

The case study

The effort of community to demand their land rights in Rus Rann and Reap Rouy Communes with PNT Co., Ltd
 Community self-reliance can be successful in demanding land rights

Prepared by Ponlok Khmer, August 2015



ក្រុមប្រជាជនរដ្ឋបាលឃុំនៃស្រុករៀង ខេត្តប្រាសាទ អង្គការអម លមិនឱ្យក្រុមប្រឹក្សាភិបាល (PNT) គោរព មតិក្រុមប្រឹក្សាភិបាល អង្គការ (Nga) ឈូសឆាយ ដីសម្បទានសេដ្ឋកិច្ចនៅជុំវិញតំបន់ពួកគេសេរី កាលពីថ្ងៃទី ២៥ មេសា ឆ្នាំ ២០១៥។ អង្គការពលកម្មខ្ពុះ

Rus Rann and Reap Rouy are two of 12 communes in Roveing district, Preah Vihear Province, located at north-east part of, and Rus Rann commune about 15km and Reap Rouy commune about 25km distance from Rovieng district’s town. There are three villages in Rus Rann commune, Rusey Sruk village, 135 families¹ with 515 people as total population, Chhnoun village, 186 families with 902 as total populations, Tom Leab village, 149 families with 750 as total population and three villages in Reap Rouy commune, Srae village, 105 Families with 508 people as total population, Bangkorn village, 195 families with 983 as total population and Slaeng Tol, 72 with 342 as total population. Most them are farmers and their livelihood completely depends on small scale rice paddy farm, low land rice paddy, upland rice baddy (short-term rice farming-from April to September), fishing at Stung Sen River, off-farm activities and collection non-timber forest products from forest cover where it is now inside economic land concession areas of PNT Co., Ltd. In addition, some households in the communities planted cashew crops to generate additional incomes.

The Vietnamese company, PNT Co., Ltd, submitted a proposal for economic land concession on 1st July 2008. MAFF carried out assessment and survey of potential concession boundary on 12 January 2010. The concession was granted by MAFF on 5th May 2010 within four months of assessment to the Vietnamese

¹ Commune database 2012

company for duration of 70 years. PNT Co., Ltd is a rubber concession covering 7,699 hectares² in Roveing District, Preah Vihear Province. Later on, in 2013, the Vietnamese owner sold the economic land concession to Taiwanese person. This new owner of economic land concession changed from planting rubber tree to plant *Aquilaria Crasna* tree.



Adhoc and Ponlok Khmer met land affected

The communities in two communes were well-informed about the development projects of PNT Co., Ltd in their communities by CNA core members and Ponlok Khmer. They are ready to protect their land. Those affected people contacted to Community Network in Action (CNA) who supported by Ponlok Khmer, to ask for advices on how claiming their land back that taken over by the economic land concession. PKH and Adhoc visited to Rus Rann commune to consult with the land affected villagers. The people were every worry of their land security, but they felt every scared of the company and local authority to arrest them, if they complaint

against the company. The women joined the consultation said that *"we are ordinary people so we have no power to stop the company, we are afraid of being arrested to put in jail"*. Adhoc and PKH tried to explain them how to use people power and rights access to land and natural resources. Moreover, PKH worked with CNA to support these communities to protect and claim their land rights. The villagers selected key community leaders Chhnoun Commune - Mr. Vong Sokhengly (Tong), Mr. Khem Sokhy, Mr. San Ret, Mrs. Bun Seourn, Mr. Oiv Yet and Ms. Oan Sokmean and in Reap Rouy commune - Mr. So Thal, Ms. Sok Sokha, Mrs. Srey Sim, Mr. Kong Chay and Mr. Khut Seoum, to be their representatives for negotiation on land conflict with PNT Co., Ltd and local authority.

CNA core members and Ponlok Khmer invited the key selected persons in two communes to join a number of trainings/workshops on basic of human rights - the rights to land and natural resource uses, accountable governance of land and natural resource management, legal procedure of economic land concession, community network and effective advocacy strategy, conflict mediation and solution, legal aid, effective community organization and mobilization. Additionally, the key persons were invited to join community network meetings, connecting with CNA community network at the provincial level. After each workshop/training, the key persons conducted a number of village meetings, community forum and community mobilizations in the two affected communes to strengthen collective voices and actions to protect and claim their land rights and strengthen accountable governance of land and natural resources management for sustainable and equitable uses. The villagers in two communes increased their knowledge and understandings on human rights access to land and natural resource management, and weakness of accountable governance of land and natural resource management.



People Forum on accountable governance of Land and natural in 2015

In early November, 2014, PNT Co., Ltd started bulldozing land in the northern part of the Economic land concession to build inside ELC road and other infrastructures include office and station and planting *Aquilaria Crasna* trees. Up to June, 2015, at least 15%³ of total land of the ELCs were bulldozed and planted *Aquilaria Crasna* plants and it already affected to 35 families with 70 hectares of land of the people in the communities.

² The Master plan of the investment project for *Aquilaria Crasna* and agro-industry, PNT Co., Ltd.

³ It is estimation of the community leaders in Rus Rann commune

Moreover, there will have more than 300 hectares⁴ of agriculture land of 154 families in Rus Rann and Reap Rouy communes, where it locates inside the economic land concession will be conflicting with the PNT Co.Ltd. The affected is in the first blot of the ECLs. In addition, it is reported that it will affected other hundred families with hundred hectares of land in the future when the company increased their development plan.



PNT rep presented plant of Aquilaria Crasna plant

The communities in two villages who are already mobilized and built capacity realized that the ECLs has male practiced to the contract agreement between government and the company. With these reasons, people started social movement against PNT Co. Ltd to claim sub-national authorities to stop the company violating their land rights, taking over their land and threatening them and return back the land of the community members. The key persons in two communes met several times with the company representatives to discuss on the issue of land, but the company representatives rejected. The people in big groups together with other nearby commune and villages protest against PNT Co.Ltd in April 2015. They stopped companies clearing land of villagers and confiscated one Bulldozer. Because of strong collective voices of the communities, authority and company started negotiation with communities. The community demanded the companies and authority to open the gate of the company to allow people to access to their land inside ELC area and stop clearing their land. The authority promised with the communities to ask and discuss with the provincial authority on the request of the communities. Because getting negative result, the more



Communities protest against PNT bulldoze people land

people came to join the social movement with full participation from women and youths and networked with other affected communities in the province. They also joined together the social movement at the provincial level to claim authority to enforce provincial authority to faster land conflict solution. The land affected communities in the province also asked deputy prosecutor of Preah Vihear court to step down due to he used to threaten land affected community members and their key leaders to prisons. At the village level, the communities are getting stronger in connection and sharing their experience each other about land cases. They assigned a few numbers of youth to watchdog the company activities and then report to community leaders in case the company bulldozes their land.



Rus Rann communities joined protest at the provincial level

Mr. Vong Sokhengly, a community leader from Rus Rann said that *"I am happy to see my community members stand up against the company who violated their land with a good solidarity."* He continued that *"I thank you to CNA core member, Mr. Pich Phean who gave me an advice on strategy of community mobilization of my villagers to fully participate in protesting against the company and networking to advocate. Now I have my knowledge and understanding on rights so that I can introduce to my villagers. I do trust that people power and people lead advocacy with self-reliance can influence authority to respect our rights to land. I also believe that people lead approach for advocacy to claim their land is the best*

⁴ Statistic of land affected people prepared by CNA and Ponlok Khmer in 2015

way to practice, NGOs can only provide your advice and capacity building.”As well, Mr. San Ret, a community leader from Rus Rann commune expressed that “ I had increased my understanding on related laws and human rights so that I am confident to mobilize my people without being afraid of any threat and I believe that the people power can enforce the authority to solve our land issues, it is collective voices. This can influence authority to change their attitude from threatening people to respect our rights, but need more times.” Ms. Sok Sokha, a youth leader from Reap Rouy commune said that “before I used to be afraid to join with community advocacy works, but when I joined in training and network meeting with CNA then I stopped being afraid of threat from authority. I used to educate youths in my community to join community action.”

The communities are more and more strong in collective voice and action, then the land conflict solution committee from Provincial level, at least 4 times visited to the land conflict area to meet and discuss with land affected community members. They also invited key NGOs, Ponlok Khmer and Adhoc to monitor the process of



Meeting between provincial committee, PNT, NGO and Community

land conflict solution. In the following days, the district land committee started demarcating community land inside the economic land concession of PNT, Co. Ltd by using tiger skin strategy. More than 300 hectares of land of 154 families in Rus Rann and Reap Rouy communes are inside the economic land concession of PNT, Co.Ltd, but, only 70 hectares in 35 plots belongs to 35 families are demarcated. However, the authority did not issue land title to the communities with reasons that the land is under forest cover and inside economic land concession area. Two plots of lands were taken over by the company for its office building. In the negotiation, the company agreed to compensate, US\$ 3000.00 for the first plot and US\$2000.00 for second plot. The landlords said that until today the company did not pay them yet. The NGOs and CNA

core members monitor the case. Anyway, the company now changed their attitude from threatening communities to be more friendship. All land affected community members have accessed to their agricultural land and transplanted rice and other crop production, continuing other livelihood activities in the area. The company agreed to stop their operation, waiting for completion of land demarcation for affected communities by land officers.

It concluded that People Led Advocacy approach is the only strategy for improving community self-defending rights to land and natural resource management. Without strong effort from the community themselves to claim land back from the companies, the authorities at all levels will not realize the conflict and take action. Building alliance/community networks among land affected communities and improving knowledge and understanding on legal procedure of economic land concessions, human rights and governance of land natural resources could promote people collective voice and power to enforce authorities to have more responsive to the needs and demands of the communities. Even the result to date does not meet demands of communities, but the people movement can protect their rights access to land, holding sub-national authority for accountability and transparency for agricultural investment and other project development.

Key Recommendations for future action:

- The key community leaders shall continue to mobilize their members for more and stronger collective voice and action to continue claiming land title. The community lands inside economic land concession are at risk, even the authority demarcates, but the community will not get land title.
- The community shall produce sketch map of the land conflict inside economic land concession and continue to collect UTM by GPS for producing official map to present to stakeholders in the land conflict solution and for further advocacy for to claim their land title.
- The communities are strong advocacy but they experience implementing their action plan case by case, however for more effective advocacy, the community shall prepare actual action plan and it shall be participated by all in the communities include women, youth and community leaders.
- NGOs in Preah Vihear shall continue to support on building community capacity on advocacy, knowledge laws and legal support for the community to have more effective advocacy.

End