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HUMAN RIGHTS VIOLATIONS IN KOH KONG SUGAR PLANTATION CONFIRMED BY THAI
HUMAN RIGHTS COMMISSION

3 JUNE 2015, Bangkok, Thailand – Hundreds of villagers were evicted when their land was illegally confiscated in 2006 to make way for a 19,100 hectare sugar plantation in Sre Ambel, Koh Kong Province, Cambodia. Almost a decade after the forced evictions, a long-awaited final report by the National Human Rights Commission of Thailand (NHRCT) has recognized the human rights violations at the plantation.

The sugar plantation is operated by politically-connected Cambodian companies, controlled by Thai sugar giant Khon Kaen Sugar Ltd. (KSL), which had an exclusive sales contract with Tate & Lyle Sugars (T&L) in the United Kingdom. The report, recently made publicly available, finds that KSL bears the responsibility for human rights violations due to its decision to receive and benefit from the land concession which resulted in these violations, even if the company did not itself commit the abuses.

In 2010, villagers from the affected communities filed a complaint before the NHRCT with the support of EarthRights International (ERI) and Towards Ecological Recovery and Regional Alliance (TERRA). The complaint alleged that the Thai corporation KSL, through Cambodian subsidiaries, obtained economic land concessions (ELCs) in violation of Cambodian laws and international human rights standards. In mid-2012, the NHRCT released a preliminary statement finding evidence that KSL was responsible for human rights violations against the affected communities through the actions of its Cambodian subsidiaries.

The final report of the NHRCT confirms those preliminary findings, stating that the land grab was in violation of the right to life, the right to self-determination, including the right to manage and benefit from natural resources, and the right to development of the residents of Chikhor, Chhouk and Trapeng Kendal villages in Sre Ambel, Koh Kong province. “The communities at Sre Ambel have spent eight years pursuing the return of their land”, said Maureen Harris, Mekong Legal Director at EarthRights International. “The NHRCT has acknowledged their suffering and loss of livelihoods and we hope that the companies involved will be prompted to resolve the dispute in a fair and transparent manner.”

In Cambodia, forced evictions due to large-scale ELCs being granted to business enterprises are a major human rights concern - resulting in widespread displacement, severe livelihood impacts, violent evictions and property destruction - well documented by independent experts and



international human rights groups. Professor Surya Subedi, the United Nations Special Rapporteur on the Situation of Human Rights in Cambodia, has reported on the Koh Kong land grab and associated human rights abuses, [highlighting the need for the human rights violations to be addressed and remediated](#).

The report on the Sre Ambel plantation has implications for other communities affected by forced evictions and illegal land confiscations. This includes sugar plantations that have raised serious human rights concerns, as highlighted in a report, [Bittersweet Harvest](#), by Equitable Cambodia and Inclusive Development International. “This is an important test case for addressing land grabbing in Cambodia. The report sends a clear message to companies invested in land concessions that they must abide by Cambodian laws and international human rights standards in their investments,” says Eang Vuthy, Executive Director of Equitable Cambodia.

The landmark complaint filed by the Sre Ambel communities to the NHRCT was the first to examine the human rights impacts of transboundary investment by a Thai company in a neighboring country. Dr Nirun Phitakwatchara, Commissioner of the NHRCT, says, “I think it is important to deal with the issue of business, human rights and the environment. It is important to send a message that despite the huge focus on economic development in our region, we must find a balance so that our natural resources are not exploited in such a way that it causes environmental damage and human rights violations of the communities which traditionally manage these natural resources.”

The NHRCT has proved to be one of the only forums available to communities affected by cross-border investments in large-scale projects in which community concerns can be heard and addressed. In its final report, the NHRCT highlighted the applicability of the UN Guiding Principles on Business and Human Rights, noting that all businesses enterprises have an obligation to ensure respect for human rights in their business activities, regardless of where they operate and even if they have not directly contributed to the human rights abuses.

Daniel King, Mekong and Myanmar Programs Director at EarthRights International, notes, “This is a landmark decision for transboundary human rights protection. The NHRCT has made it clear that KSL is responsible for human rights abuses in its business operations in Cambodia. KSL should publicly acknowledge its human rights obligations and provide just satisfaction to villagers whose human rights have been violated.”

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EarthRights International (ERI) is a nongovernmental, nonprofit organization that combines the power of law and the power of people in defense of human rights and the environment, which we define as "earth rights." We specialize in fact-finding, legal actions against perpetrators of earth rights abuses, training grassroots and community leaders, and advocacy campaigns, and have offices in Southeast Asia, the United States and Peru. More information on ERI is available at www.earthrights.org.

Equitable Cambodia is an NGO that advocates for inclusive development, social justice and human rights in Cambodia. As a leading advocate on land and housing rights, Equitable Cambodia uses media, legal

advocacy, coalition building, policy research and lobbying at the national and international level to transform national development into one that respects, protects and progressively fulfills the rights of Cambodian people. More information on Equitable Cambodia is available at www.equitablecambodia.org.

