

## **Thma Da commune, Pursat**



In the rolling hills of Veal Veng District, located in Pursat Province near Cambodia's border with Thailand, villagers in Thma Da commune say they have been forced off their land to make way for agribusiness ventures and a Special Economic Zone operated by notorious timber magnate Try Pheap.<sup>1</sup>

The landscape of Thma Da commune is marked by sprawling plantations of cassava, rubber, and trees used to produce paper, and large road signs proclaim the "MDS Thmorda S.E.Z [Special Economic Zone] Co., Ltd.," which will include a new market, warehouses, a hotel and a large casino that is currently under construction. National Road five, which forms part of Asian Highway One linking Cambodia and Thailand, runs through Pursat Province to the north of Veal Veng District, opening up significant cross border trade and business opportunities. Try Pheap, operator of the Special Economic Zone, also owns the MDS Import Export Company,<sup>2</sup> which holds another agro-industrial Economic Land Concession in the area (for the remainder of this profile, companies owned by Try Pheap operating in the area will be referred to by the shorthand "MDS").

A number of local families, many of which have members working in the armed forces managing security along the border, say they have lived on and farmed land there since as early as the late 1990s, but began experiencing problems after MDS started to develop the area in 2010.

Ms. Prak Sophal bought several plots of land totaling 42 hectares in Sangkum Thmey village in Thma Da commune in 2006. She has no formal land title, but has documents from the former owner (who occupied the land since 1999, before the adoption of the 2001 Land Law), transferring the land to her and signed by the local commune chief. When she moved there from Siem Reap to occupy the land in 2007, much of the area was still forested, and in some places dotted with landmines. Local families had set about clearing the land, some sustaining injuries after trying to remove mines by themselves. Some of her land was cultivated, with rubber, jackfruit, banana and mango trees that she tended while clearing other parts that were still wild.

She continued farming her land until October 2010, when bulldozers accompanied by MDS representatives and a large group of police officers demolished her house and two others, and forcibly cleared her farmland. All the possessions in her house were destroyed, as were her crops. A number of villagers protested, and police officers attempted to arrest two men, one of whom was injured in the process, but the villagers prevented them from being arrested. Ms. Sophal was not part of this protest, as she had fled to the nearby jungle after the destruction of her house, where she stayed for over two weeks before travelling to Phnom Penh to stay with relatives for six months. When she came back and tried to build a new house and plant new crops, the local commune chief stopped her, and said he was trying to find a resolution to the problem. Ms. Sophal moved to another nearby plot of land

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<sup>1</sup> For background information on Mr. Try Pheap's business activities, see Global Witness, 'The Cost of Luxury: Cambodia's Illegal Trade in Precious Wood with China,' 2015, p.12, available at: <https://www.globalwitness.org/campaigns/forests/cost-of-luxury/>

<sup>2</sup> For the remainder of this document, companies owned by Try Pheap operating in the area will be referred to by the shorthand MDS.

that she also owns and began planting crops there instead. She now lives there in a house that she shares with several other families who have also lost their homes as a result of similar disputes.

On 12 November 2010, the Council of Ministers issued a letter to the provincial governor of Pursat regarding the land conflict between villagers and MDS. The letter stated that long-term occupants of the state land in Veal Veng should have their residential and farming land preserved. However, the letter further stated the Royal Government of Cambodia (“RGC”) would not recognize any previous sale or transfer of this land, thereby excluding people such as Ms. Prak Sophal. The letter also promised that an inter-departmental delegation would be sent to the site in order to resolve the land dispute.

In 2011, villagers’ submitted a petition to Suy Sem, Minister of Mines and Energy, and a number of NGOs, but there was no resolution. Over the next couple of years, they filed complaints and petitions with a range of institutions, including the National Assembly, Prime Minister Hun Sen, the Council of Ministers and the District Governor, but there has still been no resolution of the dispute.

On 14 June 2012, Hun Sen launched the *Heroic Samdech Techo Volunteer Youth* land-titling program, also known as Directive One, to be implemented by student volunteers, covering areas where people were occupying the land without full land titles. In December that year, a volunteer team visited Ms. Sophal’s village, and she asked them to demarcate the disputed land. They refused, telling her that she should take the matter up with the commune chief; when she went to the commune chief, he told her to go to the company; when she went to talk to the company, they told her to go back to the commune chief. Ultimately, her land was never demarcated.

In June 2013, while Hun Sen was inaugurating a nearby bridge in the province, Ms. Sophal attended the event and personally gave him copies of documents relating to the dispute and requested his intervention. After that, Mr. Thai Chantha, the head of the Provincial Department of Environment ordered his staff to demarcate the land under dispute, but they only partially completed the work and did not assess Ms. Sophal’s land. No action has been taken since to resolve the dispute over Ms. Sophal’s land. Meanwhile, the company continues to clear more of the disputed land.

Ms. Prak Sophal: *“The struggle has been very hard, but we want our land back.”*

Mr. Tim Thoeun is a soldier from Ek Kapheap Village, also in Thma Da commune. He began occupying a plot of land in nearby Sangkum Thmei Village in 1997, growing jackfruit and coconuts to supplement his income from the army. When the dispute with MDS began in 2010, his land was also affected. On the morning of 22 November 2014, bulldozers destroyed his house and farmland while a representative from the company looked on. He says he was given no warning or prior notification of the demolition. When he asked why his house was being destroyed, the MDS representative told him to take it up with the local authorities. On 14 January 2015, Mr. Turn’s wife was allegedly pressurized into thumb printing a document accepting alternative land in a Social Land Concession, but they still have no idea where the land is located or what amenities will be provided, and feel uncertain about the future of their family:



Mr. Tim Thoeun: *“Please ask the company to think about the people and how they are living before they develop an area. Think of the people’s livelihoods. They destroyed my house and land, in the future, how can my children survive without land?”*