



‘OUR TRADITIONS ARE BEING DESTROYED’

ILLEGAL LOGGING, REPRESSION, AND INDIGENOUS PEOPLES’
RIGHTS VIOLATIONS IN CAMBODIA’S PROTECTED FORESTS



CONFLICT AND ENVIRONMENT

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First published in 2022
by Amnesty International Ltd
Peter Benenson House, 1 Easton Street
London WC1X 0DW, UK

Index: ASA 23/5183/2022
Original language: English

amnesty.org



Cover photo: Illegal logging activity in the Prey Lang Wildlife Sanctuary © Private

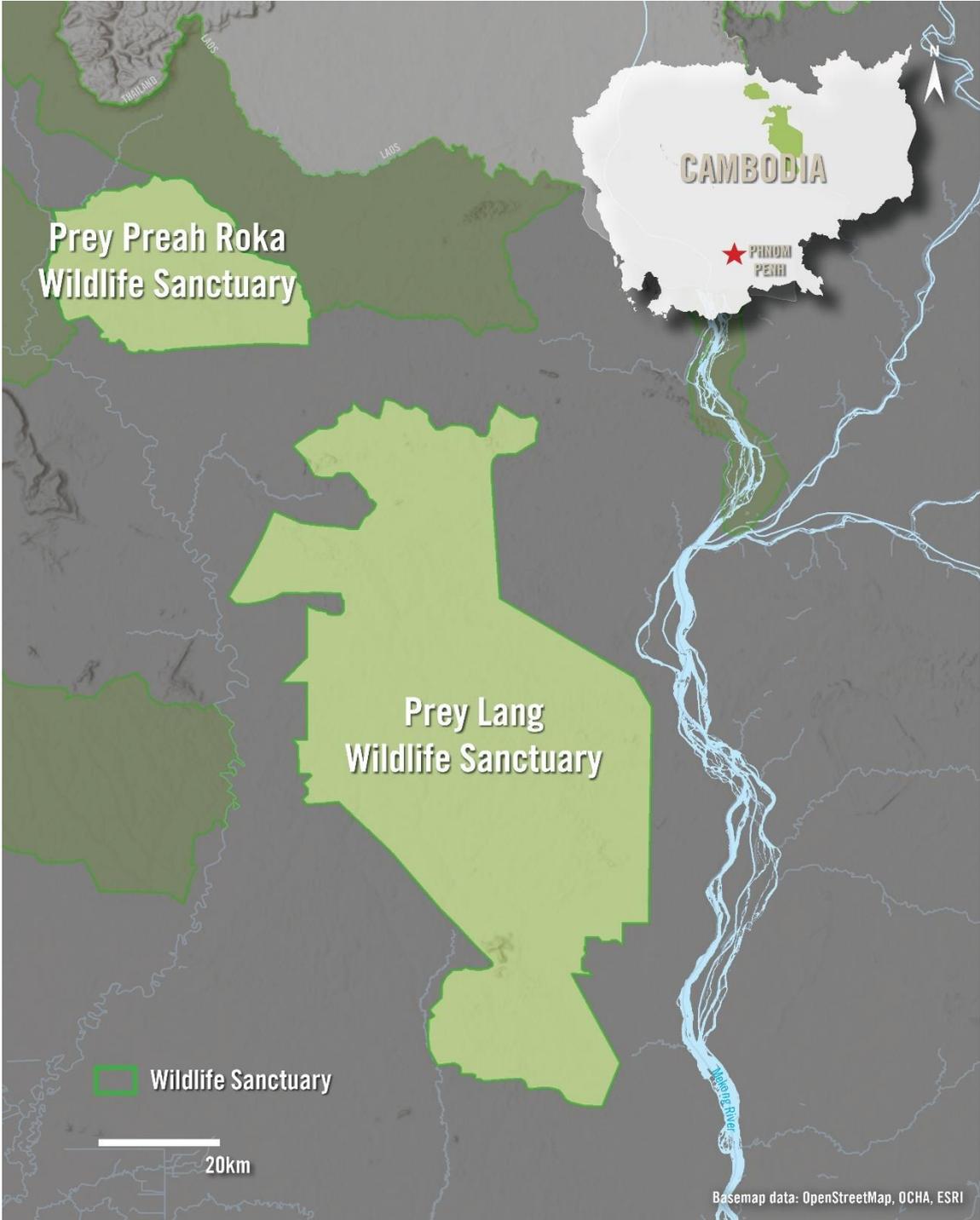
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MAP



EXECUTIVE SUMMARY

Cambodia lost nearly 2.5 million hectares of tree cover between 2001 and 2020. Illegal logging in Cambodia is posing an existential threat to the country's remaining primary forests. In addition to the well-documented threats which this poses to biodiversity and climate, it also entails severe consequences for Indigenous Peoples' cultures and human rights.

In Cambodia, the cultural and spiritual identity of the Kuy people is intimately intertwined with protected forests such as Prey Lang and Prey Preah Roka. Kuy community members interviewed by Amnesty International described the centrality of these forests to Kuy culture and spiritual life: *"The forests around us are a part of the health of our community — our connection to the spirits, and the forest they live in, is what maintains our wellbeing as a community and our sense of friendship and solidarity to one another,"* said one.

Yet rampant illegal logging in Cambodia is fundamentally threatening Kuy people's way of life. As another community member explained to Amnesty International: *"This is such a tragedy... I feel like our culture and traditions are almost entirely gone. We have lost so many traditions and places that are sacred to us."*

This report documents how the actions of Cambodian authorities violate the rights of the Kuy people and how Cambodian authorities thwart the Kuy people in their efforts to protect the Prey Lang and Prey Preah Roka forests. This research is based on interviews with 20 community activists from around Prey Lang and Prey Preah Roka. Amnesty International spoke to Kuy community activists involved in forest protection about the impacts of illegal logging and government restrictions on their culture, livelihoods, spiritual practices, and their ability to protect the forest.

In addition to their cultural practices and spiritual beliefs, the traditional livelihoods of Kuy people depend on the sustainable use of the forests which they rely upon. One of the main ways in which Kuy people have traditionally earned a living has been to tap resin — a sustainable means of harvesting oleoresin from certain trees endemic to Prey Lang and Prey Preah Roka. However, illegal loggers have increasingly targeted resin trees for use in timber production, with a devastating impact on the Kuy way of life. One Kuy activist stated: *"The forests are being destroyed and particularly our resin trees are being destroyed - and nearly everyone has lost their resin trees."*

Cambodia has experienced one of the highest rates of deforestation worldwide in recent decades, losing approximately 64% of its tree cover since 2011 alone. New data analysed by Amnesty International and remote sensing agency Space4Good revealed extensive deforestation in the two protected areas in recent months.

The analysis using currently available remote sensing data sources estimates at least 6,271 hectares (an area in size equivalent to 8,784 soccer pitches) were deforested across both protected areas in 2021. Further deforestation is also likely to be revealed as more datasets offering additional insights become available.

Cambodian authorities are failing in their duty to protect Indigenous Peoples' rights by appropriately policing and preventing illegal logging. But it's worse than that. In many cases, the same government officers who are charged with protecting these precious forests are instead profiting from their destruction. Embedded corruption in Cambodia's Ministry of Environment and within the police is fuelling the illegal logging trade and posing an existential risk to some of Cambodia's most important remaining forests.

Across both Prey Lang and Prey Preah Roka, community members consistently described the overt involvement of Ministry of Environment officials and local police in the illegal logging trade. Officers were described receiving bribes from timber traders and loggers in return for turning a blind eye to illegal logging activities and for facilitating the activities of loggers in protected forests and wildlife sanctuaries. One community member expressed his frustration at the transparently illegal actions of many officials: *"I wonder about all these police who wait along the road collecting money from loggers. How is that they can do this so blatantly?"*

Community activists who tried to report illegal logging to officials expressed frustration at the inaction and corruption which they encountered. One forest activist in Prey Lang explained: *“The big problem is that the authorities, especially from the Ministry of Environment, are only interested in collecting money. I have tried many times and gone directly to the Ministry’s provincial office and told them about logging and given them photos and other evidence. They go to investigate it — but they only investigate it to collect money from the loggers.”*

Since February 2020, Cambodia’s Ministry of Environment has arbitrarily banned grassroots activists from engaging in forest protection activities in Prey Lang and Prey Preah Roka — in blatant violation of their rights under domestic and international law. Groups such as the Prey Lang Community Network (PLCN) and the Prey Preah Roka Forest Community Network (PPRFCN) — made up mainly of Kuy Indigenous People — have been forcibly prevented from engaging in forest patrols to document and prevent illegal logging.

Ministry of Environment officials have justified these restrictions on local activists with reference to Cambodia’s controversial Law on Associations and NGOs (LANGO), in addition to the Law on Protected Areas (LPA). Yet in-depth legal analysis conducted by Amnesty International has found that these justifications by Cambodia’s Ministry of Environment do not stand up to legal scrutiny and that these prohibitions plainly violate the rights to freedom of association and assembly of environmental activists.

The Cambodian authorities have legal obligations under both domestic and international human rights law to protect Indigenous Peoples’ cultural rights. Cambodia voted in favor of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which outlines Indigenous Peoples’ right to maintain and strengthen their distinctive spiritual relationship with their traditionally used lands and to uphold their responsibilities to future generations in this regard.

The combined impact of arbitrary Ministry of Environment restrictions and illegal logging are fundamentally threatening the future of the forests which Kuy communities rely upon — and by extension, their culture, livelihoods, and rights as Indigenous Peoples. One activist in Prey Preah Roka described her concerns for future generations: *“The loss of our forests, and losing access to them, is destroying our culture. I feel like there is almost nothing left of our culture. The younger generation will never get to know all the important places for us in the forests or stories of Neak Ta”* (referring to an important forest spirit in Kuy culture).

Despite the overwhelming challenges they face — including organized illegal logging by powerful corporate actors, government oppression, and severe risks to their lives and freedom — many Kuy activists remain steadfast in their determination to defend and protect their ancestral forests and their Indigenous way of life. As one activist in Prey Lang described: *“I have been trying very hard to protect my remaining resin and trees and I will not let anyone cut them down. But it is very difficult for us to show strength in this regard because the Ministry of Environment are always in the way and preventing us from actively conserving the forest.”*

Cambodia’s remaining forests are facing an existential threat. If current fundamentally flawed policies continue, the human rights of Indigenous Peoples will continue to suffer and these precious forests will disappear. The Cambodian authorities must embrace Indigenous Peoples and local communities without discrimination as key partners if conservation practices are to succeed. As first steps, authorities must lift their arbitrary ban on community conservation activities and take the necessary measures to crack down on both illegal logging activities and corruption within the ranks of environmental authorities and law enforcement.

This report is part of Amnesty International’s ongoing research into the implications of illegal deforestation in Cambodia on human rights, particularly violations against Indigenous Peoples.

METHODOLOGY

This report is based on research conducted by Amnesty International between June and October 2021. Information was obtained from a variety of sources, including 20 interviews with community activists engaged in grassroots forest protection activities in and around Cambodia's Prey Lang and Prey Preah Roka forests. The majority of those interviewed identified as Indigenous Kuy, and all interviewees came from communities in or around the forests.

Prey Lang and Prey Preah Roka forests were selected for in-depth research because Amnesty International received reports that community activists in both forests had faced increasing restrictions from environmental authorities. Amnesty International has previously documented these restrictions in Prey Lang, and received similar reports in respect of Prey Preah Roka following the publication of earlier reports on the situation in Prey Lang.

Due to security concerns, pseudonyms have been used for all of the activists interviewed by Amnesty International, and other identifying information, including some location-related information, has been omitted. Due to travel restrictions resulting from the Covid-19 pandemic, all interviews were conducted remotely. Interviews were conducted in Khmer. Where possible, interview testimony was corroborated with local activists, news coverage, journalists, and other available sources.

All interviewees gave informed consent in advance of being interviewed. Before asking for consent, Amnesty International's researcher explained the purpose of the research, how the information would be used, and potential risks to all interviewees, and only proceeded with the interview once consent was given. Amnesty International did not provide any incentives in exchange for interviews.

The organisation also carried out extensive desk research using information from open sources, including relevant national law and international human rights standards, civil society organisation reports, domestic and international news media, and academic journals. Researchers also reviewed relevant national laws and policies as well as the international legal framework pertaining to Indigenous Peoples' rights and illegal logging in Cambodia.

Amnesty International contracted the agency Space4Good to conduct analysis of recent remote sensing data to estimate deforestation in the two protected areas during 2021. Space4Good is a geospatial social enterprise providing earth observation monitoring, reporting and verification solutions for social and environmental impact leaders around the world.

Without direct access to the two protected areas in Cambodia for ground truthing, Space4Good used two main datasets - Sentinel-1 radar imagery and Planet Labs monthly high-resolution optical imagery mosaics - to detect new deforestation.¹ Independent methods of analysis were applied to each data source producing a different indicator of deforestation and, when intersected, a higher confidence that deforestation had occurred in that area.

An algorithm developed by Space4Good was applied to the Synthetic Aperture Radar (SAR) Sentinel-1 20m spatial resolution data to indicate the presence or absence of vegetation over 2021. For the same timeframe, a Normalized Difference Vegetation Index (NDVI) calculation was applied to the Planetscope Surface Reflectance Mosaics, with 4.77m spatial resolution, every month when the mosaics became available. Newly detected areas of possible deforestation were flagged each month and compared over the preceding two

¹ For a full description of the remote sensing methodology, see Space4Good, Deforestation in Cambodia, 24 January 2022, copy on file with Amnesty International.

months to mitigate false positives, except in December, due to the timing of the report. The resulting datasets were combined, and the intersecting areas used to estimate the deforestation over 2021.

The methodology for the results relies on the deforestation recorded by both Sentinel-1 and Planet datasets, ensuring with high confidence that the deforestation detected occurred. The results, though, are likely an underestimation because the Sentinel-1 SAR data is only 20m spatial resolution. Very high-resolution imagery has shown major selective cutting of trees that could not be detected by the algorithm applied to the 20m Sentinel-1 data. Other higher resolution remote sensing data sources or thorough ground surveys would likely show higher rates of deforestation.

1. BACKGROUND

1.1 KUY INDIGENOUS PEOPLE IN CAMBODIA

Cambodia is home to up to approximately 24 different Indigenous Peoples and Kuy people make up one of the largest of these groups.² Kuy communities are present in areas of northern Thailand, southern Laos and northern Cambodia. Cambodia does not disaggregate census data based on Indigenous identity and estimates of the Kuy population vary widely – ranging from 14,200 to over 125,000.³ Traditionally, Kuy communities have inhabited remote forested regions of Cambodia. Kuy communities can be found throughout several northern provinces, including Preah Vihear, Stung Treng, Kratie and Kampong Thom.

According to academic studies, Kuy people have been faced with both discrimination and forced assimilation into the dominant Khmer culture at different points in history. Swift points out that during the Democratic Kampuchea era of 1975-1979:

Khmer Rouge cadres punished Kuy people for speaking the Kuy language; they said this was because the cadres did not want Kuy saying anything they could not understand. Following the end of the Pol Pot regime in 1979, the Khmer Rouge continued to have a presence in many Kuy areas.⁴

After the Khmer Rouge era, Khmer in-migration and infrastructure development in the rural areas traditionally settled by the Kuy brought new challenges to the Kuy way of life:

With the end of Khmer Rouge presence in the 1990s and with the development of infrastructure, Kuy areas everywhere have become more accessible from the outside. In 1998, most of Preah Vihear province became accessible by road from other parts of Cambodia for the first time in decades. Logging companies were granted concessions in many Kuy areas in the 1990s and concessions for mining and plantations followed.⁵

Like most Khmer people, Kuy people are predominantly Buddhist and Animist, with both belief systems intertwined. Kuy communities are “distinguished most clearly by their various languages, which are quite different from Khmer”, have other distinct cultural practices, including unique weddings and ceremonial activities. Spirits generally have played a greater role in village life in Kuy communities than they have in Khmer communities.⁶ Kuy culture and spiritual beliefs place a major emphasis on a variety of local spirits that reside in the forests, mountains and near villages. These spirits have a variety of names, such as Ahreak and Neak Ta.⁷ According to Kuy culture and beliefs, the destruction of spirit mountains, forests, and places of ancestor worship diminishes their culture and spiritual well-being in addition to curtailing their ability to earn a living.

² The precise number of Indigenous groups in Cambodia varies according to the source, as there is no official number. Minority Rights Group International, “World Directory of Minorities and Indigenous Peoples - Cambodia: Indigenous peoples”, <https://minorityrights.org/country/cambodia/>; Cambodia Indigenous Peoples’ Alliance (CIPA), “The Indigenous World 2021: Cambodia”, 18 March 2021, iwgia.org/en/cambodia/4206-iw-2021-cambodia.html

³ Peter Swift, Changing ethnic identities among the Kuy in Cambodia: Assimilation, reassertion and the making of Indigenous identity, December 2013 (hereinafter Swift, Changing ethnic identities), p. 296; Prey Lang Community Network, “Prey Lang”, 2015, preylang.net/about/the-forest

⁴ Swift, Changing ethnic identities, December 2013, p. 298.

⁵ Swift, Changing ethnic identities, December 2013, p. 299.

⁶ Swift, Changing ethnic identities, December 2013, p. 299.

⁷ Cultural Survival Quarterly Magazine, “Spirits of the Forest: Cambodia’s Kuy People Practice Spirit-based Conservation”, June 2012, culturalsurvival.org/publications/cultural-survival-quarterly/spirits-forest-cambodias-kuy-people-practice-spirit-based

1.2 INDIGENOUS PEOPLES' RIGHTS IN CAMBODIA

There is an absence of appropriate legal protection for the rights of Indigenous Peoples under domestic Cambodian law.⁸ There are, however, several national laws and policies which refer to Indigenous Peoples in Cambodia and use varying terms such as “indigenous communities”, “indigenous ethnic minorities” and “highland peoples.”⁹

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) affirms the basic rights of Indigenous Peoples in several areas under the framework of the general principle or right to self-determination, including the right to equality and non-discrimination; the right to cultural integrity; the rights to lands, territories, and natural resources; the right to self-government and autonomy; the right to free, prior, and informed consent (FPIC), and others. Cambodia voted to adopt the UNDRIP in 2007 and has ratified each of the core human rights treaties which the UNDRIP based upon, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). However, Cambodia has not ratified the International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples.¹⁰

The right to free, prior, and informed consent – enshrined in several articles of the UNDRIP – results from the right to self-determination.¹¹ Free, prior, and informed consent is “a mechanism whereby Indigenous peoples and Indigenous communities are able to conduct their own independent collective decision-making on matters affecting them.”¹² The term “free” means that “there is no coercion, intimidation or manipulation” in the consultation process. “Prior” implies that “consent is to be sought sufficiently in advance of any authorization or commencement of activities and respect is shown to time requirements of Indigenous consultation/consensus processes.” Finally, “informed” implies access to accurate and complete information about the matter object of the consultation process.¹³

Several other rights enshrined in the UNDRIP are highly relevant to the situation of the Kuy people and their access to, and use and protection of, the Prey Lang and Prey Preah Roka forests. For example, Article 25 states that “Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.” Article 26.3. requires that “States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.”

1.3 PREY LANG AND PREY PREAH ROKA

Prey Lang is mainland Southeast Asia’s largest remaining lowland evergreen forest, spanning four provinces of northern Cambodia. It has long been relied upon by inhabitants of Kuy, Khmer and Lao villages across Kratie, Stung Treng, Preah Vihear and Kampong Thom provinces. The forest has special significance for Kuy people who have a long history of forest-based livelihoods in the area and from whose language the name *Prey Lang* – meaning ‘our forest’ – is derived. Prey Lang is a critical part of Kuy identity, culture and spirituality, in addition to acting as a vital resource for Kuy livelihoods.¹⁴

⁸ Cambodia Indigenous Peoples Alliance (CIPA), Situation of Indigenous Peoples in Cambodia, January 2019, upr-info.org/sites/default/files/document/cambodia/session_32_-_january_2019/js1_upr32_khm_e_main.pdf

⁹ Cambodia Indigenous Peoples Alliance (CIPA), Situation of Indigenous Peoples in Cambodia (previously cited).

¹⁰ Office of the UN High Commissioner for Human Rights, tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=29&Lang=EN

¹¹ Expert Mechanism on the Rights of Indigenous Peoples, “Final Study on indigenous peoples and the right to participate in decision-making”, A/HRC/EMRIP/2011/2, 26 May 2011, para. 18, <https://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/AEVfinalreportStudyIPRightParticipate.pdf>

¹² Asia Indigenous Peoples Pact (AIPP), “Training Manual for Indigenous peoples on free, prior, and informed consent (FPIC)”, 2014, p. 10.

¹³ Office of the UN High Commissioner for Human Rights, “Free, Prior and Informed Consent of Indigenous Peoples”, September 2013, <https://www.ohchr.org/Documents/Issues/ipeoples/freepriorandinformedsent.pdf>

¹⁴ Prey Lang Community Network, “Prey Lang”, 2015, preylang.net/about/the-forest

Prey Lang is one of the world's top ten biodiversity 'hotspots' — the planet's "most biologically rich and threatened regions" and home to many endemic and endangered species including the Pileated Gibbon, the Banteng and the Asian Elephant.¹⁵

In 2016, the majority of the Prey Lang forest (431,683 hectares of the approximately 600,000-hectare swath) was officially designated as a Wildlife Sanctuary. Wildlife Sanctuaries are protected areas under Article 7 of the Law on Protected Areas, meaning that all logging activity is illegal within their boundaries. Other areas of Prey Lang have been leased to agribusiness companies under Economic Land Concessions (ELCs).

Despite its designation as a Wildlife Sanctuary, Prey Lang remains under serious threat due to rampant illegal logging. Prey Lang Community Network (PLCN) have reported 41,758 hectares of forest loss between 2001 and 2018, equating to almost 10% of the Prey Lang Wildlife Sanctuary. Data published by the University of Maryland in partnership with Global Forest Watch show that over 9,000 hectares of forest was lost during 2020. Twenty percent more trees were lost in 2020 than 2019.

PLCN is a prominent community group which has worked to protect the Prey Lang forest since the early 2000s. PLCN works to "prevent illegal logging and large-scale land grabs of ancestral lands for mining, agribusiness and logging" and to "protect the forest and livelihoods of the approximately 200,000 people who rely on non-timber products from the forest."¹⁶ PLCN engages in forest patrols across Prey Lang, intercepting loggers and confiscating chainsaws, and produces detailed reports on illegal logging and poaching in Prey Lang.¹⁷

Prey Preah Roka is a forest located in Preah Vihear province. Prey Preah Roka has been an important place for hunting and the collection of non-timber forest products (NTFP) for Kuy communities for generations. Kuy people have inhabited the area since as far as oral records go back¹⁸ and it is likely that Kuy people were involved in iron smelting in the area dating back to the Angkor era.¹⁹ For at least several generations the forests that are now Prey Preah Roka (and Kulen Brom Tep Protected area to the west and the Chaep Wildlife Sanctuary to the east) have been important hunting grounds and a source of timber (for home-building and domestic purposes) and NTFPs.

In 2016, part of Prey Preah Roka was also designated as a wildlife sanctuary covering 90,000 hectares of forest under the protection of the Ministry of Environment. The Prey Preah Roka Forest Community Network (PPRFCN) is a loose network of villagers that since approximately 1997 had actively been conducting patrols of the forest and conducting ceremonies in the forest area to publicise their efforts. PPRFCN initially enjoyed a positive relationship with the Ministry of Environment after the area was designated as a protected Wildlife Sanctuary in 2016, but by 2019 this relationship had begun to deteriorate as logging increased within the forest and the Ministry of Environment began prohibiting the PPRFCN from conducting independent conservation activities.

1.4 ILLEGAL LOGGING IN CAMBODIA

In recent decades, Cambodia has consistently ranked as one of the world's most rapidly deforested countries. According to Global Forest Watch, Cambodia lost nearly 2.5 million hectares of tree cover between 2001 and 2020. 64% of the tree cover was lost between 2011 and 2020.²⁰ Almost half of this deforestation has occurred in primary forests — areas of mature, natural forest that are important for carbon storage and which serve as habitats for many species which are threatened with extinction.²¹

Timber exports were a key source of funding for Communist Party of Kampuchea (CPK or Khmer Rouge) government which held power in Cambodia from 1975-1979. Illegal logging began to skyrocket in the mid-

¹⁵ BIODIVERSITY ASSESSMENT OF PREY LANG Kratie, Kampong Thom, Stung Treng and Preah Vihear Provinces, https://www.researchgate.net/publication/334761843_BIODIVERSITY_ASSESSMENT_OF_PREY_LANG_Kratie_Kampong_Thom_Stung_Treng_and_Preah_Vihear_Provinces

¹⁶ Prey Lang Community Network, 9th Monitoring Report: The Status of Prey Lang Forest.

¹⁷ Prey Lang Community Network, 9th Monitoring Report: The Status of Prey Lang Forest. PLCN has received numerous international awards for their efforts to protect the forest. Most recently, they were awarded the Global Landscape Forum 2020 Landscape Heroes award, which celebrates people taking action to safeguard the planet's biodiversity, often at great personal risk.

¹⁸ Based on research conducted with Kuy participants in July to November 2020 in Bro Me commune.

¹⁹ Mitch Hendrickson and others, "Smelting in the shadow of the iron mountain: Preliminary field investigation of the industrial landscape around Phnom Dek, Cambodia (ninth to twentieth centuries AD)," *Asian Perspectives* (2017), pp. 55-91.

²⁰ Global Forest Watch, "Tree cover loss in [country/province name]". Accessed on 13/01/2022 from www.globalforestwatch.org

²¹ Kai Kressek, "What's Happening in Cambodia's Forests?" blog post, 26 September 2019, <https://www.globalforestwatch.org/blog/data-and-research/whats-happening-in-cambodias-forests/> Accessed on 26/01/2022 from www.globalforestwatch.org

1990s and 2000s following the Paris Peace Agreements, which marked an end to decades of bloody conflict in the country. Cambodia's supposed triple transition — war to peace, one-party state to democracy, and socialist command economy to free market — combined with a massive influx of development funds and international attention, profoundly transformed the country in multiple ways. While many Cambodians were lifted out of extreme poverty during the 1990s and 2000s, the period was also marked by widespread environmental destruction, displacement and forced evictions fuelled by land privatisation and the practice of issuing ELCs.

ELCs are long-term leases of large areas of land provided to private companies for economic development purposes, such as agribusiness, mining and hydro-power projects. Many ELCs have been granted in forested areas and have severely impacted Cambodia's Indigenous Peoples — leading to forced evictions and a range of other human rights violations. Amnesty International has been documenting the negative human rights impacts of ELCs in the Prey Lang area since 2010.²²

According to Cambodian human rights group LICADHO, the Royal Government of Cambodia (RGC) has issued 301 ELCs covering over two million hectares of land in Cambodia.²³ Indigenous Peoples' rights groups in Cambodia have documented that "at least 98 of these ELCs involve the lands, territories and resources of Indigenous Peoples" and "none of these development initiatives that involve indigenous territories have gone through the process of FPIC [free, prior and informed consent]."²⁴ These groups have further noted the "irreparable damage to indigenous peoples' culture and tradition, livelihood, education, and health and overall development and wellbeing" by the practice of granting ELCs on or adjacent to Indigenous territories.²⁵

Cambodian officials consistently maintain that Cambodia's rural poor are responsible for deforestation and that large scale illegal logging no longer exists in the country.²⁶ However research into deforestation and illegal logging in Cambodia has consistently pointed to the role of well-connected business interests with ties to the ruling Cambodian People's Party and Prime Minister Hun Sen.

For example, Global Witness has conducted extensive investigations into the illegal logging trade in Cambodia, including in Prey Lang. In 2007, Global Witness concluded that "Cambodia's most powerful logging syndicate is led by relatives of Prime Minister Hun Sen and other senior officials. Activities in which members of this logging syndicate are implicated include the large-scale illegal logging in the Prey Long Forest."²⁷

Another environmental NGO, the Environmental Investigation Agency (EIA), has reported on the illegal logging trade in Cambodia. Their research has pointed to Vietnamese demand as a key driver of deforestation in Cambodia, with many logging operations transporting illegally sourced timber to Viet Nam for onward export. EIA have described how the porous border between Cambodia and Viet Nam, in addition to widespread corruption among law enforcement authorities on both side of the border, facilitates the plunder of protected forests in Cambodia.²⁸

Viet Nam is now one of the largest timber furniture exporters in the world. Vietnamese state media reported in May 2021 that Viet Nam had overtaken China as the largest furniture exporter to the US, having exported USD 7.4 billion worth of furniture to the US in 2020 alone. Viet Nam's increasing prominence as a timber exporter has also brought additional scrutiny. The US Trade Representative (USTR) launched an investigation into Viet Nam's import and use of illegal timber in October 2020, and the investigation recognized that a "significant amount of the timber exported from Cambodia to Vietnam was harvested on protected lands, such as wildlife sanctuaries... Cambodia nevertheless remains a significant source of Vietnam's timber imports."²⁹

²² Amnesty International, "Cambodia: Eviction and resistance in Cambodia: Five women tell their stories", 24 November 2011, [amnesty.org/en/documents/asa23/006/2011/en](https://www.amnesty.org/en/documents/asa23/006/2011/en)

²³ LICADHO, Land Concessions Dataset, licadho-cambodia.org/land_concessions (accessed on 12 January 2022).

²⁴ Cambodia Indigenous Peoples Alliance (CIPA), Situation of Indigenous Peoples in Cambodia, January 2019, [upr-info.org/sites/default/files/document/cambodia/session_32_-_january_2019/js1_upr32_khm_e_main.pdf](https://www.upr-info.org/sites/default/files/document/cambodia/session_32_-_january_2019/js1_upr32_khm_e_main.pdf), para. 11.

²⁵ Cambodia Indigenous Peoples Alliance (CIPA), Situation of Indigenous Peoples in Cambodia, January 2019, [upr-info.org/sites/default/files/document/cambodia/session_32_-_january_2019/js1_upr32_khm_e_main.pdf](https://www.upr-info.org/sites/default/files/document/cambodia/session_32_-_january_2019/js1_upr32_khm_e_main.pdf), para. 12.

²⁶ Richard Finney, "Cambodia's Hun Sen blames deforestation on the country's poor", 11 November 2021, Radio Free Asia, [rfa.org/english/news/cambodia/blames-11112021080133.html](https://www.rfa.org/english/news/cambodia/blames-11112021080133.html)

²⁷ Global Witness, Cambodia's Family Trees, 31 May 2007, [globalwitness.org/en/reports/cambodias-family-trees](https://www.globalwitness.org/en/reports/cambodias-family-trees). See also Global Initiative Against Transnational Organized Crime, Forest crimes in Cambodia: Rings of illegality in Prey Lang Wildlife Sanctuary, 26 March 2021, [globalinitiative.net/analysis/forest-crimes-cambodia](https://www.globalinitiative.net/analysis/forest-crimes-cambodia)

²⁸ Environmental Investigation Agency (EIA), Serial Offender: Vietnam's continued Imports of illegal Cambodian timber, 31 May 2018, [eia-international.org/wp-content/uploads/eia-serial-offender-web.pdf](https://www.eia-international.org/wp-content/uploads/eia-serial-offender-web.pdf); Environmental Investigation Agency (EIA), Repeat Offender: Vietnam's persistent trade in illegal timber, 8 May 2017, [eia-international.org/wp-content/uploads/Repeat-Offender.pdf](https://www.eia-international.org/wp-content/uploads/Repeat-Offender.pdf)

²⁹ Office of the United States Trade Representative, Section 301- Vietnam Timber, 2020, ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-vietnam-timber

The USTR investigation concluded with an agreement between the Vietnamese government and the USTR in October 2021, with the USTR stating it had received “commitments that will help keep illegally harvested or traded timber out of the supply chain and protect the environment and natural resources” including working with “high-risk source countries to improve customs enforcement at the border and law enforcement collaboration.”³⁰ The impacts of this agreement on the trade of illegally sourced Cambodian timber into Viet Nam remain to be seen.

³⁰Office of the United States Trade Representative, USTR Announces Agreement Between the United States and Vietnam to Resolve Timber Section 301 Investigation, 01 October 2021, ustr.gov/about-us/policy-offices/press-office/press-releases/2021/october/ustr-announces-agreement-between-united-states-and-vietnam-resolve-timber-section-301-investigation

2. “THERE IS ALMOST NOTHING LEFT”: HOW CAMBODIA’S CONSERVATION PRACTICES ARE THREATENING KUY CULTURE AND RIGHTS

This chapter details the threats posed to Kuy culture by illegal logging and analyzes the legal responsibilities of the Cambodian authorities to protect Kuy communities’ rights as Indigenous Peoples in the context of illegal logging.

All of the Kuy community members interviewed by Amnesty International expressed concern that their cultural survival was threatened by rampant illegal logging in these forests. The loss of Cambodia’s forests has a profound impact on Kuy communities, who rely on the forest to sustain their traditional livelihoods and to maintain their spiritual and cultural practices. Many Kuy spiritual practices are physically rooted in specific sites in the forest – including ancestral burial grounds located within the forests and specific locations believed to be inhabited by *Neak Ta* or other forest spirits.

As detailed later in this section, not only are Cambodian environmental authorities failing in their positive obligation to protect Kuy communities’ rights from human rights abuses by illegal logging operations, they are often active participants in this deeply corrupt trade.

2.1 IMPACTS ON KUY CULTURE AND SPIRITUAL PRACTICES

Kuy people from around Prey Lang and Prey Preah Roka described four different types of sacred forest:

- 1) spirit forest (special landscapes believed to be inhabited by past spirits or with historical significance to oral stories, e.g. old villages or sites where particular events within oral stories occurred);
- 2) sites of Neak Ta worship (sites believed to be inhabited by Neak Ta and where people build shrines and altars to ask for good luck and provide offerings);
- 3) cemeteries (burial grounds which are believed to be imbued with the spiritual powers of ancestors); and
- 4) historic sites (remains of old temples or relics often dating back several hundred years).

Kuy community members told Amnesty International how the degradation of the forest alienated people from their spiritual beliefs and practices because the forested landscape is such an integral part of their cosmology. One respondent described the enormity of the losses encountered by her community as a result of illegal logging and government restrictions on her ability to enter Prey Preah Roka:

This is such a tragedy — I feel like our traditions are being destroyed and I do not know what they have become now but we have lost a lot. I feel like our culture and traditions are almost entirely gone. So much of our sacred forest has been destroyed — often because the thick forest has been destroyed and shrines as well.

Before 2005 it was so thick. Now when the canopy is thinned out it changes so much — when fires come through, they really burn up so much of the vegetation and this changes how the forest is. This also affects our spirit forest — as it changes so much it loses its sacredness and people stop respecting and coming to give offerings to these places. Some people even clear these areas for their farms.³¹

Another respondent described how logging of sacred forests was fundamentally diminishing Kuy culture for the next generation:

The effects of loss of our forests, and losing access to our forests, is destroying our culture. I feel like there is almost nothing left of our culture. The younger generation will never get to know all the important places for us in the forests or stories of Neak Ta. There are ancient villages that were once inside the forest and we still pay our respects to spirits of our ancestors. Now these places have been destroyed because of logging. All the big trees have been cut down and artefacts pilfered.³²

The same respondent continued:

There are also very old sites of former temples or relics inside Prey Preah Roka. I have heard about these places from elders in our villages. Now that these places are being destroyed this culture will be lost... There are other places that elders talk about — relics imbued with spiritual power, and shrines where we give offerings to Neak Ta.³³

In Prey Preah Roka, sacred forest is mostly of the first two types: spirit forest and sites of *Neak Ta* worship. Not far from Bro Me is the site of the highly revered *Neak Ta* – the eight headed *Neak Ta*. Although the shrine to this *Neak Ta* still exists and people still conduct ceremonies there, the surrounding area is now private property on three sides and heavily degraded forest within Prey Preah Roka on the other side. Respondents noted that this had major impacts on culture and the practice of traditions.³⁴

Firstly, as the land is surrounded by private property, it is much harder to access and as a result people go to the site much less frequently. Respondents felt that this would mean that, over time, people would lose their traditions and connections to *Neak Ta*. Secondly, respondents felt that the *Neak Ta* becomes less powerful as the land has become degraded and people give less offerings. This means that the *Neak Ta* has less ability to guard over the land and water and protect the community. Thirdly, people believed, that the clearing of land angered *Neak Ta* which results in animals (cows and buffaloes) in the area getting sick and dying, as well as villagers.³⁵

³¹ Amnesty International interview with Hor Dy, August 2021.

³² Amnesty International interview with Chan Thyda, September 2021.

³³ Amnesty International interview with Chan Thyda, September 2021.

³⁴ Amnesty International interview with Chan Thyda, September 2021.

³⁵ Amnesty International interview with Chan Sambath, September 2021; Amnesty International interview with Chan Thyda, September 2021.

This is just one of many sacred sites inhabited by *Neak Ta* around Prey Preah Roka that has experienced forest degradation. Another significant *Neak Ta* site near O'Kok village has also been heavily degraded.

Across the three districts of Prey Lang that respondents came from, people faced the degradation and destruction of all four of the types of sacred forest as highlighted previously (spirit forests, shrines to *Neak Ta*, cemeteries, and ruins of temples). One site containing pre-Angkorian temple ruins in Prey Vihear's Prasat Goal had been logged heavily, leading to damage to the ruins.³⁶

Spirit forest on the border of Prey Vihear and Kampong Thom had also been extensively cleared. As Keng Huot from Prey Vihear province put it:

To speak frankly — all the sacred sites in Prey Lang have experienced logging. Loggers have no concern for sacred sites — they just log where there are trees. There are many sacred sites — especially located along rivers, as well as the remains of ancient temples — loggers have paid no attention to these sites and logged them of all valuable trees. The effect of this is that it results in the decline of our traditions and beliefs. Our beliefs and traditions are held together through practice — we go to give offerings or pray at sacred sites and come together as a community.

If those sites are destroyed, or we cannot access them no one goes there anymore. We stop giving offerings, we lose our connection to spirits and sacred sites and as such we lose some of our traditions. More than this we lose solidarity within our community as these traditions bring us together.³⁷

Tin Sot from Kratie province gave a similar overview of the diminishment of Kuy culture because of unchecked illegal logging:

So many of the sacred areas of our forest have been destroyed now by [illegal] logging. We have many beliefs toward the forest and certain large trees as well as aspects of the landscape like rock outcrops. So many of these places have been destroyed and it is for this reason that many cattle and buffalo and other creatures we raise have been getting sick.

I can say that logging and restrictions by the Ministry of Environment go beyond an impact on our traditions and culture — they destroy them. How can we go to give offerings in the forest at sacred sights and meet as a community at our important places?³⁸

The Cambodian authorities have legal obligations both domestic and international human rights law to protect Indigenous Peoples' cultural rights from third party threats – including those posed corporate actors involved in illegal logging.

These losses of traditional lands with special spiritual significance are particularly relevant to Article 25 of UNDRIP, which states: “Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.”

Article 29.1 of UNDRIP provides: “Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.” Article 31.1. further provides:

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts.

In interpreting the right to take part in cultural life — enshrined in the International Covenant on Economic, Social, and Cultural Rights — the Committee on Economic, Social, and Cultural Rights (CESCR) has noted that:

Indigenous peoples' cultural values and rights associated with their ancestral lands and their

³⁶ Amnesty International interview with Chan Sambath, September 2021; Amnesty International interview with Chan Thyda, September 2021.

³⁷ Amnesty International interview with Keng Huot, August 2021.

³⁸ Amnesty International interview with Tin Sot, August 2021.

relationship with nature should be regarded with respect and protected, in order to prevent the degradation of their particular way of life, including their means of subsistence, the loss of their natural resources and, ultimately, their cultural identity. States parties must therefore take measures to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories, and resources, and, where they have been otherwise inhabited or used without their free and informed consent, take steps to return these lands and territories.³⁹

Both Prey Lang and Prey Preah Roka were designated as protected Wildlife Sanctuaries in 2016 following sub-decrees signed by Prime Minister Hun Sen pursuant to the Law on Protected Areas (2008). Other domestic regulations which govern aspects of forest protection and use, and communities' access to forests, include the Law on Environmental Protection and Natural Resource Management (1996) and the Land Law (2001). The Law on Protected Areas prohibits the felling of trees and the collection of timber in protected areas. There has also been a supposed nationwide moratorium on commercial logging in force since 2002.⁴⁰

2.2 THREATS TO TRADITIONAL LIVELIHOODS

Kuy communities often rely on resin tapping and swidden farming (also known as rotational, shifting, or "slash and burn" farming). This form of agriculture involves clearing forest land for agriculture (usually with fire) and then leaving it to regenerate after a few years of use. Kuy communities often perform rites for spirits before clearing new swiddens.⁴¹

Resin tapping, which involves the sustainable collection of oleoresins from various species of dipterocarp trees growing wild in the forest, has been extremely important to Kuy livelihoods.⁴² In the process of resin tapping, a tap (or hole) is cut near the base of resin trees and burnt briefly each week to stimulate fresh resin flow, which can be harvested. Research has shown that tapping of a single tree can continue for decades.⁴³ The resin is sold and used domestically for low-grade lighting and commercially for boat caulks, paints, varnishes and probably also as an ingredient in perfumes.⁴⁴

The wood of the dipterocarpus species is commercially valuable, although not of the highest quality. It is classed as Grade 2 and is highly sought after by many Cambodian timber traders, in part because it is ideal for plywood.⁴⁵

Resin trees in Prey Preah Roka are mostly the species *dipterocarpus alatus* (*Cher Teal* in Khmer) and *dipterocarpus crispalatus* (*trach* in Khmer) which are commonly used as tables, doors, ceiling beams, chairs and beds. These two species are particularly sought after by loggers because they are hard woods, with straight and thick trunks, making them suitable for furniture production.

Each of the Kuy community members interviewed by Amnesty International emphasized that Kuy people have always had forest-dependent livelihoods and that the destruction of the forest, and people's resulting alienation from this way of life, has had devastating consequences on both livelihoods and attempts to preserve their culture and traditions.

Community members frequently pointed to the illegal logging of resin trees as one of the greatest threats to traditional Kuy livelihoods. The resin trees tapped by people in Prey Preah Roka have increasingly come under pressure from loggers over the last decade but community members reported a spike in resin trees being lost over the last two years — coinciding with the Ministry of Environment's restrictions on forest protection activities by grassroots organisations. One respondent explained:

³⁹ UN Committee on Economic, Social and Cultural Rights (CESCR), "General comment No. 21 (2009) on the Right of everyone to take part in cultural life (art. 15, para. 1(a) of the International Covenant on Economic, Social and Cultural Rights)", UN Doc. E/C.12/GC/21, 21 December 2009, para 36.

⁴⁰ The only exception to this moratorium is land clearance for agro-industrial cultivation within ELCs, which are regulated by the Land Law in 2001.

⁴¹ Swift, Changing ethnic identities, December 2013, p. 300.

⁴² Swift, Changing ethnic identities, December 2013, p. 300.

⁴³ Tom Evans and others, "A Study of Resin-Tapping and Livelihoods in Southern Monduliri, Cambodia, With Implications for Conservation and Forest Management," Wildlife Conservation Society, January 2003, s3.amazonaws.com/WCSResources/file_20120709_214332_Evans-et-al-Resin-SBCA_JhYoQ.pdf (hereinafter Evans and others, "A Study of Resin-Tapping and Livelihoods").

⁴⁴ Evans and others, "A Study of Resin-Tapping and Livelihoods."

⁴⁵ Evans and others, "A Study of Resin-Tapping and Livelihoods."

About 10 or 15 years ago I could say that nearly everyone in Bro Me commune collected resin to some degree — even my family. But now we have nothing... All the resin trees that people used to go to have now been destroyed.⁴⁶

Community members described significant livelihood pressures when this important source of income was taken away from them. As interviewees explained, resin collection has traditionally been one of the most important sources of income for people in Preah Vihear's Bro Me commune (along with cattle raising and farming). One villager, Chan Thyda, explained the sheer scale of the illegal logging of resin trees in areas of Prey Preah Roka:

I would say about 60 or 70% of all resin trees from Prey Preah Roka have been cut with only 30% remaining - many deep in the forest. Many people from outside of Bro Me come and steal our trees when we are not in the forest - especially during the rice season when we are busy planting saplings or harvesting rice... Sometimes in one day 30 or 40 resin trees will be cut.⁴⁷

Prey Preah Roka has always been an important site for resin and the maintenance of traditional livelihoods for people of Bro Me. People can make up to 40,000 riel (USD 10) per litre of resin and up to 360,000 riel (USD 90) for a single trip tapping approximately ten productive trees. She went on to detail how some Kuy community members have come to feel so helpless in the face of illegal logging that they have even resorted to felling their own trees, explaining that "some people now would prefer to cut their resin trees and then use the timber to make houses — because at least then they get some benefit from the resin tree."⁴⁸

Those who do resort to felling their own resin trees face further problems — as Ministry of Environment rangers will sometimes target villagers who engage in this practice, while allowing well-connected loggers to operate with impunity. Local villager Chan Thyda explained:

Now some people go to cut their own resin trees and then get arrested by the Ministry of Environment for destroying the forest. I never see the Ministry of Environment arresting or pursuing [domestic] migrants and others who go every day to cut the forest. But for the people who haven't paid [Ministry of Environment officers] off they get arrested - even myself I went to cut resin trees to make my house and they arrested me. But the people who go to steal our resin trees always get away with it.⁴⁹

Similarly, in Prey Lang, all Kuy respondents highlighted the loss of resin trees in their locality, and its impact on livelihoods and culture – sometimes to the point where people in their village no longer collected resin at all.⁵⁰ In some areas of Prey Lang, all resin trees were reported to have disappeared since 2016 — ironically the year of Prey Lang's designation as a protected Wildlife Sanctuary.⁵¹ The situation was little different in Preah Vihear province's Roveang district: "there are now no longer any resin trees, all of them have been destroyed."⁵²

Kuy community members in Prey Lang described how loggers would sometimes offer to buy resin trees from community members, but reported feeling that they had little choice but to accept whatever price was on offer, as the tree would surely be felled anyway. Keng Huot explained: "The head of the logging parties often comes to ask us if we want to sell our resin trees — but the reality is that if we don't sell to him, his logging party will just take it. Any they offer only a very low price — for one tree only 10,000 or 20,000 riel (USD 2.50 – 5 USD)."⁵³

In Kratie's Sambor district people have also faced the problem of losing resin trees. One community explained:

There is a very big effect on our livelihood. The forests are being destroyed and particularly our resin trees are being destroyed - and nearly everyone has lost their resin trees... I have been trying very hard to protect my remaining resin and trees and I will not let anyone cut them down. But it is very difficult for us to show strength in this regard because the Ministry of Environment are always in the way and preventing us from actively conserving the forest.⁵⁴

⁴⁶ Amnesty International interview with Hor Dy, August 2021.

⁴⁷ Amnesty International interview with Chan Thyda, September 2021.

⁴⁸ Amnesty International interview with Chan Thyda, September 2021.

⁴⁹ Amnesty International interview with Chan Thyda, September 2021.

⁵⁰ For example: Amnesty International interview with Kem Dy, September 2021; Amnesty International interview with Keng Huot, August 2021.

⁵¹ Amnesty International interview with Kem Dy, September 2021.

⁵² Amnesty International interview with Keng Huot, August 2021.

⁵³ Amnesty International interview with Keng Huot, August 2021.

⁵⁴ Amnesty International interview with Ty Chhunly, September 2021.

Aside from resin, community members also reported that there has also been a significant reduction in the availability of other non-timber forest products (NTFPs).⁵⁵ Seasonal fruits like *Pli Goy* (*willuhbeia edulis*) and *Pli Se Moan* (*nephelium litchi*) are also important NTFPs that Kuy people collect for their own consumption as well as selling in local village markets. The fruits are considered local delicacies due to the fact that they typically only grow in the forest.

Some villagers estimated that in past years they were able to collect enough of these fruits to generate 100,000 riel (approximately USD 25), typically from a one- or two- day trip in the forest. All respondents noted that these fruit trees are now exceedingly rare and not easily found within Prey Preah Roka due to logging. As one respondent noted:

Now these forests are like clearings — with no longer any big trees and also with a big impact on NTFPs. In the past Pli Goy was particularly important as an income — we could make several hundred thousand riel in Goy season — but now it is very difficult to find.⁵⁶

Like in Prey Preah Roka, livelihood impacts of logging were not just limited to the loss of resin trees in Prey Lang: people also were finding it difficult to find seasonal fruits like *Pli Goy* and *Pli Se Moan*, as well as honeycomb, rattan, mushrooms and vines. As noted for Chey Sen district:

NTFPs don't exist anymore — they have all been destroyed. And also the forest animals — all the animals we used to have they have now disappeared. Even honeycomb is very difficult to collect because the nests are usually located on resin trees — which recently have been targeted by loggers. So the bees no longer make nests in the area — instead they have located elsewhere — probably far away to nest so we can no longer collect honey.⁵⁷

Each of the community members from areas surrounding Prey Lang told Amnesty International that they had until very recently largely relied on NTFPs for their livelihoods. The loss of such an income source pushed people to migrate in search of work or even to become indebted. People with few other livelihood options are forced to spend large amounts of time searching for NTFPs in a decimated forest:

There is also a big problem with a reduction in NTFPs. Just the other day I spent a few nights inside the forest and had to walk [so much further] just to find the usual NTFPs and even then, there was much less. Now there is a big difference in the last few years in that NTFPs like forest palm trees, which people could collect up to 10kg of (the unrefined palm sugar). Now that the climate has become drier and the forest is being destroyed by logging, people can only find 400g or 500g per trip. So this also has a big effect on people's incomes because in the past we heavily relied on NTFPs for income.⁵⁸

The traditional user rights of local communities to harvest forest products and by-products is recognized in the Law on Protected Areas (2008), the Law on Forestry (2002), the Law on Environmental Protection and Natural Resource Management (1996), and the Land Law (2001).

Article 20 of UNDRIP also recognizes that Indigenous Peoples have the right “to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities”, and the Cambodian authorities have a corresponding duty to protect this right. Furthermore, Article 20.2. states that “Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.”

The Cambodian authorities therefore have a responsibility under domestic and international law to protect the forests on which Indigenous Peoples traditionally depend. As demonstrated by the testimonies above, illegal logging and government restrictions have greatly diminished Kuy peoples' ability to rely on resin tapping and NTFP collection for their livelihoods. In some areas of Prey Lang and Prey Preah Roka, this way of life has all but died out completely. As demonstrated in the section below, this destruction is all too often facilitated by the corrupt involvement of Ministry of Environment officials in the illegal logging trade.

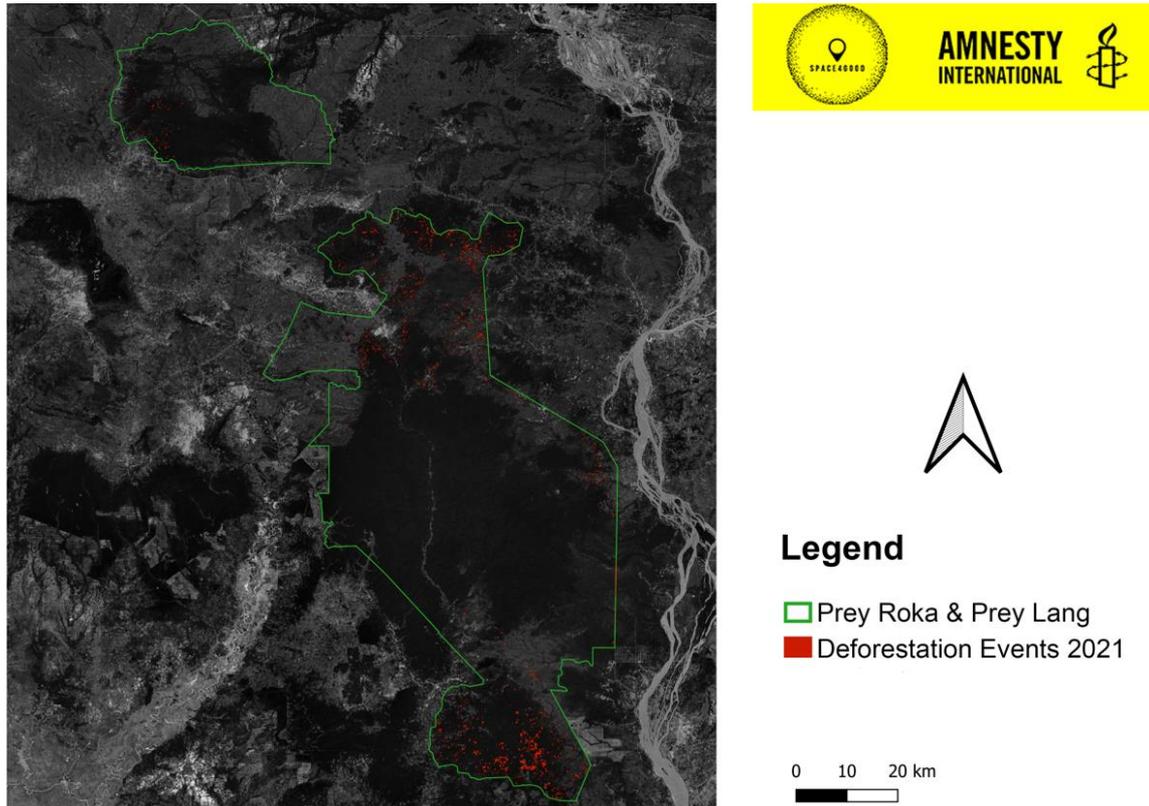
⁵⁵ Amnesty International interview with Chan Sambath, September 2021; Amnesty International interview with Hor Dy, August 2021.

⁵⁶ Amnesty International interview with Chan Sambath, September 2021.

⁵⁷ Amnesty International interview with Kem Dy, September 2021.

⁵⁸ Amnesty International interview with Sam Arun, August 2021.

2.3 REMOTE SENSING OF DEFORESTATION



Amnesty International and Space4good, a remote sensing agency, estimated the deforestation of at least 6,271 hectares (an area in size equivalent to 8,784 soccer pitches) in Prey Lang and Preah Roka protected areas during 2021. The analysis estimates that Prey Lang and Preah Roka lost at least 6,026 hectares and 246 hectares of forest (respectively) over that 12-month period. The analysis combined remote sensing data available at the time this report was written from Sentinel-1 and Planetscope.⁵⁹ Further deforestation is also likely to be revealed as more datasets offering additional insights become available.⁶⁰

2.4 OFFICIALS' INVOLVEMENT IN ILLEGAL LOGGING

On 17 June 2021, the United States Embassy in Cambodia announced that it was going to withdraw its funding to the Cambodian authorities under the auspices of its “Greening Prey Lang” conservation project. The USD 21 million project had provided funds to the Ministry of Environment to engage in conservation activities. The announcement explained:

Since 2016, despite USAID’s support for increased ranger patrols, training of law enforcement, and development of a national protected area management system, the Prey Lang Wildlife Sanctuary has lost approximately 38,000 hectares of forest, nearly nine percent of its forest cover.⁶¹

The statement pointed to the Cambodian authorities’ failures to prosecute illegal logging and wildlife crimes, in addition to those authorities’ targeting of grassroots community activists. It stated:

⁵⁹ For a full description of the methodology, see Space4Good, Deforestation in Cambodia, 24 January 2022, copy on file with Amnesty International.

⁶⁰ Other organizations carry out periodic monitoring of deforestation in Prey Lang and Prey Preah Roka. For example, Global Forest Watch publishes annual figures of tree cover, tree cover loss and primary forest loss based on remote sensing data, which are available at www.globalforestwatch.org. The Prey Lang Community Network also publishes periodic monitoring reports on Prey Lang, including remote sensing analysis, which are available at <https://preylang.net/resources/monitoring-reports/>

⁶¹ U.S. Mission Cambodia, “U.S. Embassy Phnom Penh Statement on the USAID Greening Prey Lang Funding Redirect”, 17 June 2021, kh.usembassy.gov/u-s-embassy-phnom-penh-statement-on-the-usaid-greening-prey-lang-funding-redirect

Cambodian authorities have not adequately prosecuted wildlife crimes or put a stop to these illicit activities. In addition, the government continues to silence and target local communities and their civil society partners who are justifiably concerned about the loss of their natural resources.⁶²

Several months later, in November 2021, USAID and Tetra Tech (the US-based organisation responsible for implementing the “Greening Prey Lang” project) published the project’s 2021 annual report.⁶³ The report details 29 separate reports which were submitted to Cambodia’s Ministry of Environment and other Cambodian authorities between May 2019 and August 2021. It appears that USAID’s ultimate decision to withdraw all government funding under the Greening Prey Lang project rested partly on the Cambodian authorities’ failure to appropriately respond to this litany of evidence of “systematic industrial-scale illegal logging within Prey Lang.”⁶⁴

Investigations into illegal logging in Prey Lang and Prey Preah Roka have consistently pointed to the role of corruption on the part of state officials in facilitating the illegal logging trade.⁶⁵ Although logging syndicates and agribusiness companies are generally alleged to direct the trade, their illicit activities would not be possible without facilitation by Ministry of Environment rangers and police, who provide protection to loggers and access to protected forests at the local level. The November 2021 report by USAID and Tetra Tech also contains references to evidence of official corruption within the Ministry of Environment in the context of the illegal logging of Prey Lang Wildlife Sanctuary.⁶⁶

The Global Initiative Against Transnational Organized Crime has described the dynamics as follows: “Far beyond isolated acts of criminality, the pattern of illegal logging in Cambodia suggests an organized network directed by oknhas [an honorific bestowed upon well-connected businesspeople who donate large sums of money to the Cambodian government, ostensibly for the country’s development] and public officials, who have created and profited from a climate of corruption and impunity.”⁶⁷

Evidence gathered by Amnesty International in the course of this research adds to the mounting evidence for such claims.⁶⁸

Across both Prey Lang and Prey Preah Roka, community members consistently told Amnesty International that Ministry of Environment officials and local police were involved in the illegal logging trade. Officers were reported to receive bribes from timber traders and loggers in return for turning a blind eye to illegal logging activities, and for facilitating the activities of loggers. Respondents consistently claimed that Ministry of Environment officials only ever prosecuted loggers who failed to pay the required bribes to officials.

For example, several respondents from Preah Vihear’s Bro Me commune reported that such corruption occurred openly and on a daily basis.⁶⁹ One villager reported seeing between five to 15 tractors or ox-carts

⁶² U.S. Mission Cambodia, “U.S. Embassy Phnom Penh Statement on the USAID Greening Prey Lang Funding Redirect” (Previously cited).

⁶³ USAID and Tetra Tech, ‘USAID Greening Prey Lang Annual Report #3 October 1, 2020 – September 30, 2021’, November 2021, https://dec.usaid.gov/dec/content/Detail_Presto.aspx?ctID=ODVhZjk4NWQtM2YyMi00YjRmLTkxNjktZTcxMjM2NDNmY2Uy&rID=Ntk0MjY0&inr=VHJ1ZQ%3d%3d&dc=YWRk&rrtc=VHJ1ZQ%3d%3d&bckToL=

⁶⁴ USAID and Tetra Tech, ‘USAID Greening Prey Lang Annual Report #3 October 1, 2020 – September 30, 2021’, November 2021, https://dec.usaid.gov/dec/content/Detail_Presto.aspx?ctID=ODVhZjk4NWQtM2YyMi00YjRmLTkxNjktZTcxMjM2NDNmY2Uy&rID=Ntk0MjY0&inr=VHJ1ZQ%3d%3d&dc=YWRk&rrtc=VHJ1ZQ%3d%3d&bckToL=, p.121.

⁶⁵ Global Initiative Against Transnational Organized Crime, Forest crimes in Cambodia: Rings of illegality in Prey Lang Wildlife Sanctuary, 26 March 2021, globalinitiative.net/analysis/forest-crimes-cambodia/; Global Witness, Cambodia’s Family Trees, 31 May 2007, [globalwitness.org/en/reports/cambodias-family-trees/](https://www.globalwitness.org/en/reports/cambodias-family-trees/); Environmental Investigation Agency (EIA), Serial Offender: Vietnam’s continued Imports of illegal Cambodian timber, 31 May 2018, [eia-international.org/wp-content/uploads/eia-serial-offender-web.pdf](https://www.eia-international.org/wp-content/uploads/eia-serial-offender-web.pdf); Environmental Investigation Agency (EIA), Repeat Offender: Vietnam’s persistent trade in illegal timber, 8 May 2017, [eia-international.org/wp-content/uploads/Repeat-Offender.pdf](https://www.eia-international.org/wp-content/uploads/Repeat-Offender.pdf)

⁶⁶ USAID and Tetra Tech, ‘USAID Greening Prey Lang Annual Report #3 October 1, 2020 – September 30, 2021’, November 2021, https://dec.usaid.gov/dec/content/Detail_Presto.aspx?ctID=ODVhZjk4NWQtM2YyMi00YjRmLTkxNjktZTcxMjM2NDNmY2Uy&rID=Ntk0MjY0&inr=VHJ1ZQ%3d%3d&dc=YWRk&rrtc=VHJ1ZQ%3d%3d&bckToL=, Annex VI.

⁶⁷ Global Initiative Against Transnational Organized Crime, Forest crimes in Cambodia: Rings of illegality in Prey Lang Wildlife Sanctuary, March 2021, globalinitiative.net/wp-content/uploads/2021/03/Forest-crimes-in-Cambodia-Rings-of-illegality-in-Prey-Lang-Wildlife-Sanctuary-GITOC-2021.pdf, p.38.

⁶⁸ Global Initiative Against Transnational Organized Crime, Forest crimes in Cambodia: Rings of illegality in Prey Lang Wildlife Sanctuary, 26 March 2021, globalinitiative.net/analysis/forest-crimes-cambodia/; Global Witness, Cambodia’s Family Trees, 31 May 2007, [globalwitness.org/en/reports/cambodias-family-trees/](https://www.globalwitness.org/en/reports/cambodias-family-trees/); Environmental Investigation Agency (EIA), Serial Offender: Vietnam’s continued Imports of illegal Cambodian timber, 31 May 2018, [eia-international.org/wp-content/uploads/eia-serial-offender-web.pdf](https://www.eia-international.org/wp-content/uploads/eia-serial-offender-web.pdf); Environmental Investigation Agency (EIA), Repeat Offender: Vietnam’s persistent trade in illegal timber, 8 May 2017, [eia-international.org/wp-content/uploads/Repeat-Offender.pdf](https://www.eia-international.org/wp-content/uploads/Repeat-Offender.pdf)

⁶⁹ Amnesty International interview with Dy Vuthy, August 2021; Amnesty International interview with Chan Sambath, August 2021; Amnesty International interview with Kem Dy, August 2021.

per day transporting timber to their villages. Even during the Covid-19 lockdown of Bro Me commune, logging continued unabated.⁷⁰ The respondents from Bro Me alleged that Ministry of Environment officials seemed to be allowing logging to occur for an informal repayment for each tractor that passed a Ministry of Environment ranger station.

The amount that loggers paid to the Ministry of Environment was reported to be typically around 30,000 riel (USD 7.50) per tractor load. Some respondents also alleged that loggers simply pay a monthly fee to some local Ministry of Environment officials.⁷¹

One villager described the overt and blatant nature of some officials' involvement in illegal activities and extortion in Preah Vihear province:

I wonder about all these police who wait along the road collecting money from loggers. How is that they can do this so blatantly? Aren't the Ministry of Environment supposed to be the ones who manage the forest? Sometimes even when the Ministry of Environment are surrounding the forest the police will call to loggers and tell them — don't worry — just bring your timber out of the forest you won't have any problem.⁷²

As was the case in respect of Prey Preah Roka, all respondents in Prey Lang reported that police were involved in the illegal logging trade and that the Ministry of Environment was ignoring incidences of logging and receiving bribes. One respondent stated:

The big problem is that the authorities especially the Ministry of Environment are only interested in collecting money. I have tried many times and gone directly to the Ministry of Environment provincial office and told them about logging and given them photos and other evidence. They go to investigate it — but they only investigate it to collect money from the loggers. A few days later the same loggers are logging again.⁷³

Another villager living adjacent to Prey Lang in Preah Vihear province stated:

Since June [2021] there have been several times where it seems like Ministry of Environment and national park authorities are operating with loggers. We actually took them to the logging spot and gave them photos and names of people involved and they promised they would prosecute these people. They took the photos and then then remain silent without doing anything.⁷⁴

Villagers in another forested district of Preah Vihear described a similar situation:

Authorities guard the road for the trucks... I have never seen any authorities - especially the Ministry of Environment — doing anything about logging... The Ministry of Environment monitor us and prevent us from carrying out patrols or any other activity that involves going in the forest.

They say we are wrong for going into the forest and say they already have a government department working on it. Whenever we go to take photos of logging trucks or any other logging activities authorities threaten us that if we continue to take photos, they will arrest us and take us to jail.⁷⁵

The failures of the Cambodian authorities to prevent and stop illegal logging by private actors is clearly having a deleterious impact on the conservation of Prey Lang and Prey Preah Roka and eviscerating the Cambodian government's duty to protect local communities' rights as Indigenous Peoples. Consistent reports of the corrupt involvement of state officials in this trade suggest the need for a new approach to conservation by the Cambodian authorities.

⁷⁰ Amnesty International interview with Kem Dy, August 2021.

⁷¹ Amnesty International interview with Dy Vuthy, August 2021; Amnesty International interview with Chan Sambath, August 2021.

⁷² Amnesty International interview with Lin Boramey, August 2021.

⁷³ Amnesty International interview with Ty Chhunly, September 2021.

⁷⁴ Amnesty International interview with Hok Lim, August 2021.

⁷⁵ Amnesty International interview with Chea Sot, August 2021.

3. REPRESSION IN THE NAME OF CONSERVATION: VIOLATIONS OF INDIGENOUS PEOPLES' RIGHTS BY CAMBODIA'S MINISTRY OF ENVIRONMENT

At the same time as illegal logging and corruption have increasingly threatened Cambodia's protected forests, environmental authorities have ramped up their repression of independent environmental activists and forest defenders, including Indigenous Peoples. This repression has markedly worsened in the past two years, with authorities increasingly resorting to conservation-based arguments to justify their harassment and marginalisation of independent environmental activists.

On 22 February 2020, at various locations around the Prey Lang forest, armed forest rangers deployed by the Ministry of Environment intercepted, harassed and in some cases temporarily detained members of PLCN, monks and community members seeking to participate in PLCN's annual tree blessing ceremony. The event was shut down and attendees were physically prevented from entering parts of the Prey Lang protected area.⁷⁶

The tree blessing ceremony is an important event for local Kuy communities – both in terms of their cultural and spiritual practices, and in respect of their efforts to protect Prey Lang. PLCN explains that its annual tree blessing ceremony event is: “[c]elebrated so that the spirits of the mountain, valley, and the streams that take care of the territory and forests would keep them peaceful and prosperous... [I]t is passed on from

⁷⁶ Amnesty International, Cambodia: Harassment of forest defenders undermines struggle against climate change (Index Number: ASA 23/2004/2020), 20 March 2020, [amnesty.org/en/documents/asa23/2004/2020/en](https://www.amnesty.org/en/documents/asa23/2004/2020/en); Cambodian League for the Promotion and Defense of Human Rights (LICADHO), “Authorities’ Obstruction of Grassroots Activism Hurts Prey Lang Conservation”, 25 February 2020, [licadho-cambodia.org/pressrelease.php?perm=448](https://www.licadho-cambodia.org/pressrelease.php?perm=448)

person to person and uses traditional musical equipment such as string bow, large barrel drums, and performed by village elders, parents and attendees.”⁷⁷



Ministry of Environment rangers in Kampong Thom province prevent members of PLCN from entering the protected area to conduct an annual tree-blessing ceremony, 25 February 2020 © LICADHO

Following their ban from patrolling Prey Lang, PLCN issued a statement stating:

Since the Ministry of Environment banned PLCN from patrolling, loggers are freely entering the forest to cut down luxury trees and transport timber out of the forest by paying a commission fee to the rangers at the checkpoints (in exchange for permission to commit crimes in Prey Lang Wildlife Sanctuary).⁷⁸

In 2020 PPRFCN successfully held a blessing ceremony in Prey Preah Roka to ordain over a thousand trees to try to protect them from being logged. Over 100 people attended the ceremony and received statements of support from local authorities. Yet since that time, a majority of these ordained trees have reportedly been logged and all cooperation between the Ministry of Environment and PPRFCN has ceased. By 2021, logging was widespread and local authorities including the Ministry of Environment were actively preventing any community groups — especially those from outside of the local area — from accessing the forest to monitor illegal logging.

The 2020 shutdown of PLCN’s tree blessing ceremony marked the beginning of a new era of repression in the name of conservation by Cambodia’s Ministry of Environment. Soon afterwards, in March 2020, Goldman Environmental Prize winner Ouch Leng was arrested and detained along with PLCN members Srey Thei and Khem Soky and forest investigator Man Mat. Later transferred to police custody at Sambor district police station, they were released without charge after days of community protests against the arrests in Kratie town.⁷⁹

Although it has noticeably increased during the past two years, repression of environmental activism in Cambodia is not new. In April 2012, renowned environmental activist Chut Wutty was shot dead by a military police officer while investigating illegal logging in Koh Kong province. Wutty was widely known for his work to protect Prey Lang and had worked closely with PLCN since their foundation. Nobody was brought to justice

⁷⁷ Prey Lang Community Network, Commune Report 2014, 2014, https://preylang.net/wp-content/uploads/Other%20reports/commune_report_2014.pdf, p.27.

⁷⁸ Prey Lang Community Network, “Illegal Deforestation In Prey Lang Wildlife Sanctuary Continues Unabated”, February 2021, <https://preylang.net/wp-content/uploads/2021/02/9th-Monitoring-Report.pdf>, p.13.

⁷⁹ Amnesty International, Cambodia: Harassment of forest defenders undermines struggle against climate change (Previously cited), [amnesty.org/en/documents/asa23/2004/2020/en](https://www.amnesty.org/en/documents/asa23/2004/2020/en)

for Wutty's murder, and his family continues to allege that powerful figures in Cambodia were behind the order to murder him.⁸⁰

Other PLCN activists have also faced violence and threats to their lives. In March 2016, a prominent woman human rights defender from PLCN, Phon Sopheak, was attacked with an axe by unidentified assailants while she was resting during a PLCN forest patrol in Prey Lang.⁸¹ PLCN described the attack as attempted murder.⁸² Nobody was ever prosecuted for the attack.

Members of PLCN have also faced arbitrary arrest, legal threats, and harassment. On 11 October 2021, Chan Thoeun, a PLCN activist, was convicted of "intentional violence with aggravating circumstances" under Articles 217 and 218 of the Criminal Code and given a two-year suspended sentence. The conviction followed an incident which occurred in July 2020 when Chan Thoeun had taken photos of trucks illegally transporting timber from the Prey Lang Wildlife Sanctuary during a forest patrol.⁸³

REPRESSION IN ACTION

The stance by the Ministry of Environment – that community members are prohibited from entering the Wildlife Sanctuary without prior permission – has since been extended to other independent activists, community groups, and even student groups seeking to engage in study trips and conservation activities.⁸⁴ Amnesty International's research suggests that the de-facto ban has been further extended to other protected forests and Wildlife Sanctuaries, including Prey Preah Roka.

Whereas the February 2020 incident in Prey Lang received widespread media attention and condemnation from civil society organisations, the Ministry of Environment's similar restrictions on community conservation activities in other protected forests has been scarcely reported. This section outlines the impacts of the de facto ban on community conservation activities on the rights of local community activities in both Prey Lang and Prey Preah Roka.

Amnesty International interviewed ten Indigenous Kuy community members, all of whom were engaged in forest protection activities in the Prey Lang forest. All ten activists told Amnesty International that the restrictions on PLCN activities by the Ministry of Environment was an enormous impediment to conserving Prey Lang. As one respondent described it:

[O]ne of the biggest challenges is that the Ministry of Environment prevents us from carrying out activities such as patrolling, and documenting logging events. And government officers are not implementing their duties - or informing superiors of logging cases that we bring to them. If we call them [local Ministry of Environment], officials they do not even answer the phone.⁸⁵

Another respondent noted: "[T]he biggest problem we face is that we are prevented from entering the forest by the Ministry of Environment. They continuously monitor and surveil us which severely disrupts our activities."⁸⁶

These acts of repression are not limited to Prey Lang. Amnesty International interviewed ten predominantly Indigenous community members involved in conservation activities in Prey Preah Roka. Similarly to Prey Lang, all respondents stated that the de facto ban by the Ministry of Environment on their independent conservation activities was a significant challenge to conservation in their area. All respondents described facing overwhelming difficulties in conducting community activities related to conservation and that the Ministry of Environment was the authority preventing them from going into the forest.

Prey Preah Roka activists reported that they conducted two patrols in 2021 but had to do so in secret and in small numbers, carefully avoiding Ministry of Environment officials. Local activists expressed dismay at the Ministry of Environment's actions and felt that they were trying to prevent community engagement in order to protect their own illicit involvement in logging.⁸⁷

⁸⁰ Phuong Vantha, "More than Nine Years on, No Justice for Chut Wutty's Murder", 27 April 2021, cambodianess.com/article/more-than-nine-years-on-no-justice-for-chut-wuttys-murder

⁸¹ Phak Seangly and Igor Kossov, "Lauded activist attacked while patrolling Prey Lang Forest", 29 March 2021, [The Phnom Penh Post, phnompenhpost.com/national/lauded-activist-attacked-while-patrolling-prey-lang-forest](https://phnompenhpost.com/national/lauded-activist-attacked-while-patrolling-prey-lang-forest)

⁸² Cultural Survival, "Attempted Murder on a Prey Lang Community Network Activist", 30 March 2016, culturalsurvival.org/news/attempted-murder-prey-lang-community-network-activist

⁸³ Amnesty International, "Cambodia: Conviction of Prey Lang activist marks further repression of environmental defenders", 11 October 2021, [amnesty.org/en/latest/news/2021/10/cambodian-environmental-activist-convicted](https://www.amnesty.org/en/latest/news/2021/10/cambodian-environmental-activist-convicted)

⁸⁴ Chea Sokny, "Youth activists cry foul after being turned away from community forests", 30 October 2021, [Cambodian Journalists Alliance Association, cambodianews.com/youth-activists-cry-foul-after-being-turned-away-from-community-forests](https://www.cambodianews.com/youth-activists-cry-foul-after-being-turned-away-from-community-forests)

⁸⁵ Amnesty International interview with Kem Dy, September 2021.

⁸⁶ Amnesty International interview with Keng Huot, August 2021.

⁸⁷ Amnesty International interview with Hor Dy, August 2021; Amnesty International interview with Chan Sambath, August 2021.

One respondent noted that between 2016 and 2018, PPRFCN and the Ministry of Environment had good relations and would frequently cooperate on tracking forest crimes. As he put it:

You see in the past they worked with us because we are the ones who know the forest and who have been documenting and preventing logging — they only started working a few years ago here. If they came with us, we would never let them take money from loggers — they were scared of us because we also had large numbers.⁸⁸

By 2019 the relationship with the Ministry of Environment had begun to change as PPRFCN members felt that the Ministry of Environment was not being responsive enough to logging and purposefully ignoring information brought to them by PPRFCN. One PPRFCN member stated, “one of the biggest problems is that government authorities simply do not cooperate with us or have any commitment to conserving the forest and stop logging.”⁸⁹

Due to frustration with the provincial Ministry of Environment’s inaction in response to their reports of illegal logging activity, PPRFCN brought evidence they had collected on logging directly to the Ministry of Environment headquarters in Phnom Penh.⁹⁰ Yet regardless, the Ministry of Environment in Phnom Penh did not implement any measures to mitigate against these problems and in fact, PPRFCN began to face restrictions on its patrols at the hands of the Ministry of Environment, much like PLCN have faced in Prey Lang.

As has been the case in Prey Lang, the official reason that PPRFCN members received for not being able to conduct patrols was that they were not officially registered either as a community forest groups or NGO.⁹¹ But several respondents stated that local Ministry of Environment officials would often simply claim that “villagers do not have the right to protect the forest”⁹² or that they should leave all conservation work to the Ministry of Environment.

The actions of the Ministry of Environment have had a major impact on local people’s involvement in PPRFCN but also their wellbeing. As one activist explained:

[N]ow since the Ministry of Environment has so tightly managed the forest that we have been unable to enter into the forest — this creates big problems for us. I haven’t been able to enter into the forest for nearly a year. Honestly it makes me feel reluctant to keep conserving the forest and continue to hope that we can protect it. It has been a big factor in making people want to give up conserving the forest — we are supposed to leave it all to the Ministry of Environment or follow their procedures - honestly sometimes we just think it is better not to get involved — avoid all the payments and pressure and just leave it to others.⁹³

Another PPRFCN member explained the situation as follows:

[N]ow the Ministry of Environment monitor us and do not allow us to conduct our community conservation efforts — they always try to prevent us from going into the forest and seem quite hostile towards us. They appear to be trying to hide whatever activities they are involved with and do not want people to know. They wait along all the roads leading out of Prey Preah Roka but the carts bringing out timber do not seem to have a problem.⁹⁴

RESTRICTIONS VIOLATE DOMESTIC AND INTERNATIONAL LAW

The Ministry of Environment’s policy of exclusion of entry into protected forests is in direct conflict with Cambodian law and international human rights law. Ty, an Indigenous activist involved in Prey Lang conservation, provided an example of an intervention from Ministry of Environment officials since its de facto ban on patrols was implemented:

[We] went to put up signs in the forest on resin trees saying "do not cut." They came to us and took us to the provincial police station and made us promise that we would always cooperate with them and

⁸⁸ Amnesty International interview with Chan Sambath, August 2021.

⁸⁹ Amnesty International interview with Hor Dy, August 2021.

⁹⁰ Amnesty International interview with Chan Thyda, September 2021; Amnesty International interview with Lin Boramey, September 2021; Amnesty International interview with Dy Vuthy, September 2021.

⁹¹ Amnesty International interview with Lin Boramey, September 2021; Amnesty International interview with Dy Vuthy, September 2021.

⁹² Amnesty International interview with Lin Boramey, September 2021; Amnesty International interview with Dy Vuthy, September 2021.

⁹³ Amnesty International interview with Chan Thyda, September 2021.

⁹⁴ Amnesty International interview with Dy Vuthy, September 2021.

always ask permission before going into the forest and that we must register with them as an official forest group. Since that time, they have put a lot of pressure on us and been monitoring us.⁹⁵

Ty's description of the officials' warning that he and his fellow activists must "always ask permission before going into the forest" and that they "must register with them as an official forest group" is consistent with the message communicated by Ministry of Environment officials since February 2020.

Ministry of Environment officials have relied upon two different legal provisions: firstly, Cambodia's Law on Associations and Non-Governmental Organisations (LANGO), and secondly, the Law on Protected Areas. The relevant provisions of both laws are analysed below according to applicable international human rights law and standards.

Firstly, the Ministry of Environment's assertion that groups such as PLCN and PPRFCN must be "registered" in order to be permitted to engage in forest patrols and other conservation activities refers to the LANGO, which was introduced in August 2015 amid heavy criticism from international and Cambodian human rights organisations. Prior to the law's passage, Amnesty International called for the LANGO to be rejected, citing inconsistencies with the right to freedom of association and the potential negative impacts on grassroots activism.⁹⁶

One of the most controversial aspects of the LANGO — and the provision regularly invoked to justify the marginalisation of groups such as PLCN — is its mandatory registration requirement for NGOs and associations under Article 6. The LANGO also fails to appropriately define what constitutes an NGO and an association, leaving the mandatory registration requirements open to arbitrary interpretation.

Penalties for conducting activities in the absence of registration under the LANGO include bans on activity, fines, and can lead to the criminal prosecution of members. This mandatory registration regime — and any resultant marginalisation of unregistered groups — is inconsistent with the right to freedom of association under Article 22 of the International Covenant on Civil and Political Rights (ICCPR).

The UN Special Rapporteur on the rights to freedom of peaceful assembly and association has underlined that "the right to freedom of association equally protects associations that are not registered" and stated that "Individuals involved in unregistered associations should indeed be free to carry out any activities, including the right to hold and participate in peaceful assemblies, and should not be subject to criminal sanctions."

The Special Rapporteur further underlines that:

[U]nregistered associations should [be] entitled to the equal protection under the law and should be allowed to function freely, and their members operate in an enabling and safe environment, especially when the procedure to establish an association is burdensome and subject to administrative discretion, and particularly when there is a risk of criminal sanctions for those who participate in unregistered associations.⁹⁷

The Office of the UN High Commissioner for Human Rights has also stated that the LANGO's mandatory registration regime violates Cambodia's obligations to protect the right to freedom of association, enshrined in the Cambodian Constitution and international human rights law.⁹⁸

The Ministry of Environment's claims that groups such as PLCN and PPRFCN are subject to the LANGO's registration requirements further contradict earlier written assurances from Cambodia's Ministry of Interior, which stated in 2015 soon after the passage of the law that the LANGO does not apply to community-based and informal networks.⁹⁹

⁹⁵ Amnesty International interview with Ty Chhunly, September 2021.

⁹⁶ Amnesty International, Cambodia: Withdraw draft Law on Associations and Non-governmental Organisations (Index: ASA 23/1909/2015), 22 June 2015, [amnesty.org/en/documents/asa23/1909/2015/en](https://www.amnesty.org/en/documents/asa23/1909/2015/en)

⁹⁷ UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Report: The Special Rapporteur on the rights to freedom of peaceful assembly and of association, 21 May 2012, UN Doc. A/HRC/20/27, para. 56.

⁹⁸ Office of the United Nations High Commissioner for Human Rights in Cambodia (OHCHR), A Human Rights Analysis of the Law on Associations and Non-Governmental Organisations, August 2015, Article 3, [cambodia.ohchr.org/~cambodiaohchr/sites/default/files/OHCHR_analysis_of_5th_LANGO_Eng.pdf](https://www.cambodia.ohchr.org/~cambodiaohchr/sites/default/files/OHCHR_analysis_of_5th_LANGO_Eng.pdf)

⁹⁹ Cambodian Center for Human Rights, "CCHR Receives Clarification from Mol regarding Application of LANGO to CBOs and Informal Group", 23 September 2015, [cchrcambodia.org/media/files/press_release/575_202crcfme_en.pdf](https://www.cchrcambodia.org/media/files/press_release/575_202crcfme_en.pdf)

Amnesty International has additionally reviewed private legal research conducted by two law firms — one Cambodian¹⁰⁰ and one international¹⁰¹ — which both came to the same conclusion: that PLCN should not be considered an association or an NGO according to the definitions provided for in the LANGO, and it therefore should be exempt from the registration requirements of this problematic domestic law. This illustrates how the impact of this problematic law, whose text already fails to comply with Cambodia's human rights obligations, is exacerbated through arbitrary implementation.

Secondly, environmental authorities have justified the exclusion of activists and local communities with reference to Cambodia's Law on Protected Areas (LPA). The LPA requires that protected areas such as Prey Lang Wildlife Sanctuary and Prey Preah Roka Wildlife Sanctuary be split into zones, and the extent of permissible community access to the protected areas varies depending on the zoning designation of the land.

However, to date, neither Prey Lang nor Prey Preah Roka has been formally zoned and the law does not provide for any "default zoning" provision (i.e., if the land is not zoned, the LPA does not provide that the entire protected area should be considered a "core", or restricted, zone). According to Article 12 of the LPA, the principles for zoning of any protected area must be set out in a Prakas (a piece of secondary legislation) from the Ministry of Environment. However, to date, no such Prakas has been issued. As a result, any restrictions by Ministry of Environment officials which rely on a justification of restricted entry to "core zones" lack a valid legal basis under domestic law.

Due to the absence of a valid legal basis in domestic law, these exclusions by the Ministry of Environment amount to violations of community members' rights to freedom of peaceful assembly under Article 21 of the ICCPR. Article 21 requires that any restrictions to freedom of peaceful assembly be clearly prescribed "in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others." Given the lack of a domestic legal basis, these restrictions plainly violate the principle of legality and therefore violate the rights of affected community members including PLCN and PPRFCN.

Furthermore, these restrictions constitute violations of relevant community members' rights as Indigenous Peoples. Importantly in the context of the restrictions faced by PLCN and PPRFCN, Article 29.1. of UNDRIP states that "Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination."

Article 26.1 states that "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired." As above in respect of the ICCPR, the absence of a valid legal basis in domestic law renders these interferences with the rights of Indigenous Peoples as arbitrary and inconsistent with Cambodia's international human rights obligations. Moreover, even if the Ministry of Environment did issue the requisite Prakas to provide a legal basis for these restrictions, it would need to comply with the requirements of international human rights law — namely it would need to be avoid excessively restricting the rights of communities and activists beyond what is necessary and would need to be strictly proportionate to the aim of conservation.

The adoption of a new policy stance adopted by the Ministry of Environment in February 2020 occurred without adequate prior notice and in the absence of consultation with affected Indigenous communities. This move was in direct conflict with Article 19 of UNDRIP, which requires that: "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them."

These restrictions by the Ministry of Environment directly violate the rights of affected Indigenous Peoples and other environmental activists, and moreover undermine the effectiveness of Cambodia's efforts to engage in meaningful conservation of its protected forests, as the forests' most effective defenders are kept out.

¹⁰⁰ The name of this Cambodian law firm has been withheld for confidentiality and security reasons, "The Rights of NGOs, Associations, and Communities to Engage in Protection, Advocacy and Conservation of Forests in Cambodia", 25 June 2020.

¹⁰¹ The name of this international law firm has been withheld for confidentiality and security reasons, "Review of Laws Governing Prey Lang Community Network", 16 September 2020.

4. CONCLUSION AND RECOMMENDATIONS

Cambodia's approach to conserving its protected forests is in urgent need of reform. Without a dramatic change of course, forests such as Prey Lang and Prey Preah Roka are on borrowed time due to unchecked illegal logging and pervasive corruption — with disastrous consequences for biodiversity, climate, and the human rights of Indigenous Peoples who have relied upon these forests for generations. As the voices of community members in this report attest, Kuy people in Cambodia's north and central regions have already suffered enormous losses to their culture and ways of life.

In the past two years, Cambodian authorities have marginalized, excluded and harassed environmental activists, including Indigenous Peoples, who have sought to protect these precious forests — all while illegal loggers have been enabled to destroy these same forests without consequence. For the Kuy people — who depend on Prey Lang and Prey Preah Roka for their livelihoods, cultural practices, and spiritual well-being — the failure of the authorities to protect their ancestral forests is having a profound impact on their human rights.

Globally, Indigenous Peoples are frequently at the frontline of climate change impacts. They often maintain a close connection with the natural environment and their traditional lands on which their livelihoods and cultural identity depend.¹⁰² Rather than excluding Indigenous Peoples and local communities from conservation policies and practices, the Cambodian authorities must embrace the unique understanding and connection which Kuy Indigenous People have with forests such as Prey Lang and Prey Preah Roka and ensure that all conservation activities and policies are founded upon the free, prior and informed consent of all affected Indigenous Peoples.

To turn the tide of rampant illegal logging, the Cambodian environmental authorities must lift their illegal ban on community patrols by groups such as PLCN and PPRFCN, and clearly and unambiguously adopt a stance which enables grassroots forest activists to enter protected forests, including Prey Lang and Prey Preah Roka, for the purposes of monitoring, investigating and deterring illegal logging.

¹⁰² See, for example, UN Special Rapporteur on the rights of Indigenous Peoples, Report: The situation of the Sami People in the Sápmi Region of Norway, Sweden and Finland, 6 June 2011, UN Doc. A/HRC/18/35/Add.2; UN Special Rapporteur on the rights of indigenous peoples, Report, 1 November 2017, UN Doc. A/HRC/36/46, paras 6-7.

RECOMMENDATIONS

TO THE GOVERNMENT OF CAMBODIA

Amnesty International calls on Cambodia to:

- Publicly and unambiguously lift the de facto ban on community patrols in Prey Lang, Prey Preah Roka, other protected forests throughout Cambodia.
- Publicly and unambiguously clarify that the Indigenous owners of Prey Lang, Prey Preah Roka, and other protected forests have unimpeded access at all times to these forests without prior permission from the relevant authorities.
- Publicly and unambiguously clarify that informal groups of community activists such as the Prey Lang Community Network and the Prey Preah Roka Forest Community Network have a right to engage in forest conservation activities (including forest patrols), including access to Prey Lang, Prey Preah Roka, and other protected forests without prior permission from the relevant authorities..
- Cease the harassment and intimidation of environmental activists and investigators and ensure that all human rights defenders working to conserve the environment are protected and supported in their work.
- Conduct impartial, independent and transparent investigations into attacks on environmental activists and hold those responsible to account, in accordance with domestic and international standards of due process.
- Conduct impartial, independent and transparent investigations into allegations of corruption by Ministry of Environment officials and police officers in and around Prey Lang, Prey Preah Roka and other protected forests throughout Cambodia, with a view to holding any perpetrators fully accountable, in accordance with domestic and international standards of due process.
- Ensure that all initiatives (including laws, policies, development projects, and conservation and climate change initiatives) that may affect the rights of Indigenous peoples are only implemented after having obtained their free, prior, and informed consent.
- Repeal or revise the Law on Associations and Non-Governmental Organisations (LANGO) to bring it into line with international human rights law and standards, including, inter alia, by removing the mandatory registration regime for associations and NGOs.
- Undertake an impartial and independent review of all Economic Land Concessions and 'Reforestation' concessions operating in the vicinity of protected forests and investigate the role of corporate complicity in illegal logging.
- Ratify ILO Convention 169 on Indigenous and Tribal Peoples.

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info@amnesty.org



+44 (0)20 7413 5500

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‘OUR TRADITIONS ARE BEING DESTROYED’

ILLEGAL LOGGING, REPRESSION, AND INDIGENOUS PEOPLES’ RIGHTS VIOLATIONS IN CAMBODIA’S PROTECTED FORESTS

Cambodia lost nearly 2.5 million hectares of tree cover between 2001 and 2020. Illegal logging in Cambodia is posing an existential threat to the country’s remaining primary forests. In addition to the well-documented threats which this poses to biodiversity and climate, it also entails severe consequences for Indigenous Peoples’ cultures and human rights.

This report documents how the actions of Cambodian authorities violate the rights of the Kuy people and how Cambodian authorities thwart the Kuy people in their efforts to protect the Prey Lang and Prey Preah Roka forests.

An analysis using currently available remote sensing data sources estimates at least 6,271 hectares (an area in size equivalent to 8,784 soccer pitches) were deforested across both protected areas in 2021.

Cambodian authorities are failing in their duty to protect Indigenous Peoples’ rights by appropriately policing and preventing illegal logging. But it’s worse than that. In many cases, the same government officers who are charged with protecting these precious forests are instead profiting from their destruction. Embedded corruption in Cambodia’s Ministry of Environment and within the police is fuelling the illegal logging trade and posing an existential risk to some of Cambodia’s most important remaining forests.