or not do.
- Thumbprints of each person who agrees with the concerns detailed in the petition.

You can also attach the following documents to your letter:

- Copies of any documentation/photos, etc., that supports your land claims.
- Copies of any important letters or documentation about the situation to or from government authorities or the company.
- Copies of any documents showing commitments made by the company/authorities to the community.



Community representatives take a petition to MAFF



Community representatives hand over the petition to the officer at MAFF

If you send a letter or petition to the authorities and any supporting documentation, always keep the original and send a copy to the authorities or company.

When you deliver the petition, give the person receiving it a piece of paper saying that they have received it and ask them to sign their name, and write down their phone number and the date. If you get no response, later you can contact the person who received the petition to make sure that it was given to the person you sent it to.

### **Step 3 – Petition and letter writing exercise**

- Ask the participants to imagine again that they are the community affected by the New Day Agriculture company from the case study in Lessons 11 and 13, or they can think about their own experiences.
- Provide copies of Handouts 15.1 and 15.2, which have examples of a petition and a complaint letter.
- Explain to the participants that they are now going to practice preparing how to write a petition or a complaint letter to give to officials from the company and local government authorities.
- Divide the participants into groups of five people each. Half of the groups will do the petition and the other half the letter. Give every group a sheet of flipchart paper and ask them to discuss as a group what type of things they would like to include in their document. They should make notes on the paper.
- The participants do not have to write an actual letter or petition as this may take too long. They can just discuss the objective of the action and what they would include if they were involved in this case.

### **Step 4 - Feedback and discussion:**

- After 20 minutes, bring the participants back together and briefly discuss what types of things the different groups would include in their documents. There is no single correct way to write a petition, as each case is different. However, some suggestions for what to put in a petition include:
- Next, ask participants what they think the next step could be if they get no positive response from the petition. Or, if they do get a positive response, how can they build on this?
- Ask participants to summarize several other advocacy methods that may be available to communities who are impacted by ELCs.

## HANDOUT 15.1

### EXAMPLE PETITION TO MAFF REQUESTING INFORMATION

#### PETITION

We Cambodian citizens, respectfully request that His Excellency the minister for Agriculture, Forestry and Fisheries, shares with affected communities in \_\_X\_\_ details about proposed ELC activities. We note that the Sub-decree on Economic Land Concessions states that ELCs may only be granted on land which has been subject to EIA and public consultations.

It is very important for our community to know what *(Name of company)* company plans for our area, *(Village(s) name(s))*, *(Commune area name)* Commune, *(District area name)* District, *(Province name)* Province.

We have lived peacefully in this area since 1999, and fear that the planned ELC will lead to loss of land, and will negatively impact on our livelihoods. We would be grateful for the opportunity to discuss this issue with relevant authorities as soon as possible.

Thank you kindly for any assistance you may be able to provide us.

Phnom Penh, Day.....Month.....Year.....

#### Petitioners

| N <sup>o</sup> | Name | Sex | Age | Province/ city | Thumb Printed |
|----------------|------|-----|-----|----------------|---------------|
| 1              |      |     |     |                |               |
| 2              |      |     |     |                |               |
| 3              |      |     |     |                |               |
| 4              |      |     |     |                |               |

## HANDOUT 15.2

### Example of Complaint letter

Here is an example of a complaint letter that one community threatened with eviction sent to the National Authority for Land Dispute Resolution:

**Kingdom of Cambodia  
National Religion King**

#### Complaint Form

We are the people, and representatives of the people, living in.....  
Phnom Penh.

**Attention to**

**Excellency Bin Chin, President of the National Authority for Land Dispute Resolution**

**Objective:** To complaint concerning on notification No.....dated...../...../....., issued by Phnom Penh Municipality and .....company.....which grabbed the legal private land of people in.....

**Reference:**

- Notification No.....dated...../...../....., issued by Phnom Penh Municipality.
- Article 29, 30, 31, 38, 42, 235, Land Law 2001.

Regarding to above subject and reference, we would like to inform His Excellency that: we are being oppressed by.....who forced us to leave from our houses and this violated our legal rights on land. We have lived legally here since 1983 and many people bought and sold their land with recognition from local authority, who witnessed and signed the rights transfer document. Moreover, we have the receipt issued by Phnom Penh cadastral office in..... In addition, we have some documents showing our residence since.....such as living books, family certificates, identify cards, voter cards and construction letters.

We have applied for land title but the authority did not take any action in issuing the titles for us until we filed a complaint to National Cadastral Commission and then National Cadastral Commission issued a letter dated...../...../.....to Municipality Cadastral Department to launch an investigation. But, since that first investigation, there was no more progress.

Since 1983, we never had any problems living in the area and nobody ever claimed that our lands belonged to either a company or to the state (state public land). Until one day, ...../...../..... District Hall issued a notification NO.....asking people to move to a relocation site; in Traparng Anjarch village, Traparng Krasung commune, Dang Kor district, Phnom Penh capital, in order to beautify and develop Phnom Penh and ensure that law is respected. The people kept complaining until the Municipality of Phnom Penh issued an administrative letter, dated on.....2009, as a final notification which accused people of being living on the land of .....Company and on the street as state public property.

In the past, when people met with the representative of Municipal of Phnom Penh, the municipality authorities never showed any document to clarify that the land is the state public property or company land, it only made verbal statements. When we asked for the document, the Municipality of Phnom Penh never provided it.

We all already filed this complaint with the Cadastral Commission and the National Authority for Land Dispute Resolution, but there was no decision. Currently, our land dispute is in the resolution process of the Cadastral commission and there is no any decision yet. So, the judgment of Municipality of Phnom Penh itself; which claims that the land belonged to.....Company and the State, by issuing the final notification to order the people to move from their house; infringes on the jurisdiction of Cadastral Commission and National Cadastral Commission for Resolution of Land Disputes.

As mentioned above, we would like to ask His Excellency to make immediate decision to postpone the forced implementation of the Phnom Penh Municipality of notification No....., dated.....2009 issued by Phnom Penh Municipality until there is a final decision from Cadastral commission, National Authority for Land Dispute Resolution and the courts.

Please accept our high and sincere respect.

Phnom Penh, date...../...../.....  
Thumbprints of .....Representatives

**Attachment:**

The complaint to His Excellency President of National Authority for Land Dispute Resolution dated...../...../.....

Receipts of Houses Statics issued by the Phnom Penh Cadastral Office, dated...../...../.....

The final notification No.....

Land occupation documents of the people

## LESSON 16: MEETINGS AND NEGOTIATION

**AIM:** Participants will think about how to prepare for a meeting with authorities or implementers of an ELC project. They will also think about how they can negotiate with authorities and file a legal complaint.



**MATERIALS:** Whiteboard/flipchart, markers.

**METHODS USED:** Role-play, discussion.

| Procedure  | Time Frame (in minutes) |
|--|-------------------------|
| Step 1 - Introduce information: <b>16.1 Meeting Government and Company Officials and 16.2 Negotiation.</b> | 20                      |
| Step 2 - Groups prepare presentations  | 20                      |
| Step 3 - Groups perform presentations  | 20                      |
| Step 4 - Debrief   | 10                      |
| <b>Total:</b>  | <b>70</b>               |

### Step 1 - Introduce information:

#### 16.1 MEETING GOVERNMENT AND COMPANY OFFICIALS

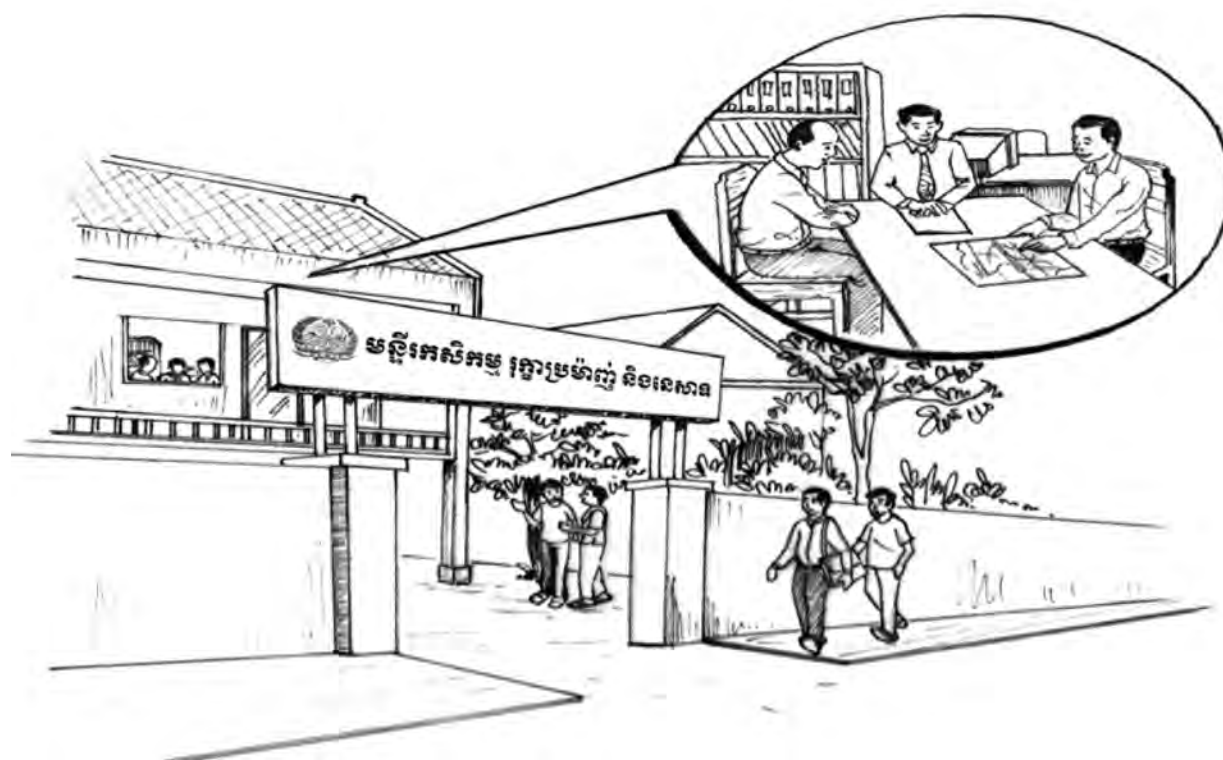
A personal meeting is the only way to make the authorities aware of your concerns. If you arrange a meeting with an official, you should first prepare for the meeting so that you will be ready to explain the facts of your case, and how you and your community would like the problem to be resolved.

Make sure to be clear about what the concerns of your community are, and what you would like to see done to resolve them. If you are representing your community at a meeting with officials, you should arrange a community meeting first to discuss and agree on what you will say on behalf of the community.

If your community has drafted a petition or joint letter, it may be useful to take a copy of a petition to the meeting.

It is often a good idea to try to arrange for a group of people from your community—rather than one person alone—to go to official meetings. This helps to ensure that the community's position is well represented, and it makes it harder for any one individual to be pressured. Also, it helps maintain trust and unity within the community when a whole group of community members can report back and share the same story.





It may also be useful to meet with the company. They may not be aware of the impacts that their project is having on your community, especially if they are from outside the area or even another country. If you do get a chance to meet the company, you should prepare in a similar way that you would if you are going to meet an official.

At the local level, officials may live in areas that the ELC activity may impact. It is good to build contacts with people in government. Even if they do not have much influence, they may be able to share information with you or help you get into contact with other decision makers.

If the meeting with local authorities is unsuccessful, you can try to meet with officials at the district or provincial level. You can also try to arrange a meeting with officials in Phnom Penh. It is a good idea to try to meet with your local authorities first because they are more likely to understand the situation in your area.

National and high-level officials usually want to see that you have first met with—or tried to meet with—officials at lower levels. For this reason, save any documentation that can show that you have already met or tried to meet with local officials, such as written requests for a meeting, letters, replies from local authorities or written records of meetings.

## 16.2 NEGOTIATION

Local communities may totally reject plans for some ELCs because they are so harmful, but in some cases they may be willing to negotiate with the company and authorities. It could be that a community is not happy with the way the project is designed but willing to try to discuss improving the design. For example, an indigenous community may be unhappy that an ELC impacts on an area that is sacred to them, and they may want to negotiate with the company to change the boundary and make commitments not to cause any harm to that site. In other cases, communities might decide together that they are willing to give up some land, but want to first negotiate to receive fair and just compensation.



In cases where communities are considering negotiation with a company or local authorities, it can be very helpful to have an independent third party join you, such as a trusted NGO or trusted person who is not affected by the project. If a third party is present, it can help ensure that the negotiation is conducted more fairly.

## Step 2 – Groups prepare presentations

- Explain to the participants that they are going to prepare a presentation as if they are the community in the New Day Agriculture case study. The groups will prepare as if they are presenting either to the company, the local authorities or an NGO.
- Explain that this should be a detailed presentation, and the participants have 20 minutes to prepare.
- The participants should think carefully about:
  - How they will get to the meeting.
  - What documents they will take to the meeting.
  - What they want to discuss in the meeting.
  - What concerns they will raise.
  - What specific actions do they want the company or authorities or NGO to do to address their concerns, and by what date.
  - How they will follow up on the meeting.

## Step 3 - Groups perform presentations:

- After 15 minutes, ask the participants to perform their presentations.
- You should act as the other party – that is a representative of the company, a government authority and an NGO. Some of the participants may want to assist you in this role when it is not their group presenting. Make sure that everyone has a chance to speak.

## Step 4 – Debrief

To debrief the lesson, ask participants:

- Did the community present its case well to the different actors? Did they present good documentation and strong arguments? Did the community get the other parties to commit to taking specific actions to improve the situation, by a specific date? What could the community have done better?
- Before ending the lesson, make sure to explain to participants that the purpose of this exercise was for participants to imagine that they are the affected people, and to practice how to organize for and behave in a meeting with officials and company staff.
- If any of the participants are ever involved in a meeting like this in real life, they should practice in a similar way, so that they are well prepared when the meeting happens.

## LESSON 17: EXERCISING YOUR RIGHTS

**AIM:** Participants will be aware of important steps that they can take to stay safe at demonstrations.



**MATERIALS:** Whiteboard or flipchart, markers.

**METHODS USED:** Group discussion and brainstorm.

| Procedure   | Time Frame (in minutes) |
|---|-------------------------|
| Step 1 - Introduce information: <b>17. Exercising Your Rights</b> | <b>20</b>               |
| Step 2 - Group discussion & brainstorm on peaceful demonstration  | <b>25</b>               |
| Step 3 - Debrief  | <b>10</b>               |
| <b>Total:</b>   | <b>55</b>               |

### Step 1 - Introduce information:

## 17. TAKING ACTION AND EXERCISING YOUR RIGHTS

Often the best way to make contact with the authorities and the company is in private – this way you can try to build trust with them. However, if this action is unsuccessful, you may decide to take legal action or go public with your advocacy. If you decide to go public you can use information that you have already gathered to show how strong your case is.

### 17.1 LEGAL COMPLAINTS

If you feel strongly that a company or the authorities have broken Cambodian law or violated your rights, you may want to file a complaint to the courts. Unfortunately, the legal system in Cambodia is known to be slow and often not fair. However, even if you know that your case is unlikely to succeed, you may still decide to file a complaint to send a strong message. It sends a message to the implementers and authorities that you are ready to stand up for your rights, and it is also useful to show other factors that you are trying to make sure that the law is respected, and that your rights are protected.

You may want to contact a lawyer to represent you or your whole community. He or she can help you understand your legal rights. The lawyer may also be able to give you advice on taking the case to court, meeting with authorities, any negotiations taking place, and what other options you have.



Unfortunately, a lawyer's fees are expensive, and it may be difficult to find a lawyer who is willing or able to represent you. In that case, it may help to contact a legal NGO. An NGO may be able to provide advice or help you to find a lawyer at no cost, or at a reduced cost.

If you know that the company involved in your case is foreign, it may be possible to file a legal complaint in their country. You may need to get assistance from an organization to find out about the laws in the country of that company.

## 17.2 PEACEFUL PUBLIC DEMONSTRATIONS

The right to assembly means that people have the right to meet peacefully without others stopping them. This means that government officials and company employees cannot stop people from meeting peacefully without a very good reason. This right is protected by Article 41 of the Constitution of Cambodia. The Constitution also says the law should protect the right to strike and non-violent demonstration.



## The Constitution of the Kingdom of Cambodia

**Article 37:** The right to strike and to non-violent demonstration shall be implemented in the framework of a law.



There are limits to the right to assembly - all meetings must be peaceful and people should not act violently or in any other way that breaks the law.

Communities involved in land conflicts have used the right to assembly to gather peacefully outside government buildings, such as the Prime Minister's office, the National Assembly and the Ministry of Interior. Demonstrations have also been held outside the offices of companies involved in land disputes.

Sometimes communities that are demonstrating have given petitions and letters about their situation to the government officials or company directors at the same time. People demonstrating can also invite the media to come and report on their protest.

Sometimes demonstrations can anger officials. However, demonstrations do not need to be confrontational. If the community wishes, they can organize a celebration, in the place where they would like to hold the demonstration, with dancing, singing, doing theatre and role-playing. This way the event can attract people to come and watch or participate. The organizers can pass around information or just talk with people and the media about their community's situation. These kinds of events can be a strong way to show you are not interested in causing disorder, and are a good way of attracting media and public attention – while also delivering the important messages about your situation.

## STAYING SAFE AT DEMONSTRATIONS

1. Know the route – Make sure everyone knows the planned route of the demonstration.
2. Know who is participating – Organizers should know who is joining the demonstration. As far as possible, have a list of names and contact info for those participating.
3. Cameras – If possible, try to give some trusted people cameras to document the demonstration. This way you have evidence that the demonstration was peaceful, or if there are problems, you will have evidence of violations.
4. Identify problems early – Organizers may be able to solve problems at a demonstration if they identify them early. If a problem is identified early on it will be much easier to resolve.
5. Form small groups – Participants in a demonstration should form small groups within the larger group. This does not mean separate from other demonstrators - you should stay with the main demonstration – but also stay close to your group members. This way, if something happens you will be able to notice very quickly if a member of the group has gotten lost, or been detained or injured. You can then report back to the organizers.
6. First aid – If possible, try to have people present that have first aid training and assign a group to be ready to respond to health and medical emergencies. You could contact an NGO to help you with this.
7. Have a back-up plan – It is also a good idea to have a back-up plan. If something unpredicted happens, such as very bad weather or the authorities breaking up the demonstration, people should have an alternative place to go to.
8. Think about what you carry with you – Do not bring any valuable possessions to a demonstration, and never carry anything that some people might see as being a weapon.
9. Children and youth – If children and youth are involved in demonstrations, make sure that there is a plan for their security if there is an unexpected problem. If children and youth participate in demonstrations, it is important that they also understand the appropriate way to behave.
10. NGO Monitors – You may want to contact NGOs to monitor the demonstration. This does not mean that they should organize or control the demonstration, but they can be there to observe and record any violations that occur.
11. Lawyers – Try to arrange a lawyer to be available or contactable for your group of people attending the demonstration, in case anyone is arrested and needs legal assistance. Make sure people have the contact details of the lawyer before they attend the demonstration.

## **Step 2 – Group discussion & brainstorm on peaceful demonstrations**

- After you have discussed this information, explain to the group that they will join a whole group discussion on the right to assembly, and how this right applies in Cambodia.
- Try to keep the discussion open and free, but ask participants the following questions:
  - Do you think the right to peaceful assembly is respected and protected in Cambodia?
  - Have you ever been involved in a demonstration?
  - If so, was it helpful to your cause, or did you have any problems after this?
- Ask participants what they think communities can do to organize a demonstration, but also stay safe and avoid problems with authorities. For this part of the discussion you should use the text box "Staying safe at demonstrations" from above.

## **Step 3 – Debrief**

- Ask one volunteer to explain to the group the main points for staying safe at demonstrations and ask if any participants have any questions or comments.



## LESSON 18: USING THE MEDIA

**AIM:** Participants will understand how to use the media as part of advocacy to respond to harmful ELC activities.

**MATERIALS:** Whiteboard/flipchart, markers.

**METHODS USED:** Case summary development, group discussion.



| Procedure   | Time Frame (in minutes) |
|---|-------------------------|
| Step 1 - Introduce information: 18. Using the Media | 15                      |
| Step 2 - Making a case summary for the media        | 25                      |
| Step 3 - Feedback and discussion                    | 15                      |
| Step 4 - Debrief                                    | 10                      |
| <b>Total:</b>                                       | <b>65</b>               |

### Step 1 – Introduce information:

## 18. USING THE MEDIA

It is not illegal to speak truthfully to the media. This is because everyone in Cambodia has the right to freedom of expression. This right is recognized by the Constitution.

### The Constitution of the Kingdom of Cambodia

**Article 41:** Cambodian citizens shall have freedom of expression, press, publication and assembly.



Freedom of expression is very important for a society to function fairly and properly. People must be able to say what they think or believe, without being scared that they will be punished, even if other people, or the government, do not share their opinion.

In some cases you may think that it will help to talk to the media (radio, newspapers or television), but you must be very careful about making this decision. Sometimes the media can misrepresent your story (on purpose or accidentally) and this could be harmful to your situation. If you speak with the media you must be sure that you have a clear idea of what your aim is and what facts you will tell them.



Be sure that you explain clearly to the media that you are looking for a resolution to your problems, and you are not looking for conflict.

If you are talking on behalf of your community, you should first discuss this with other community members. You should agree on whether or not to talk with the media, and if you decide to do so, you should agree together on what you want to say.

If your community wants to approach the media, you could invite a journalist to come to your community. If you talk to the media about your problem, it is very important that you only discuss the facts, and that you speak clearly.

It is even better if you have documentation and evidence to support your statements. For example, if you say someone has built a fence and is clearing your community's land, it is good to take a picture of the fence to give to the journalist, or you could ask them to take a photo or some film of the fence. This supports your statement. Also case summaries are a good way of supporting your claims about the impacts of the project (see in the box below).

If you contact a radio station you might be invited to come to the recording studio for an interview, so you can tell your community's story to people all around Cambodia.



Sometimes it may be safer to ask an NGO to make a statement in the media on your behalf regarding your case. Again you should be careful and make sure that the NGO represents the case the way that you want them to. If the NGO plans to send a letter or explanation of the case to the media, you should check it before it is sent.

## DEVELOPING A CASE SUMMARY FOR THE MEDIA

Media often do not have a lot of time when they interview people or travel to the community to write a story about a situation. This is why it is important to be as prepared as possible for when you discuss your case with the media.

All the information that your community has gathered in the case profile will be very useful in preparing to communicate with the media. The best way to prepare is to make a short case summary of your case profile. A case summary should include all the major points of your case and descriptions of the most important things that have happened. You do not need to repeat all the information in the case file, just a short description of the major and important things that have happened in the case.

The main points of the case summary should include:

- The name of the community, commune, district, province
- The name of the company
- The nationality of the company
- When the company arrived in the area
- What activities has the company already done
- What activities the company has planned to do that worry the community
- How many people are impacted by the ELC, or how many will be impacted
- The main impacts of the company up to now and what impacts you are concerned about happening in the future
- Legal background (you will need a lawyer to develop this)
- Case studies, including photos, video, maps, etc.

Case studies are an excellent way to inform the media of the real life impact that a project is having on the people living in the community. A case study can tell the specific story of one family or one person living in the community, their history and background about their livelihood, pictures and details of the impacts that the project is having on them, the family's opinion and concerns about the project.

The best person or family to use in a case study is one that people can relate to easily. For example, if a woman is used in the case study, women listeners/readers of the media story will understand very quickly about the situation of the women impacted by the project. Similarly, including the situation of young children in the case study will be understood very clearly by listeners/readers that are parents.

## Step 2 - Making a case summary for the media:

- First, ask the participants to imagine again that they are the community affected by the New Day Agriculture company from Lesson 11.
- Explain to the participants that they are now going to practice preparing a case summary, as if they were going to use it with media.
- Divide the participants into four groups to use different parts of the case study to create their summary. Suggested topics:
  - impacts on the environment, such as logging or pollution,
  - loss of farm land and resources, such as by restricting access or from the destruction of the resources,
  - other impacts such as loss of work, threats to make the villagers leave their land
  - what the community has been doing to try to solve the problem – such as meetings, negotiations etc.
- Explain to the participants that they need to imagine one of them will be used as the subject for a case study in the case summary. This means they need to make up some imaginary details.
- Give every group a sheet of flipchart paper and ask them to discuss as a group what type of things they would like to include in their case summary. They should think about what was discussed in the lesson.
- Make clear that the participants do not have to write an actual case summary as this will take too long. They just need to discuss exactly what they would include in the case summary, especially for their case study.

## Step 3 - Feedback and discussion:

- After 20 minutes, bring the participants back together and briefly discuss what types of things the different groups would include in their case summaries. There is no single correct way to write a case summary, as each case is different.

## Step 4 - Debrief:

- Remind participants that journalists are very interested in personal stories of people impacted by development projects like ELCs because it makes it easier for the journalist's audience to understand the situation.
- Remind the participants that it is very important to make sure they only give journalists accurate information. If they are not sure of the facts about a certain issue, they should think carefully before they make statements in public and on record.

- To avoid problems, communities can prepare clear and accurate details about their case before for the journalist arrives.
- Do not share anyone's personal information with the media unless they agree first. Collect all the clear evidence about your community's case, and agree together what message you want to get across to the media.
- You may want to practice by doing role-plays before the journalist arrives. Get some community members to act as journalists and ask the kind of questions you expect to be asked by the real journalist.
- When you decide who will speak to the media, it is good to choose someone with a calm character, who is confident talking in public. It also helps if this is a well-respected figure in the community.

## LESSON 19: PRESSURING A COMPANY

**AIM:** Participants will know how they can take action to put pressure on a company and they will understand why this can be a useful advocacy strategy.

**MATERIALS:** Whiteboard/flipchart, markers.

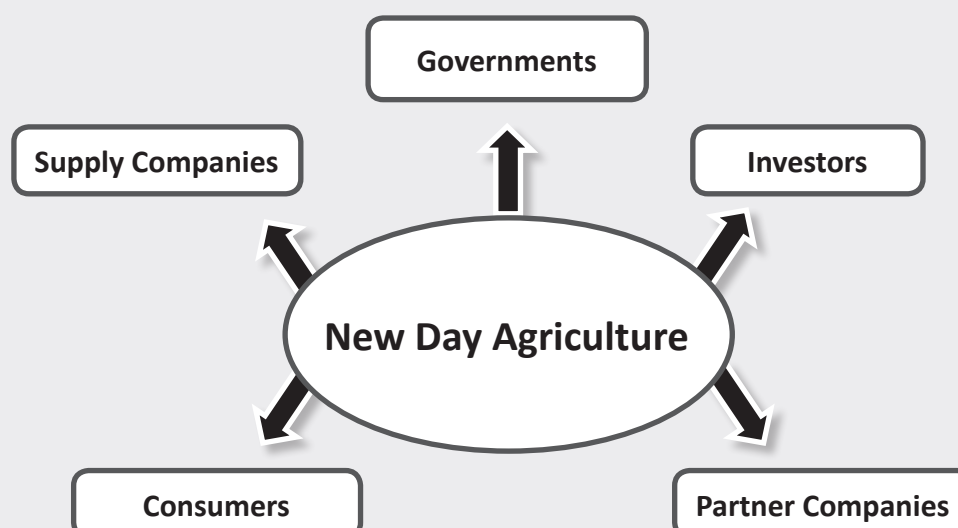
**METHODS USED:** Brainstorm, discussion.



| Procedure  | Time Frame (in minutes) |
|--|-------------------------|
| Step 1 - Discussion on different advocacy actions        | 25                      |
| Step 2 - Introduce information: 19. Pressuring a Company | 15                      |
| <b>Total:</b>  | <b>40</b>               |

### Step 1 – Discussion on different advocacy actions

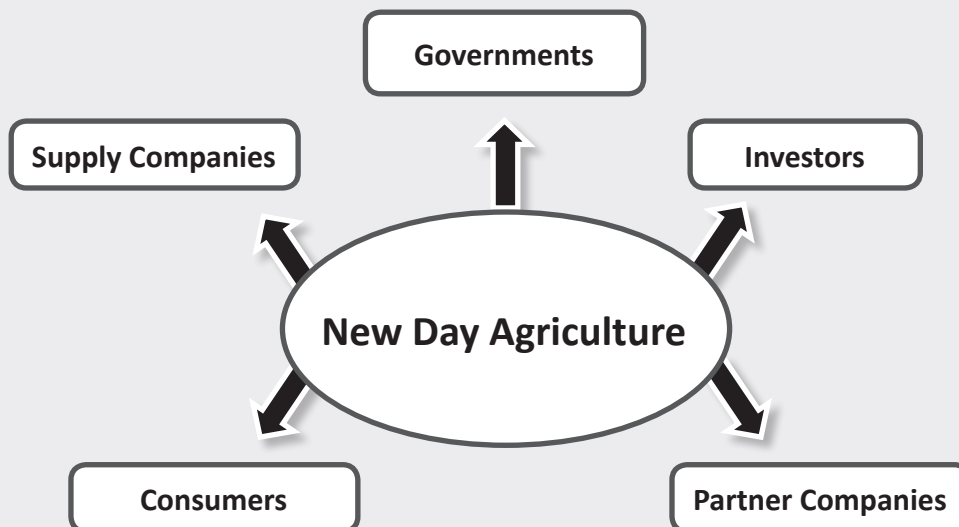
- Tell the participants that they are going to join a large group discussion. Ask the participants to think about the case of New Day Agriculture and to also think about what they have learned in this lesson.
- Then ask participants to brainstorm things they think the company might care about in this case. Write the answers down on a board.
- Then take a piece of paper and draw a circle in the middle of it. In the circle write 'New Day Agriculture Co. Ltd.' Then draw five lines coming away from it:



- Ask the participants to help you write on the board five groups that you can target with your advocacy, in order to pressure the New Day Agriculture.

### Suggested answers

- The answers that should be written around the circle are:
  - Governments
  - Investors
  - Partner companies
  - Supply companies
  - Consumers
- As each one is called out, write them around the circle. As you write each answer, ask the group to tell you why this is important to consider when a community is taking action.
- At the end of the discussion you should have a diagram that looks like this:





## Step 2 – Introduce information:

### 19. PRESSURING A COMPANY

In many cases where powerful people or companies are in conflict with a community, quiet or private action may not result in any positive improvements for affected people. As we discussed in the last section, if this happens it may be time to take public action.

There are several examples of cases where a company has been involved in a project that caused serious harm to the environment or to people, but after this was made public, the company has taken action to resolve the problem. This is sometimes because the company does not want to face legal problems, or may simply be because they want to protect their reputation and the image of the company.

Above all things, companies exist to make money. Companies fear that damage to their reputation will impact how much money they can make. Targeting a company's reputation is important because companies – especially international companies – often care a lot about what people think about their behavior.



Companies do not want to see negative stories about them in the media

If information becomes public that a company is not behaving well, this can cause problems for them. We must remember that the most effective way a community can show that a company is not behaving appropriately is by using evidence to show that the company is:

- Breaking the law of Cambodia.
- Having a negative impact on the lives of community people.
- Breaking the law of its home country.
- Breaking the company's own Code of Conduct.

If you or your network cannot easily find evidence of this - even if there is no legal complaint - the company may still take your concerns seriously because they want to protect their reputation.

Below you can see some ways that action can be taken to pressure a company, or the government in its home country, to take action if a project is negatively impacting people or the environment.

## 19.1 GOVERNMENTS

The government of the country where a company is registered also cares about its reputation. If you are impacted by the project of a foreign company, you can prepare a package of documentation – like a case summary – including copies of letters, fact sheets, photographs of your community and proof of the impacts, and send this to the country's embassy. With this evidence you can ask the government of that country to:

- Put pressure on that company to stop any illegal activity.
- Resolve the current problems.
- Act in a more responsible way in the future.

This action can be very difficult, especially if you do not have English reading and speaking skills. You may need to contact an NGO to assist you with this, and also with making contacts abroad.

## 19.2 INVESTORS

An investor is a person or company that provides finances to a company to develop and operate their projects. If a company plans to develop a very large ELC this will be very expensive, and it may need investors to contribute money to start up. After the project starts to make a profit the investors will hope to get their money back, and ideally make some profit.

If the investors, often from other countries, hear information about the ELC company badly impacting the community, the investor may decide to take their money out of the project or push the company to behave more responsibly.

One kind of investor is a bank. Many banks fund industrial agriculture development. They invest their money in projects like this in the hope that they will make money back later when the project is running and is successful. One kind of investor is a bank. Many banks invest in industrial agriculture developments. Banks, especially from Western countries, often have rules about how they invest their money. One type of rules that a bank makes for itself is a Code of Conduct, which we will discuss below. If a project breaks these rules the bank may stop financing the project or push the company to behave more responsibly.

There are other types of investors, which are bigger banks called 'international financial institutions'. One example of this kind of investor is the World Bank. These investors also have rules about how they invest their money. When these investors break their rules, there is sometimes a complaint mechanism available for you to send a complaint to. However, this can be difficult so you may need to ask an NGO that understands these mechanisms for assistance.

### 19.3 PARTNER COMPANIES

Often big agriculture projects are owned and run by a partnership of two or more companies. Sometimes this can include a local company and an international company. If one company does not react to your actions, the same actions can be used to influence the partner company. For example, if you are ignored by the local company you may have more success by lobbying the foreign partner.

### 19.4 SUPPLY COMPANIES

Companies that sell equipment and supplies to another company are called suppliers. Suppliers sell important equipment to agriculture companies such as fertilizers, pesticides, excavators, and so on.

Sometimes suppliers do not want the equipment they sell to be used in a way that violates peoples' rights. So, if a company does not respond to your actions, you can also target the suppliers of that company.

### 19.5 CONSUMERS

Consumers are the people who buy the products that companies produce. If consumers do not buy the company's product the company does not make money. For this reason, companies care a lot about what consumers think about them.

Sometimes it can be very effective if the affected community can show consumers that they are being impacted by the company making the products they are buying.

#### COMPANY CODES OF CONDUCT

As we discussed above, many big investors and banks have Codes of Conduct. These codes usually say the company is committed to things like protecting the environment, peoples' health, respecting local law and regulations, and avoiding harm to local communities. Therefore, a Code of Conduct is like a set of rules that the company makes for itself.

As an affected community, it can be very useful to know what is in a company's a Code of Conduct. You can then use evidence you gather to show that a company is not following its own code. This can publicly embarrass the company because it shows the public that this company is behaving against its own standards of good behavior. If you want to, you could ask company representatives for copies of their Code of Conduct if they come to your village, or if you know where their company offices are.

## LESSON 20: PREPARING A PLAN OF ACTION

**AIM:** The participants will be able to demonstrate what they have learned by developing a community action plan.

**Materials:** Handout of table

**Methods Used:** Discussion, action plan development



| Procedure                                 | Time Frame (in minutes) |
|---|-------------------------|
| Step 1 – Groups design their action plans | 30                      |
| Step 2 -Feedback                          | 15                      |
| Step 3 - Debrief                          | 15                      |
| <b>Total:</b>                             | <b>60</b>               |

### Step 1 – Developing a plan of action:

- Explain to the group that the final task of this training will be to develop an action plan.
- The participants will think of themselves as members of the community impacted by New Day Agriculture.
- Before the lesson take a sheet of paper and write out the following table:

| Activity | Objective | How will you do this? | What do you need? | Who can support? | When to do each activity? | When to follow up each activity? |
|----------|-----------|-----------------------|-------------------|------------------|---------------------------|----------------------------------|
| 1.       |           |                       |                   |                  |                           |                                  |
| 2.       |           |                       |                   |                  |                           |                                  |
| 3.       |           |                       |                   |                  |                           |                                  |
| 4.       |           |                       |                   |                  |                           |                                  |

- Participants will all work together with the guidance of the facilitator to make a draft plan of action for the community involved in the New Day Agriculture case.
- To review the case, ask participants to explain what has happened to the community so far. If participants need more detail refer them to the handouts provided with Lessons 11 and 13.
- Explain to the participants that their task now is to develop a "Plan of Action" for this community, based on the different advocacy activities they have learned about during the previous lessons.
- Do a quick review of the types of activities the group has already discussed in previous lessons. These include:
  - Documenting information about the community;
  - Documenting information about the company and the project;
  - Documenting impacts of the ELC project;
  - Writing letters and petitions;
  - Meeting and negotiating with authorities and implementers;
  - Legal action;
  - Peaceful demonstration; and
  - Talking with the media.
- Put up the table that you have already prepared and explain that the class will follow this outline for the Plan of Action. Explain the table to the participants:
  - Activity – what things will the community do?
  - Objective – why does the community want to do this activity?
  - How will you do this? – Add more detail, like how long it may take, who will be responsible, etc.
  - What do you need? – What materials, skills or other things does the community need to do this activity?
  - Who can support? – Who can the community ask to provide support, provide materials, skills or other things to help the community to do this activity?
- Explain to the participants that you are going to demonstrate how the plan works by putting one example activity – a petition – into the plan of action. Use the facilitator's guide to the table below or prepare your own example to get the discussion started.
- After you have given this example, tell the participants that it is their turn to design three other activities (not including a petition) in response to the activities of New Day Agriculture.
- These actions can be private (quiet negotiation with the company) or public, such as a demonstration or talking with the media, etc.

| Activity           | Objective  | How will you do this?  | What do you need?   | Who can support?   |
|--------------------|--|--|---|--|
| 1. Make a Petition | Community request authorities and company to meet community, to explain what the company is doing. | <ul style="list-style-type: none"> <li>• Develop a list of all the people who support the petition.</li> <li>• Organize meeting to bring all the people together to discuss what will be said in the petition.</li> <li>• Get thumbprints from all the people that support the content of the petition.</li> <li>• Ask an NGO or lawyer to check the petition, if possible.</li> <li>• Find documents to attach to petition, if necessary.</li> <li>• Deliver to authorities, the local company office and national company headquarters.</li> </ul> | <ul style="list-style-type: none"> <li>• Paper, pens, inkpapad, photocopier.</li> <li>• Transport if you need to travel to different people's homes to collect thumbprints.</li> <li>• Mobile phone to call people.</li> <li>• Access to a lawyer</li> <li>• Someone to coordinate collecting the thumbprints.</li> <li>• Someone to deliver the petition.</li> </ul> | <ul style="list-style-type: none"> <li>• Local NGOs</li> <li>• National NGOs</li> <li>• International NGOs</li> <li>• Lawyers</li> </ul> |
| 2.                 |  |  |   |  |
| 3.                 |  |  |   |  |
| 4.                 |  |  |   |  |

**Step 2 - Feedback:**

- After 30 minutes, ask the groups to come back together to discuss their plans.
- Ask the groups to stick their papers up around the room so that others can see. It may take too long for every group to present all of their actions, so ask one group each to present one action – they should all present a different type of action.
- If there is time you can keep asking for more suggestions.
- Make sure that participants understand that there must always be consultation with the community before plans of action are decided on, approved and implemented. An effective advocacy campaign involves as many people in the community as possible.

**Step 4 - Debrief:**

- Explain to the participants that they have come a long way in the time since they started this training course. Now they can return to their communities to discuss in detail what they can do if they are impacted by an ELC project, or how they can get ready for when an ELC does come to their area.
- Take some time to wrap-up what people learned during the course of the training. You can do this in three parts, following the three parts of this curriculum. Make sure that it is the participants that do this summary, not the facilitator.
- Remind the participants that advocacy must be built on solid foundations. Remind them that good advocacy requires good preparation and research. In order to do strong advocacy you need good, accurate evidence.
- Participants should also remember that a lot of work requires assistance and patience. Remind participants to reach out to other communities, networks and organizations when they need help, but not to give control of their activities to the groups that help them. There must always be consultation with representatives of the community before plans of action are decided on, approved and implemented.

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# DIFFICULT TERMS

## DIFFICULT TERMS

1. **Authorities:** The Government institutions that control whether or not an ELC project is allowed to operate.
2. **Biofuels:** Fuels made from biological products, often plants. Biofuels can be made from waste products, for example the waste products from a sugar cane factory can be used to create biofuel. In some cases, crops such as eucalyptus and palm are grown on a large scale in order to be processed into biofuels.
3. **Code of Conduct:** Internal rules that the company has promised to follow.
4. **Collective property:** If land is collectively owned, it belongs to a group of people instead of one person. For example, indigenous community property belongs to all the members of the indigenous community living or farming there.
5. **Community networks:** A group of different communities that are organized around similar issues. For example, fishing communities may organize together to try and support each other and take action to solve issues and problems that they all share.
6. **Community profile:** A community profile is all the information that you can find about your community, its history and its current situation.
7. **Community representatives:** Individuals that represent the views, concerns and wishes of their community. Community representatives should be honest, trusted and strong. They should be elected and replaced from time to time.
8. **Company profile:** This is all the information that you can find on a company and its activities.
9. **Concessionaire:** A concessionaire is a person or company that holds a concession.
10. **Consumers:** The person or group that buys or uses a finished product. For example, the person who buys a bag of sugar at the market is a consumer of that product.
11. **Contractor:** Companies that the ELC company hires to do specific work for the project such as road construction, building, etc. This kind of company is called a contractor.
12. **Deforestation:** Large scale cutting of trees and forest.
13. **Economic Land Concession (ELC):** A long-term lease to use State land for industrial agriculture. ELCs often cover large areas of land, and can last for many years.
14. **EIA consultants:** A company hired to do an EIA. Companies often hire consultants to conduct EIA reports for their proposed projects.

15. **Environmental Impact Assessment (EIA):** An investigation into the impacts that a proposed project will have on the environment and local communities. A good EIA should cover both social and environmental impacts. The EIA should also contain a plan for minimizing or avoiding any negative impacts.
16. **Fertilizers:** Fertilizers help crops to grow more quickly and be more productive. They can be man-made or natural.
17. **Food security:** Food security means that people have enough food and are not at risk of going hungry. Food security can be improved by improving access to food and making it more affordable.
18. **Implementers:** The people, groups or companies who are actually involved in developing a project.
19. **Indigenous community :** A group of people in Cambodia who share ethnic, social, cultural and economic unity. They practice a traditional lifestyle and have distinct customs and practices.
20. **Indigenous community property:** Indigenous community property is property where indigenous communities have made their homes and where they use traditional methods to farm (Land Law, Article 25).
21. **Industrial agriculture:** Large scale farming that usually involves using modern machinery, chemical fertilizers and pesticides to produce large amounts of a particular product. Sometimes also called "agro-industry".
22. **Infrastructure concessions – Concessions can be granted for developing infrastructure, for example:** generating electricity and building power lines, building roads, bridges and facilities for water supply.
23. **International Covenant on Economic, Social and Cultural Rights (ICESCR):** One of the most important international human rights laws. It protects human rights like people's right to education, healthcare and adequate housing.
24. **Investors:** People or companies that put money into a project and hope to make a profit from their investment. For example, an investor may give some money to help an ELC project start up, and have an agreement that when the company starts to make a profit, a percentage is given back to them.
25. **Mining licenses –** Mining companies can be granted licenses to explore for minerals, and if they find minerals and wish to mine them, they can apply for a mining license.
26. **Ministry of Agriculture, Forestry and Fisheries (MAFF):** The ministry responsible for issues related to agriculture. This includes drafting law, and ensuring that laws related to the agriculture, forests and fisheries are followed. MAFF is responsible for approving and monitoring ELCs.

27. **Ministry of Environment (MoE):** The ministry responsible for issues related to the environment. This includes drafting law, ensuring that laws related to the environment are followed, and also for assessing EIA reports.
28. **Monastery property:** Land and buildings within the grounds of Buddhist pagodas.
29. **Network:** A group of people, groups, or NGOs that are coordinated and organized on a common issue.
30. **NGO networks:** A group of different NGOs that are organized around similar issues. For example, there are NGO networks in Cambodia that focus on land rights, housing and natural resource issues.
31. **Non-lawful occupants:** People who live on or use a piece of land but have no legal rights to that land, because they are not an owner, do not meet the conditions of legal possession, or do not have rights as an indigenous community.
32. **Owner:** Someone with a legal title for their land. Ownership gives a person full rights to a piece of property. Ownership is the strongest right anyone can have over land. It allows the owner to use their land in any way they want, as long as the way they use the land does not break any laws.
33. **Pesticides:** Pesticides are chemicals that kill insects that may eat and damage crops.
34. **Possessor:** Someone who lives on, uses or occupies a piece of land but does not officially own the land by having title – but has lived there since before the Land Law was passed in 2001. The person must meet a number of other conditions, and if they do, they have right similar to those of an owner and also have the right to apply for title.
35. **Private property:** Property that is owned or legally possessed by a private individual or company.
36. **Public interest:** Something that is for the benefit of the Cambodian people because it will help them improve their standard of living, provides an important service, or keeps them safe. The Expropriation Law sets out a number of public infrastructure projects that may be classed as public interest.
37. **Public participation:** A key part of the EIA process. Public participation means that, before the project is approved, potentially affected people are fully informed about the planned project; have access to information and documents; opportunity to share their concerns and opinions; and have their concerns documented in the final EIA. The voice of affected people should be listened to and taken into consideration when the decision is made whether or not to approve a project.
38. **The right to assembly:** The right for people to meet peacefully without others stopping them.

- 39. The right to freedom of expression:** The right to speak freely and to receive information. Freedom of expression is very important for a society to function fairly and properly. People must be able to say what they think or believe, without being scared that they will be punished, even if other people, or the government, do not share their opinion.
- 40. Social Land Concessions (SLC)** – A social land concession is a concession granted to people who are landless or do not have enough land. This type of concession can be used to grant residential or agricultural land to the poor.
- 41. Special Economic Zones (SEZs)** – An SEZ is a special area designed to make it easier for companies to do business. In an SEZ laws may be different to the rest of the country, for example, companies may get special tax rates if they set up an SEZ. The idea behind this kind of agreement is to encourage people and companies to invest and do business.
- 42. State private property:** Property that belongs to the State but is not State public property, because it is not available for the public to use or does not provide a service to the public. If State public property loses its public interest use, it can be transferred to State private property.
- 43. State public property:** Property that belongs to the State but is available for the public to use or provides a service to the public. This may be property of natural origin (e.g. lakes and forests), property for public use or service (e.g. railways, roads and public parks), and archeological and historical sites.
- 44. Supplier:** Companies that sell equipment and supplies to another company.
- 45. Sustainable Use Zone:** Under the Protected Areas Law, all protected areas should be classified into different types of zone. One type is a Sustainable Use Zone. This is the only part of a protected area that can be developed, and should only be done if the project serves the purpose of "management and conservation of the protected area" and contributes to improving the standard of living of local people.
- 46. Tourism concessions:** Concessions granted to develop tourism sites.
- 47. Transparency:** Transparency in government and business means that things are done in a way that is open, and free from corruption. For example, for the ELCs to be transparent, it must be clear how much a company must pay for an ELC, and clear how much tax a company has to pay. It must also be clear where the money goes after it has been paid. Access to information is an important part of transparency. People need access to information in order to see that the law is being followed and that companies and Government are respecting their obligations.
- 48. United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP):** The Declaration recognizes the right of all indigenous peoples to be free from discrimination, to practice their religious traditions, manage their land according to their customs, and to be involved in the decisions that affect their lives. Although the Declaration is not law it is an important international document, agreed upon by most nations, that recognizes indigenous peoples' rights.

## Post Test Question

**Note: Please answer questions by ticking (✓) the box that you think is the most correct answer. Only tick one for each answer.**

### Economic Land Concessions and Communities

#### Lesson 1: What is an Economic Land Concessions?

##### 1. What is an ELC?

- ELC is a long-term lease to use state public land (no longer than 99 years) for industrial agriculture.
- ELC is a granting land to the people to live.
- ELC is a long-term lease to use state private land (no longer than 99 years) for industrial agriculture.
- I don't know or no comment.

##### 2. What is concessionaire?

- A person who provides concession to company.
- A company which was granted land concession.
- A company which has environment impact assessment skills.
- I don't know or no comment.

##### 3. Who is responsible for granting ELCs?

- Ministry of Agriculture, forestry, and fisheries.
- Ministry of Environment.
- Ministry of industry, Mines and Energy.
- I don't know or no comment.

#### Lesson 2: Industrial Agriculture

##### 4. What is industrial agriculture?

- A type of farming that is usually small-scale or traditional agriculture.
- A type of farming that is usually large-scale and uses modern machinery, chemical fertilizers and pesticide to produce large amounts of a particular product.
- An industry formed by creating a garment factory.
- I don't know or no comment.

### 5. What types of industrial agriculture is grown in Cambodia?

- Marijuana, corn, maize, cassava, acacia, teak tree, cashew, sugar cane, rice, palm and castor oil and rubber.
- Corn, maize, cassava, acacia, teak tree, cashew, sugar cane, rice, palm and castor oil and rubber.
- Opium, Corn, maize, cassava, acacia, teak tree, cashew, sugar cane, rice, palm and castor oil and rubber.
- I don't know or no comment.

## Lesson 3: Potential Benefits and Risks of ELCs

### 6. What are potential benefits of ELCs?

- New infrastructures, new services and cheaper food.
- The communities can get free housing.
- The government can raise a lot of money through renting the land to the company.
- I don't know or no comment.

### 7. What are potential negative impacts of ELCs?

- Environment pollution and negative impact on people.
- The government lost the land.
- The government lost income.
- I don't know or no comment.

## Lesson 5: Environment Impact Assessment (EIA)

### 8. What is an EIA?

- Is an investigation that looks at all the potential positive and negative impacts of a project and results in a report.
- Documents that talk about how to reduce the negative impact on people.
- Documents that talk about how to reduce the negative impact on environment.
- I don't know or no comment.

### 9. Why is it important to conduct an EIA process?

- Because people can get knowledge of the law.
- Because this gives affected people the chance to ask for compensation from the company.
- To make sure how the concession will affect the people and environment, and help to avoid or limit any negative impact.
- I don't know or no comment.

## Lesson 6: The Role of the Community in the EIA Process

### 10. What does public participation mean?

- It means that the people who are affected have a chance to participate in an EIA process and know what is happening with their community.
- It means that people can participate in the public meeting about that EIA.
- It's a normal meeting.
- I don't know or no comment.

### 11. Before improving any project, what should the people affected by the ELC get?

- The people will get a lot of money from the government.
- The people are fully informed about the impact of the ELC and have access to documents such as draft project plans and draft EIAs, and the final document.
- The people will get a very good house from the concessionaire.
- I don't know or no comment.



# Economic Land Concession and the Law

## Lesson 7: Classification of land in Cambodia

### 12. How many kinds of land was defined in Cambodia? What are they?

- There are three main kinds of land such as state property, private property and collective property.
- There are five main kinds of land such as state property, private property, company property, monastery property and collection property.
- There are two kinds of land such as state property and private property.
- I don't know / No comment

### 13. What kind of land can be possessed?

- State public property.
- Collective property.
- Any land that was not a kind of state public property, collective property, private property and must be possessed before the law is passed.
- I don't know / No comment.

### 14. What is the collective property?

- A property that is owned or possessed by a private individual or company.
- Is owned by a community, not just one person.
- Is a state property which is owned by the government.
- I don't know / No comment.

## Lesson 8: Where Can ELCs Be Granted?

### 15. According to land law 2001 what kind of land can the government grant an ELC to?

- State private property only that can grant ELC.
- State public property.
- Any kind of land.
- I don't know / No comment.

### 16. Which law that protect indigenous people's rights?

- Have no law to protect them.
- Fisheries Law.
- Land law 2001 and forest law.
- I don't know / No comment.

## Lesson 9: Limits on ELCs

**17. Under the law, what must the company do before being granted ELC by the government?**

- No condition, just have money is enough.
- Create a lease with the state to do the development.
- The company must conduct an EIA first.
- I don't know/No comment

**18. According to the Law, how big is the land for which an economic land concession can be granted?**

- Size 15,000 hectares and 96 years.
- Size not more than 10,000 hectares and 99 years.
- Size not more than 20,000 hectares and 99 years.
- I don't know / No comment.

## Lesson 10: What Must Happen After an ELC Is Granted?

**19. What should the company do after it gets a license for ELC?**

- The company must not block public land, must follow the ELC contract and legal document on Environment.
- The company can clear people's land as much as they want.
- The company does not need to respect the law and ELC contract.
- I don't know / No comment.

**20. Why must there be an ELC logbook?**

- Because it makes people demand a lot of compensation from the company.
- To protect the company's benefits.
- Because the government and the public can be aware of where the ELCs are and can check if they are following the law.
- I don't know / No comment.

## Taking Action

### Lesson 11: Who is involved in an ELC project?

#### 21. Which bodies are involved in an ELC project?

- The authorities, the implementers, affected people and others.
- The authorities, company, NGOs and people.
- The company and affected people.
- I don't know or no comment.

#### 22. Which authorities are involved in ELC project?

- Ministry of Agriculture, Forestry and Fisheries, Ministry of Environment, local authorities and foreign governments.
- Ministry of Agriculture, Forestry and Fisheries, Ministry of Environment and foreign governments.
- Ministry of Agriculture, Forestry and Fisheries and the government.
- I don't know or no comment.

### Lesson 12: Collecting Information and Documentation about Your Community's Situation

#### 23. What kind of document related to your land can be collected?

- It's not important you just claim that you are the owner.
- Ask your neighbors to provide the information.
- Documents which prove you are the owner of the land and documents which show how long you have lived on the land.
- I don't know or no comment.

#### 24. What are the documents you should keep as evidence to identify your land?

- Photography of the land, marriage certificate, and living certificate.
- Photography of the land and any buildings, birth certificates and family books showing how long you have been living on the land and copies of any electric, water, or other utility bills you paid, document from the purchase or transfer of the land, ID card and voter register cards.
- ID card and voter card that enough.
- I don't know or no comment.

## Lesson 13: Collecting Information and Documentation about a Project

### 25. What information related to an ELC project should you collect?

- The information on negative impacts on people and the environment and illness to people and animals that you can show is directly caused by the ELC, such as sickness from chemical and pollution on soil and water.
- The information provided by a company and the authorities.
- The people don't have rights to collect the information.
- I don't know or no comment.

### 26. How can you collect this information?

- Request the information from the company.
- Request the authority to help in collecting the document. .
- Note-taking, photographs or video, drawings and maps, official requests for information, unofficial information gathering and internet searching.
- I don't know or no comment.

## Lesson 14: Mobilize Your Community

### 27. What is community mobilizing?

- Just a group of people.
- Just a normal gathering.
- A gathering to take action, organize and work together as a community.
- I don't know or no comment.

### 28. What kind of person you should choose as a community representative?

- A person who lives in your community and who you trust the most.
- Local authority.
- Company staff.
- I don't know or no comment.

## Lesson 15: Writing Letters and Petitions

### 29. Which are advocacy activities?

- Writing letters and petitions.
- Violation.
- Corruption.
- I don't know or no comment.

### 30. Where can you apply with your letter or petition?

- The Embassy of the country where the company comes from, The Office of the Prime Minister, the company and local authorities.
- The Embassy of the country where the company comes from, The Office of the Prime Minister and local authorities.
- The Embassy of the country where the company comes from, The Office of the Prime Minister, company and Ministry of tourism.
- I don't know/No comment

## Lesson 16: Meeting and Negotiations

### 31. Who should you have meeting and negotiation with?

- Company staff, commune chief and company security
- The authority and company
- Ministry of Agriculture, Forestry and Fisheries (MAFF)
- I don't know/No comment.

### 32. What is the best strategy when the community has meetings with authorities or the ELC company?

- A private meeting is the best way to make the authorities and companies aware of your concerns.
- Public meeting to show the public.
- Both of the above answers.
- I don't know/No comment

## Lesson 17: Exercising your Right

### 33. What are rights that you can exercise when your community wants to find any resolution from the ELC company?

- Rights to assembly, rights to expression mean that people have the right to meet peacefully without others stopping them.
- Rights of using weapon and violation.
- Rights to assembly, rights to expression through insulting others
- I don't know/No comment

### 34. How do you stay safe during the demonstration?

- Fighting back against the authority or company when they are forbidding.
- You should know the route, who is participating, camera, identify problem early, form in a small group, first aid, have a backup plan, think about what you carry with you, children and youth, NGO monitor or lawyers.
- Should take guns, knives or other things.
- I don't know/No comment.

## Lesson 18: Using the Media

### 35. What should you tell the media?

- Speak about suffering in your family.
- Speak about cruel activities of a company and authorities.
- Speak only the truth and pre-prepared.
- I don't know/ No comment.

## Lesson 19: Pressuring on Company

### 36. Who can put pressure on the a company?

- Grassroots people, public aim forces and government officers.
- Governments, investors, partner companies, supply companies and consumers.
- NGOs, investors and consumers.
- I don't know/No comment.

### 37. What kind of evidence can the community show that a company is not behaving appropriately?

- The company is breaking the Cambodian law or law of its home country, having serious negative impact on the community lives and breaking its code of conduct.
- Breaking the company's own code of conduct.
- Having a negative impact on lives and living condition of community people.
- I don't know/ No comment.

## Lesson20: Preparing a Plan of Action

### 38. What is an action plan?

- It is the pre-preparation for all activities which are going to be done in the future such as activity, purpose, method, demanding and supporter.
- It's just an action plan that was prepared after the action is completed.
- It is a report on action that had completed already.
- I don't know/ No comment.

# Post Test Answer Key

## Part1: Economic Land Concessions and Communities

### Lesson 1: What is an Economic Land Concessions?

#### 1. What is an ELC?

ELC is a long-term lease to use state private land (no longer than 99 years) for industrial agriculture.

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A company which was granted land concession

#### 3. Who is responsible for granting ELCs?

Ministry of Agriculture, forestry, and fisheries

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#### 4. What is industrial agriculture?

A type of farming that is usually large-scale and uses modern machinery, chemical fertilizers and pesticide to produce large amounts of a particular product.

#### 5. What types of industrial agriculture grown in Cambodia?

Corn, maize, cassava, acacia, teak tree, cashew, sugar cane, rice, palm and castor oil and rubber

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Is owned by a community, not just one person

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