



អង្គការ សមធម៌កម្ពុជា  
equitable cambodia



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*Via Electronic Mail*

*Cc:*  
Catherine Ashton, High Representative and Vice President of the European Commission  
Barbara Lochbihler, Chair of the Subcommittee on Human Rights of the European Parliament  
Jean-François Cautain, Ambassador of the European Union to the Kingdom of Cambodia  
Generalised System of Preferences Committee

1<sup>st</sup> October 2012

Dear Commissioner de Gucht,

Thank you for your response dated 14 August 2012 to our joint letter regarding our ongoing grave concerns about the role and effects of the EU’s Everything But Arms initiative on human rights violations in the context of agro-industrial production in Cambodia. The eleven undersigned organizations wish to respond to several of the points you raised in your response. We also wish to bring to your attention the recent report of the Special Rapporteur on the situation of human rights in Cambodia, “A human rights analysis of economic and other land concessions in Cambodia,” which was presented to the Human Rights Council on September 25.

In your response you cited a May 7, 2012 directive from Prime Minister Hun Sen as evidence of progress with regards to Cambodia’s troubled land sector. You highlighted that the directive established a moratorium on new economic land concessions (ELCs) and mandates a review of existing ELCs.

Unfortunately, both of these aspects of the directive, much like the legal safeguards expressly stated in Cambodia’s Land Law and Sub-decree on Economic Land Concessions, have been ignored or circumvented as described below.

There have since been at least twelve new ELCs granted, totaling over 80,000 hectares. The government has justified these new ELCs by stating that any ELC that was in some undefined stage of private negotiations or agreed to “in principle” prior to the directive may continue through to issuance. Given the wholesale lack of transparency surrounding the ELC process, this vague exception has amounted to an unfettered ability to continue issuing new ELCs.

Regarding the review of existing ELCs, there has been no systematic review, and none of the problematic concessions repeatedly detailed in reports by NGOs and the Office of High Commissioner for Human Rights (OHCHR) have been reviewed or cancelled.

Moreover, the Prime Minister’s directive contains no provisions for restitution for the hundreds of thousands of Cambodians who have been displaced and dispossessed of their land, homes and livelihoods by private companies through the government’s ELC policy over the past decade. The provision of reparations for the families and communities whose rights have been trampled by private companies, including those who are exporting their products to the EU under the EBA, is not just a moral imperative but also an obligation under international law.

For these reasons, we were heartened that you left open the strong possibility of launching an EBA investigation in your reply:

**“... the EU continues to closely follow the work by international monitoring bodies. If these unequivocally conclude that serious and systematic violations are taking place, the European Commission will not hesitate to launch the EBA investigation.”<sup>1</sup>**

On September 24, 2012, the UN Special Rapporteur on the situation of human rights in Cambodia Surya P. Subedi presented to the 21<sup>st</sup> session of the Human Rights Council his report: “A human rights analysis of economic and other land concessions in Cambodia.” The 120-page report assesses the impact of land concessions in Cambodia in the context of Cambodia’s domestic legal framework and international human rights obligations and ultimately concludes that “[t]here are well documented serious and widespread human rights violations associated with land concessions that need to be addressed and remedied.”<sup>2</sup>

This is an unequivocal conclusion by the international mandate on the human rights situation in Cambodia. On the basis of the Special Rapporteur’s report, we expect that you will honor your commitment to launch an EBA investigation without further delay into serious and systematic human rights abuses linked to economic land concessions for agro-industrial development, in connection with agricultural goods being exported to the European Union.

Sincerely,

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<sup>1</sup> Letter from Karel de Gucht, Commissioner for Trade, Member of the European Commission to 10 NGOs, 14 August 2012.

<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

<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.

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