

COPY



Norodom Sihanouk
Roi du Cambodge

à Son Excellence Professeur Peter LEUPRECHT
Représentant Spécial du Secrétaire Général
des Nations Unies
pour les Droits de l'Homme au Cambodge

Excellence,

Je vous remercie infiniment d'avoir bien voulu m'adresser une noble et très bienveillante lettre (en date du 4 Mars 2003) et je vous exprime ma profonde gratitude pour votre noble et si bénéfique action continue en faveur du peuple cambodgien (le petit-peuple en particulier).

Encore une fois, j'ai l'honneur de rendre un sincère et admiratif hommage à Votre Excellence qui, depuis le début de votre historique mission consacrée au Cambodge, n'a jamais cessé de servir (et avec quel courage!) la cause, en mon Pays, des Droits de l'Homme, de la Démocratie libérale, de la Justice sous toutes ses formes, de la Paix et de la Liberté dans l'Indépendance nationale et l'intégrité territoriale.

Je prie Votre Excellence d'agréer les assurances de ma très haute et profondément affectueuse considération.

A handwritten signature in black ink, which appears to be 'N. Sihanouk', written in a cursive style and underlined with a single stroke.

Phnom Penh, le 6 Mars 2003

Ce document annoté par Sa Majesté NORODOM SIHANOUK, Roi du Cambodge, constitue un autre "Addendum" aux réponses à Monsieur Ruom Ritt.

Flour Manufacturing Co, Ltd's Agricultural Concession in Stung Treng
Prepared for His Majesty Preah Bat Samdech Preah Norodom Sihanouk
by the Cambodia Office of the High Commissioner for Human Rights, March 2003

I. Historical background of O Svay commune

SRN In 1962, the military cleared the jungle and build a town on the Mekong River, a few kilometers from the Khmer/Lao border, and some 60 kilometers north of Stung Treng provincial town. The newly built town was called "Borey O Svay".

SRN In 1964, retired soldiers as well as poor families mainly from Takeo, Prey Veng, Svay Rieng, and Kandal provinces were offered assistance to settle in "Borey O Svay" in the form of housing, land, cattle, seeds, and trees. Life was reported to be very easy at the time. The forest close to the town was dense with many wild animals such as tigers and elephants living there.

SRN In 1967, Prince Sihanouk inaugurated "Borey O Svay". The people now living in O Svay recall his visit in vibrant words.

In 1970, the country fell into the darkness of war. In O' Svay, people suffered from the B 52 bombings and from the evacuation to remote areas by the Khmer Rouge. In 1979, when the villagers came back to O Svay, the town was destroyed. In the 1980s, the villagers rebuilt their lives step by step. The forest was still dense until the 1990s when industrial loggers began inflict severe damage on it.

In 1999, Flour Manufacturing Company Ltd was granted a land concession in the forest where villagers from O Svay used to go to collect forest products and to farm. *Grave. 4*
la forêt affecterait à ces villageois. 4

After many difficult years, the people of O Svay wish to live peacefully and decently. They want to stay in O Svay. They are very poor and they are increasingly anxious about the deterioration in their living conditions and the degradation of the natural environment and wildlife. *leur grave. 1*

II. Summary of the conflict between the people of O Svay and the Flour Manufacturing Company

In 1999, the government granted a 7400 hectare agricultural land concession in Stung Treng province to a company named the Flour Manufacturing Co, Ltd. The stated main purpose of the concession is to plant trees. The concession is located inside a forest zone where villagers from O Svay commune which is in Thalaborivath district used to farm and collect forest products. The company started its operations in 2000, reportedly by cutting trees. In 2002, the company cleared 120 hectares of a densely forested area with natural water springs in addition to taking out valuable trees in other areas of the concession. Through the activities of the company, the population in O Svay has lost access to forest resources as well as agricultural lands on which their livelihood has depended. Wildlife previously living in the area has disappeared. Since 2000, the people in O Svay have on several occasions tried to raise their concerns about the activities of the Flour Manufacturing Co, Ltd, but with little success. *le petit-peuple est plongé dans la misère et la désespoir. 4*

III. Exact location of concession

The land concession is located in Samakhi commune, Stung Treng District, Stung Treng province. However, the villagers affected by the land concession live in O Svay commune, Thalaborivath district, Stung Treng province.

IV. Flour Manufacturing Company

The Flour Manufacturing Co, Ltd. has a registered capital of 1.200.000 USD. The main shareholders are Chinese citizens (Mr. Cai Yu Min, Mr. Hang Chui, Mr. Chen Bei Bin, Mr. Han Xiao Mr. Zhou Jun Ping). Cambodian nationals hold a minority of the shares (Mr. Keo Vuthy and his wife Mrs. Sok Sovann).

V. Contract

On 13 September 1999, the Flour Manufacturing Co, Ltd signed a contract with the Ministry of Agriculture, Forestry and Fisheries for an agricultural concession of 7400 hectares in Stung Treng district, Stung Treng province. The contract gives the company user rights over the land for the next 70 years. It stipulates that the company will grow teak and cashew trees, breed animals and set up a factory. It further allows the company to clear land after having obtained approval from the Ministry. The company pays no fee to the government for its lease of the land.

VI. Violations of the contract

↳ *Tout cela est terrible; catastrophe - pique*

Since the company started its operations in year 2000, provisions of the contract as well as Cambodian law have in several ways been breached. These breaches give the government the legal right to cancel the contract.

a) Violation of provision 1.2.

The Flour company understands that the total land includes villages and parcels of land legally occupied and owned by certain residents that may jointly be used with such residents independently and according to their respective concerns and interests...

Large areas of dense forests from which the population used to depend have been cut down and the people's access to the remaining forest has frequently been denied by the company. Agricultural land previously used by the O Sway villagers has been bulldozed and destroyed.

La Cie détruit notre pays et notre petit-peuple

b) Violation of provision 1.3.

Land size is comprised of mountains, basins and some other land may not be used by the company and such land shall be retained in natural manner.

In the so-called 03 area, where the people used to protect a dense forest with natural springs, bulldozers have been used to take down all trees in an area of 120 hectares. The damage caused to the environment is irreparable. Wild animals have disappeared from the area and their water sources have been destroyed.

Catastrophe

c) Violation of provision 13 - Governing law

This agreement shall be governed by the laws of the Kingdom of Cambodia.

According to sub decree no 80/ANK/BK on Measures Restricting Certain Investment Sectors (27 August 1999) no new licenses will be issued for industries operating in sawn timber, veneer, plywood, wood-based products utilizing local logs as raw materials.

A regulation of the Ministry of Agriculture, Forestry and Fisheries dated 16 March 2001, authorizing a sawmill to operate in O Sway commune, is in contradiction with this sub decree.

VII. Consultations and villagers' efforts to raise their concerns

No proper community consultations were held prior to the signing of the concession contract. According to the contract and to the provincial Department of Agriculture, Forestry and Fisheries, the concession is located inside the boundaries of Samakhi commune, Stung Treng District, Stung Treng province. A community consultation was held in this commune. However, the population of this commune lives 20 km south of the concession and their livelihood is not directly affected by the concession activities.

The situation is very different for the people of O Svay commune who live only two to four km from the concession and are highly dependent on the land in question. No consultations have been held with them.

While the livelihood of the people in O Svay commune mainly depends on rice farming, they also depend on fishing and on the forest for collection of firewood, vines, rattan and plants for traditional medicine. Some families were previously denied access to their rice fields located within the concession area, while others had their fields destroyed. The villagers are not allowed to occupy any new land in the area. As the population growth is high, access to land for the younger generation is threatened. • *le petit-peuple before. 4*

Since early 2000, the people in O Svay and their representatives have on several occasions tried to raise their concerns about the land concession. They have filed complaints with government authorities both at the local and at the national level, as well as with the National Assembly. They have also approached human rights organizations that have also tried to raise and address the issue at various levels of government, including with the Prime Minister. On 10 June 2002, 210 families held a demonstration outside the company's saw mill, demanding that the company stop its activities. After the demonstration, villagers were threatened by soldiers providing security to the company.

The villagers' attempts to raise their concerns have had little effect. The authorities at district, provincial and national level have in general been supportive of the company's activities and told the villagers, sometimes in a threatening manner, that they have no choice but to accept the concession and the company. *Les protest défenseurs du petit-peuple : menacés. 4*

Human rights and environmental non-governmental organizations operating in Stung Treng have on several occasions been threatened by the provincial authorities, accused of supporting the political opposition and asked to stop their activities in the province. *→ ils doivent cesser d'agir pour défendre le peuple. 4*

VIII. Current status of the concession

According to the deputy chief of Provincial Department of Agriculture, Forestry and Fisheries, the size of the land concession has been reduced from 7400 to 6200 hectares in order to take the needs of the population into consideration. However, according to the villagers, the company continues to extend its boundaries. *→ triste réalité. 4*

So far, no agreement has been reached between the people, the company and the government authorities. The villagers continue to demand that the company withdraws from the area. *→ ces villagers ont raison. 4*

IX. The visit of Special Representative of the United Nations Secretary-General for human rights in Cambodia to O' Svay Commune.

Mr. Peter Leuprecht visited Stung Treng province from 26 to 28 February 2003 and met with the Governor, first deputy Governor, chief of the Department of Agriculture, Forestry and Fisheries, and non-governmental organizations.

He also visited O Svay commune and drove through the land concession of the Flour Manufacturing Co. In the commune he also met with commune councilors, including the commune chief, and villagers.

The concerned authorities in Stung Treng province all stated that they were well aware of the conflict between the people of O Svay commune and the Flour Manufacturing Co. Ltd. However, they claimed that they could find no solution to the problem and that the issue was in the hands of the national government authorities. The people of O Svay stressed that they had already explored all opportunities of resolving the issue in an acceptable manner. *Peuple impuissant.*

During his meeting with the Minister of Agriculture, Forestry and Fisheries on 4 March 2003, Mr. Leuprecht stressed that the contract and its implementation ought to be reviewed and that the Royal Government should consider its legal right of revoking the contract.

Une cie à qui l'on donne des forêts à détruire sous prétexte qu'elle est chargée de "planter des arbres"!! Cette "réalité" est hideuse et révoltante.

(AUS) ces entreprises étrangères on permet de posséder pour 70 ans (près d'un siècle) une bonne partie du territoire de notre pays. C'est tragique et révoltant.