



26 January 2011

Dear Commissioner de Gucht,

I am writing to you to reiterate my concern with the serious human rights violations, land grabbing and forced evictions connected to implementation of the Everything But Arms (EBA) initiative in the sugar industry in Cambodia, and to raise my concern about the arrest and trial of Mr Sam Chankea, a human rights defender active in land rights issues and a Coordinator of the Cambodian Human Rights and Development Association in Kampong Chhnang.

Firstly, the Economic Land Concessions (ELCs), a preferential treatment of sugar industry within the framework of Everything But Arms (EBA) initiative, that grants sugar producers in Cambodia a granted tariff and quota free access to the European Union (EU) market, is reported to have contributed to severe human rights abuses. When discussing this issue, we must also be mindful that the Cambodian sugar industry has vastly expanded with the help of the ELCs in recent years.

The alleged abuses, that have taken place for instance in Botumsakor and Sre Ambel, of Koh Kong province, include forced eviction, police violence, and illegal confiscation of land and property, forest clearance and increased militarization. The evidence of nation-wide human rights abuses has been well documented by the United Nations Office on of the High Commissioner for Human Rights, as well as a number of national (e.g. Community Legal Education Centre (CLEC)) and international (e.g. Asian Human Right Commission) organisations. These violations would seem to be directly linked to the land concessions related to sugar production benefiting of the EBA initiative.

Concern has also been expressed over the impact of such concessions on sustainability and the survival of rural communities. Indeed, in 2009 the United Nations Committee on Economic, Social and Cultural Rights expressed concern in its Concluding Observations over reports that the rapid increase in economic land concessions is the major factor for the degradation of natural resources, adversely affecting the ecology and biodiversity, resulting in the displacement of indigenous peoples from their lands without just compensation and resettlement, and in the loss of livelihood for rural communities who depend on land and forest resources for their survival. In particular, the Committee has noted with great concern that the scale of forced evictions has increased over the last years and expressed concern over the lack of consultation with and legal redress for the people evicted with force. They expressed equal concern over the police violence related to the forced evictions.

Indeed, the long-running dispute over the land between the local communities and sugar producing companies remains ongoing; the legal representatives of the local communities have been unable to resolve dispute over the land through Cambodia's 2001 Land Law and Criminal Code at Cambodia's legal institutions, have failed.

For these reasons I would like to request the European Commission to conduct a thorough investigation into the human rights abuses under the human rights safeguard provisions of the Generalised System of Preferences (GSP) regulation. Such investigation should be independent from Cambodia's government investigation that was recently launched. Contentwise, it should look into justification of temporary suspension of EBA status for Cambodian sugar and some other agricultural products, as well as compliance by Cambodia as the beneficiary country with EC Council Regulation No 732/2008.

Second, I would like to raise my concern with regard to arrest and trial of Mr. Chankea. He is understood to be undergoing a trial at the Kg. Chhnang Provincial Court for allegedly defaming the work of KDC International Company, owned by Lauk Chumteav Chea Kheng, wife of Minister of Mining and Energy. While I fear that he might be targeted due to his human rights work, I appeal in strongest terms that you would make effort to ensure that his psychological and physical integrity is guaranteed. This in mind, it would be most essential for you to remind the Cambodian authorities of their obligations under the UN Declaration on Human Rights Defenders, that provides for example that everyone has the right to promote the protection and realization of human rights at the national and international levels and that the States shall take all necessary measures to ensure the protection by the competent authorities of everyone against any violence, threats or pressure as a consequence of his legitimate exercise of the rights referred to in the Declaration.

I ask you to report back to us on the official European Commission course of action on the specific issues above.

With regards,

A handwritten signature in black ink, appearing to read 'Heidi Hautala', with a long horizontal flourish extending to the right.

Heidi HAUTALA

Chairwoman of European Parliament Subcommittee on Human Rights