JOINT STATEMENT

On dispute settlement through independent mediation between the local communities in Bousra Commune and the Economic Land Concessions Varanasi and Sethikula (Socfin-KCD company), and Covihama.

On 27th September 2022

In order to find mutual agreements on land disputes between members of five communities in Busra Commune (Pu Teut, Pu Raing, Bousra, Pu Char and Pu Luk) and the companies, the parties requested to join a voluntary mediation process. Community members joining the process elected their representatives to join negotiation meetings with the company held in Sen Monorom city and Bousra Commune, Mondulkiri Province, between 2017 and 2021.

The mediation aimed to introduce alternative conflict resolution and was a pilot project for the Kingdom. It was a voluntary collaborative process where the two parties identified issues, developed options, considered alternatives, and developed consensual agreements.

The communities received advice and support from the Legal Aid of Cambodia (LAC), and observers and witnesses included village elders, Bousra Commune Chief and the representative of the United Nations Office for Human Rights in Cambodia (UN OHCHR). The negotiations were...
mediated by the Independent Mediation Team (IMG).

Discussions were conducted separately for each community and organized by land tenure type.

The companies and the communities of Pu Teut, Pu Raing, Bousra, Pu Char and Pu Luk jointly agree to release this public joint-statement citing the following main negotiated resolutions.

1. Mediation on communal land inside the Economic Land Concessions

In order to officialise the protection status and boundaries on-site of communal land areas that are already jointly protected by the communities and the companies; and to address any further claims related to that type of land, negotiation meetings were organized about communal land.

Communal land included spirit forests, sacred forests, cemeteries and reserve land. The companies and the communities of Pu Teut, Pu Raing, Pu Char and Pu Luk have mutually agreed on the location, size and boundaries of 511 hectares of communal land within the ELCs.

The representatives of the communities have agreed to submit an application for registration of these lands under communal land to the Royal Government in order to be recognized by the government and in accordance with the law.

Reserve land areas will not be developed until the communal land titles for these areas are issued by the relevant authorities.
community members can collect honey in these areas by using other methods aside from using fire, collect non-timer forest products such as bamboo shoots, medicine, green leaves, rattan, resins, food and vegetables and fruits.

The companies will continue to place boards with information on the protection status of communal land areas and will inform community representatives of any infraction noticed.

Community development projects such as roads and water wells have been identified and agreed upon with each community.

2. Mediation on land along the streams inside the ELCs

Negotiation meetings were conducted to discuss the case of lands that community members cleared to cultivate along the streams in the Economic Land Concessions.

Some community members from Pu Teut, Pu Raing, Pu Char and Pu Luk agreed to map the fields they are cultivating along the streams in the ELCs of Varanasi and Sethikula (Socfin-KCD company).

The communities of Pu Raing, Pu Char and Pu Luk will apply for registration as collective land for these fields and the company will not interfere with the registration process.

With only 18 community members of Pu Tert participating in the mediation on land along the streams, most of them have already received ownership certificate, so they are not be registered as communal land.
Members of the communities will not apply for the registration of land overlapping rubber fields.

The representatives of the communities have agreed and guaranteed that no further expansion of new farmlands along the streams will be carried out but can cultivate on farmland map for mediation where has been left to become fertile land.

Members of the communities agreed that the new forest clearance as per the request to the village authority shall be stopped because the village authority or village chief does not have the right to allow the community to clear forest land for cultivation along the protected rivers. If new land clearance occurs within the economic land concessions, the company has the obligation to report and notify the authorities at all levels.

The company will ensure its activities do not affect crops planted on these farmlands. They will not clear these farmlands or other land along the streams.

The company does not have a road closure policy, so the company allows the community to freely enter and exit the ELCS. Community members must pass through the companies’ gates, with only a few checkpoints for security protection.

The communities agreed to inform the company on the time of burning their fields (slash and burn tradition). They will not burn forests for new land clearance. Both parties will provide information to each other and cooperate for the prevention of spread of wildfires.
3. Mediation on rubber families (smallholders)

Community representatives and Varanasi and Sethikula (Socfin-KCD company) joined negotiation meetings to discuss the current agreements and related obligations between rubber families and the companies. Community members from Pu Teut, Pu Raing, Pu Char and Pu Luk villages and the company will discuss on a new agreement. Community members can ask support from lawyer, stakeholders or non-governmental organizations to study common ground between the community and the company that can lead to future agreements.

The company will not include a rental fee in the new agreement and the debt of community members who entered in this project will be calculated based on the current size under the agreement. All parties have agreed on the size of the family rubber plantation land.

Members of the communities who are in the project can continue to sell rubber to other companies or third parties.

The company has promised and guaranteed that it will not confiscate the family rubber plantation land from the communities during the contract period between the company and the government, except for the government revoking the economic land concessions rights. If the company terminates the term of the economic land concessions with the government, it also terminates all the obligations stipulated in the agreement between the company and the communities.

In case the government agrees to renew the economic land concessions agreements with the
company in the future, the company reserve the rights for the communities to make a decision to renew the family rubber plantation agreement. In case the communities do not want to renew the contract with the company, they can take the family rubber plantation land which was previously managed to apply for land registration with the government as a collective land.

Agreements can be ended on a voluntary basis and relocation of plots can be done, if mutually agreed, on a voluntary basis.

The company will repair 100 meter of road every year. In case the company finds any member of the communities damaging the road, it will report to the representatives of the four villages. The representatives have agreed to advise those who damage the road. All parties have agreed not to block the road and authorise the security team of the company to check and interrogate when crossing the road to the family rubber plantations.

4. Mediation on related farmland

These agreements between Varanasi and Sethikula (Socfin-KCD company) and the communities of Pu Teut, Pu Raing, Bousra, Pu Char and Pu Luk resolve claims from mediation community members for land that was reportedly not compensated and claims from the mediation community members regarding any type of compensation received prior to this agreement.

The company agrees to provide each community with a community budget every year. The amount of the budget has been agreed upon for each community separately.
The budget will be allocated for a limited period agreed on with each community.

The annual fund will be used for community development activities (projects) to serve the families of the communities involved in the mediation process. If the total annual fund provided by the company is not fully spent, the remaining fund and how it will be spent will be renegotiated between the company and the community after the end of the allocation period agreed upon.

The annual fund will be used to implement community development activities (projects) to serve the families involved in the mediation process.

The community development activities can cover a wide range of topics, including but not limited to infrastructures, agricultural support, education, skill development, livelihood projects, ecotourism activities, emergency assistance or financial assistance to a community-managed fund.

Cash contributions to a community-managed fund will not exceed 25% of the annual fund.

The implementation of each project will be discussed between the company and the requesting community after a request is sent and signed by all representatives of the community.

Through the solutions agreed upon during the mediation process and listed in this joint-statement, all parties have resolved together all grievances related to the cases negotiated.
ការប្រការប្រែក្រោយ
Company Party

Varanasi Company

Mr. Shariq Al-Hussa, Mr. Boudicca Nicoleau

Sethikula Company

Mr. Shariq Al-Hussa, Mrs. Boudicca Nicoleau

Coviphama Company

Mr. Shariq Al-Hussa, Mrs. Boudicca Nicoleau

ការប្រការប្រែក្រោយដែលសម្រាប់
Mediated Community Parties

Pu Raing Community Representatives

ដេីស្រី Poeurs Kouy
Trak Tork
Srol Van
Pey Deng
Krors Kroeurb

Pu Lu Community Representatives

Chhoeng Voeurng
Pyoeurl Nien
Moeurl Ngev
Maly Kim
Nge Nam
onium Pu Char Community Representatives

Brop Tuch Nheb
Prut Tha
Khleok Keosingleb
Prey Tre
Rouy Tteub
Pcheus

onium Pu Tert Community Representatives

Ngang Yin
Korb Let
Ket Phallit
Thin Sima
Theoun Mab

onium Busra Community Representatives

Brong Toeurch
Chhoeurch Ben
Pak Khoeun

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