



Joint Statement
Investigation into Human Rights Violations Related to Trade Preferences for Cambodian Agro-industrial Products Must Begin Now

Report by UN Special Rapporteur on Human Rights in Cambodia Finds Serious and Widespread Human Rights Abuses Resulting from Land Concessions

(October 1, 2012) Eleven Cambodian and international organizations wrote to European Commissioner for Trade Karel de Gucht today following upon an open letter they sent to the Commissioner on June 26th outlining evidence of grave human rights abuses in the Cambodian agro-industrial sector directly linked to the EU’s Everything But Arms (EBA) preferential trade scheme. These communications have followed two years of requests by Cambodian organizations and affected communities seeking action from the European Commission (EC) on well-documented abuses occurring as a result of EBA incentives – abuses that should trigger an EC investigation under Article 17 of the EU’s Generalized System of Preferences (GSP) Regulation.

The Commissioner responded to the groups by letter on August 14, 2012 with a ‘wait and see’ position, citing a May 7, 2012 directive from Prime Minister Hun Sen as evidence of progress with regards to Cambodia’s troubled land sector. The Commissioner 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.

Commissioner de Gucht also refers to a 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 Commissioner de Gucht left open the strong possibility of launching an EBA investigation in his reply. With reference to the GSP regulation,¹ the Commissioner stated:

“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.”²

In a Civil Society Dialogue on September 20th, the Director General for Trade at the European Commission Jean-Luc Demarty echoed this position in response to a question about the Commission's inaction on demands from affected people to initiate an EBA investigation in Cambodia. The Director General said pointedly: **“It is not because we have not yet acted that we will not act.”³**

On September 24, 2012, the UN Special Rapporteur on the situation of human rights in Cambodia Surya P. Subedi presented to the 21st 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.”⁴**

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 Commissioner de Gucht will come to the conclusion that it is incumbent upon the EU to adhere to its own regulations and launch without further delay an EBA investigation linked to the granting of economic land concessions for agro-industrial development, in connection with agricultural goods being exported to the European Union.

¹ Article 17 of the EC Regulation No 732/2008, which governs the EBA initiative, requires the Commission to undertake consultations within the GSP Committee when it receives information from a UN monitoring body that there are sufficient grounds for an investigation.

² Letter from Karel de Gucht, Commissioner for Trade, Member of the European Commission to 10 NGOs, 14 August 2012.

³ Civil Society Dialogue Meeting with Jean-Luc Demarty on trade policy, 20 September 2012, Charlemagne Building, room Sicco Mansholt, 170 Rue de la Loi, 1049 Brussels

⁴ 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.

To view the full correspondence between the European Commission, Members of the European Parliament and concerned civil society organizations, click [here](#).

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