



**EUROPEAN COMMISSION**  
Directorate-General for Trade

The Director General

Brussels, **20 DEC. 2013**  
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Mr Eang Vuthy  
Representative of Equitable  
Cambodia

By email:  
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Dear Madam,  
Dear Sirs,

I would like to thank you for your letter of 6 November 2013 to Commissioner De Gucht in which you expressed your concerns about the impact of land grabbing on rural communities. The Commissioner has asked me to reply on his behalf.

Since your last exchange of correspondence with Commissioner De Gucht in August 2012, there have been various developments.

We have read carefully the recent report "Bittersweet Harvest". The EU welcomes this report as an important addition to our monitoring efforts of the human rights situation in Cambodia. I would like to underline that the work of NGOs, like yours, which monitor and advocate for the full respect of human rights, remains invaluable to us. NGOs are our natural partners for our common objective of improving the human rights and governance. As you know, the EU is a lead donor in the support of the Cambodian civil society's capacity in the promotion and protection of human rights. In the last 10 years, we have funded over 60 initiatives totalling over €15 million from a wide range of civil society organisations and many of these initiatives have been directly dealing with land issues. We are glad to see the fruits of this collaboration in the NGOs capacity of advocacy and protection of human rights as demonstrated by this campaign, this report and other on-going processes in Cambodia.

Land management and human rights are amongst the highest political priorities in our relations and discussions with the Government of Cambodia. Within the full respect of the sovereign decisions of Cambodia, we have insisted that the Government takes appropriate action to protect local communities and to ensure that economic development benefits everyone. In this context, our approach has been to establish a straightforward and transparent dialogue with the Cambodian authorities, in order to find concrete ways to tackle the issues at hand.

To attest to this, Commissioner De Gucht has just met the new Minister of Commerce Sun Chanthol in the margins of the WTO Ministerial in Bali on 6 December 2013. As during his two previous meetings with Sun Chanthol's predecessor, Cham Prasidh, the Commissioner pressed upon the Minister the need to ensure that the Cambodian authorities resume the activities initiated last year and make tangible progress in addressing effectively and satisfactorily the rights of the rural communities affected by land evictions and in putting in place a sustainable process.

The EU and our development partners have repeatedly called on the Cambodian Government to address the issue in full adherence to the human rights conventions. This dialogue and our diplomacy efforts behind the scene are not to be underestimated. The moratorium on new Economic Land Concessions (ELCs) and the land titling campaign, in spite of their shortcomings, can be seen as a first success of the international pressure through dialogue, including the EU's, on the Cambodian Government.

According to our General Scheme of Preferences (GSP), an investigation on the possible withdrawal of preferences can be launched in case a relevant UN monitoring body concludes that there are serious and systematic violations of the principles laid down in relevant international Conventions concerning core human rights and labour rights. "Relevant monitoring bodies" are defined as the bodies which are established under the Conventions and entitled to draw conclusions on the implementation of a specific Convention. In case any of those bodies would conclude that Cambodia embarked on a serious and systematic violation of the principles laid down in the international Conventions concerning core human rights and labour rights that are relevant for the application of GSP<sup>1</sup>, the EU may take action towards the launch of an investigation.

In light of these requirements of our legislation, we have examined carefully all the reports by the UN Special Rapporteur on the situation of human rights in Cambodia, Professor Surya P. Subedi. Professor Subedi's work and role is of utmost importance and value to gather and evaluate information in Cambodia and to get an independent assessment on the situation. His reports and recommendations provide an essential contribution and are key in the shaping of the Human Rights Council's Resolutions.

Professor Subedi's addendum report of 24 September 2012 on ELCs had raised serious concerns about land and human rights in Cambodia. Thus, we took it as a sign of some progress on the ground that his latest report of August 2013 was more nuanced, welcoming the Government's initiatives, in particular the land titling campaign, while calling on the Cambodian authorities for further progress. Similarly, the Resolution on Cambodia of the UN Human Rights Council of 20 September 2013, while expressing concern about outstanding issues in this area, welcomed the efforts made by the Government to resolve land issues, inter alia, through the implementation of relevant laws and regulations, including a moratorium on ELCs. This Resolution did not denounce any "serious and systematic violations" of the principles laid down in the international Conventions concerning core human rights that are relevant for the application of GSP. Nor has in the meantime any other relevant UN monitoring body as per the GSP Regulation. Under these circumstances, the legal conditions of the current GSP Regulation to launch an investigation are therefore not met.

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<sup>1</sup> Concerning the revised GSP scheme that will fully enter into force from 1 January 2014, those conventions are listed Part A of Annex VIII to the GSP Regulation (EU) No 978/2012, OJ L 303, 31.10.2012, p.1

We would like to highlight that the new GSP regulation effective as of 1 January 2014 will provide the legal basis for information from the UN monitoring bodies to be supplemented by other sources of information, including civil society. Although the conclusions of the relevant UN monitoring bodies will remain the primary source for the monitoring of preferences, this change will provide further space for organisations such as yours in the reporting of the situation, and as a result the GSP monitoring mechanism will be strengthened. We would like to encourage you to continue monitoring land and human rights issues in Cambodia contributing further to our monitoring efforts of the effective implementation of the international Conventions.

In February, the Commission will have its regular policy dialogue with the Cambodian authorities (EU-Cambodia Joint Committee and related Working Groups), where we will review all aspects of our relationship. You can be assured that this matter will figure prominently on the agenda of these meetings and that we will expect the Cambodian authorities to come up with an update on their concrete actions to address the issues satisfactorily and sustainably. In parallel to this diplomatic and policy work, our Delegation in Cambodia is currently exploring with different stakeholders ways to practically address the issues for the benefit of local communities. We trust in your support to facilitate the implementation of concrete practical solutions.

Finally I would like to thank you again for your steady dedication and contribution to this issue and look forward to continuing engaging with you.

Yours faithfully,

A handwritten signature in black ink, consisting of a stylized 'J' and 'L' followed by a long horizontal stroke.

Jean-Luc DEMARTY