Title: Evaluation of the FIDH Study on Impact of Rubber Plantations on Indigenous Communities

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I. Introduction

In Cambodia, SIA including in Environment Impact Assessment (EIA) is mandatory under the environment law for every private and public development projects. However, the current Environment and Social Impact Assessment (ESIA) is incomplete and lacks of the guidelines and principles for governing it because there is no law specifically covering ESIA (but it has been drafted). ESIA is criticised for being poorly enforced. Many economic land concessions (ELCs) for plantation have been granted without any ESIA being conducted. Some have operated while the ESIA is still being conducted (OHCHR 2007). In addition, the process of ESIA has been criticised as lacking of transparency, sufficient participation of all stakeholders, especially affected people, safeguards, sufficient compensation. Some effected communities have not been informed by adverse impacts of investment projects on their communities and fully consulted for fair compensation (Global Witness 2013, p. 8). Thus, this paper will look at the study on the impacts of rubber plantations of Socfin-KCD on indigenous communities in Bousra, Mondolkiri, in Cambodia conducted by a French organisation named 'the International Federation for Human Rights (FIDH)'. It will examine the weaknesses and strengths of methodology employed in this study. The paper begins with a brief description of the selected study and then provides a review of different literature on similar types of human rights and ELCs. The last section will include discussion on strengths and shortcomings as well as suggestions to overcome those shortfalls of the study.

II. The Case Study

In recent decades, the government of Cambodia has adopted several policies to encourage for privatisation, large-scale infrastructure development, foreign investment, agro-industry and tourism in order to boost economic growth. Since 2005, many large-scale economic land concessions (ELC) have been granted to both local and international investors and users by the government. ELCs are located in twelve provinces in Cambodia but 40 per cent of them are operating in the north-eastern provinces of Mondokiri, Ratanakiri, Kratie and Strung Treng. About 75 per cent of Cambodian population, including indigenous people are living depending on agriculture and natural resources (FIDH 2010, p. 6).

In 2008, Socfin-KCD was granted of more than 7,000 hectare with two ELCs (Vanarasi and Sethikula) in Bousra commune of Mondulkiri province for rubber plantations with 70 years lease of agreement. Socfin-KCD is a joint-venture business between a Belgian company of Socfin group and Cambodian company of Kaou Chouly Development Group in 2007. Many concessionaries, including the Socfin-KCD have rarely conducted any ESIA although it is required by Cambodian law. The dispute between the company and indigenous communities occurs since the company has started to clear land and plant rubber trees. As result, the feasibility study and ESIA was conducted in 2010 as requested by The Agence

Française de Développement (French Agency for Development – AFD). However, those studies did not publicly release and scale of social impacts of ELC is not fully identified.

The FIDH estimates that about 850 families, particularly indigenous communities are affected and most of them are Pnong ethnic (FIDH 2010, p. 6). The concession affects not only the farmlands of the people across the commune primarily in three villages of Pouteuth, Pouraing and Bousra, but also spiritual forests and burial grounds. In another study, it shows that a total of 550 hectares of farmlands equals to 20 per cent of the total concession site is affected and the land is under the possession of 255 households. Moreover, most of the affected farmlands are reported to have crop trees on (Sothath & Sophal 2012, p. 20). To address these issues, the company offers three solutions of cash payment (selling their land), reallocation and family rubber. However, a number of shortfalls and irregularities including human right abuses have been reported. The affected families have complained of not been consulted and were forced to sell their land. The damage of their spiritual forests and burial grounds is reported to have negative physical and psychological consequences on the communities. Very seriously, CSOs are threatened and intimidated while they are trying to access plantation areas and to speak publicly about those issues.

The FIDH is a French human rights organisation that is working in both legal and political aspects to enhance the implementation and reinforcement of international instruments for the protection of human rights. It supports and represents members from many countries around the world and its location is in Paris. The FIDH began to carry out the study on the impacts of rubber plantations of Socfin-KCD on indigenous communities in Bousra in 2011 that commissioned by the Cambodian environment law after alerting by its member organisation, ADHOC (Cambodian Human Rights and Development Association) about this case. The purpose of this study is to follow up efforts and monitor the progress made in the negotiation between the affected communities and the company. The study is served (1) to provide evidence-based to support efforts of local NGOs in assisting affected indigenous communities to claiming their rights and benefits and (2) to document and offer some recommendations to address human rights abuses and to improve social corporate responsibilities from key stakeholders (FIDH 2010, p. 9).

III. Literature Review

Participatory approach is seen as key principle and value of the SIA (IAIA 2003, p. 2; Vanclay 2003; Chambers 2010). However, in practice it is sometimes ignored by many SIA practitioners and experts. Many human rights impact studies in relation to ELCs in Cambodia rarely specify clearly about its methodology and often, participatory tools are ignored to utilize in these studies. The OHCHR's study is solely depending on secondary information such as national and international laws, NGOs' reports and the complaints (OHCHR 2007). Some studies apply different qualitative methods such as case studies, key informant and individual interview (ADHOC 2013; Global Witness 2013; Subedi 2011). The Subedi's report (2012) on human issues and ELCs outlines visiting some key persons such as NGOs staff,

local authorities and some affected communities besides reviewing secondary information; while the ADHOC's study (2013) uses only many case studies for each type of adverse impacts of ELCs on local people. Although these studies are very important advocacy tools for the government of Cambodia to revise policies and to promote the respect and protection of human rights, they seem to further need more support evidence to make them more holistic and comprehensive.

On the opposite side, the Global Witness's study on the impacts of Vietnamese rubber plantations in Cambodia and Laos employs a variety of methods in both data collection and analysis, including national and international framework. Besides interviewing with key stakeholders, it uses several different maps and satellite imagery to illustrate land use change such as land clearance, overlapping areas of ELCs with community forest and other protected areas (Global Witness 2013). The maps seem to be constructed based on information collected from the interview with villagers, but participatory mapping is unclearly highlighted in this study. As previously discussed, Vanclay (2003) strongly recommends to include participatory approach into the process of conducting SIA. The community mapping is applied in Andrea (2011) and Prachvuthy (2010) for assessing impacts of ELCs on people's livelihood and environment. These two studies encourage villagers to generate mapping through focus group discussions (Andrea 2011, p. 2; Prachvuthy 2010, p. 8). This tool enables affected villagers to draw its village map that indicates the location of farmland and natural resources as well as the activity of the investment projects. Through this process of working in the small group, information can be verified and cross-checked. Many authors point out that community mapping is used not only to empower local people sharing and having better understand about their community but to create more transparency (Chambers 1994a, p. 1258; Becker et al. 2003).

In addition, other tool of livelihood impacts matrix is employed by two studies of Prachvuthy (2010) and Andrea (2011). With small groups of villagers, villagers are more active in discussing about consequences of ELCs on their livelihoods and daily life and other concerns. To make it more convenient and comfortable for women to raise their voices and concerns, Andrea separates small group discussion into two groups of male and female (Andrea 2011, p. 3). This is very important method considering different unequal power and gender relations that may constrain women to actively participate and discuss in the group. Cornwall (2003) points out that participatory tools are usually gender neutral that reinforce gender inequality, but it can be creatively used in more gender responsive way by researcher (Cornwall 2003, p.1332).

IV. Discussion

The FIDH study has several methodological strengths. First, the study's team had a chance to meet several key stakeholders, including affected communities and those who are working related to ELCs, natural resource management and indigenous people (FIDH 2011, p. 10). Hence, its analysis reflects a variety of perspectives and issues regarding the operation of rubber plantation concession by Socfin-KDC in Bousra

district, Mondolkiri. Negative consequences of this company on local indigenous communities are succinctly elaborated and other concerned issues such as free, prior and informed consent, transparency and accountabilities of the state, concessionary company and financing corporation and banks. Furthermore, its analysis is supported by abundance of secondary data, including this concession's social impact study and feasibility study, many relevant national and international legal and human rights frameworks as well as other previous studies related to ELCs and indigenous people. However, several shortfalls of this SIA study are also identified and discussed on the following section.

Biases and Inadequate Sample Selection

The FIDH study uses a method of interviewing with a variety of key stakeholders who are working in association with ELCs and indigenous communities. It meets with several people from effected communities and NGOs staff, local authorities, government officials and the company's representatives (FIDH 2011, p. 54). However, the study team interviews only six representatives from seven affected communities in Bousra which is a smaller group in comparison to other groups of local governments, NGOs and company's representatives that the team meets (Ibid). Although size of participants of the study can be flexible based on different types of study or issues, public participation, particularly potential affected people has be concentrated in the SIA in according to its key principles (Inter-organizational Committee on Principles and Guidelines for SIA 2004, p. 103; IAIA 2003). This sample selection is not only biases but also very small. Only 6 village representatives are selected for interview from 850 affected families within 7 villages (0.7 per cent). Too small sample may lead to insufficient information due to the lack of representativeness among the studied community. This constrains the study to comprehensively collect various types of irreversible and undesirable effects of ELCs and concerns of affected villagers. For example, the study makes generalization about those families who denied for any proposed options from company that they probably unable to cultivate on their land and access water (FIDH 2011, p. 40). In contrast, the same type of SIA conducted by Global Witness produces very comprehensive information and analysis through interviewing at least 10 people within one affected village and 5 persons in villages near ELCs (Global Witness 2013). Moreover, interviewing conducts with both female and male, while the FIDH study does not indicate the composition of interviewing participants.

In recognition of different context of SIA, time constrain, and resource limitation of every SIA study, the FIDH study may not able to conduct individual interview with many affected villagers the same as the Global Witness study. However, selecting an appropriate number of sample (villagers to be interviewed) should have been considered. Focus group discussions FGDs) could be an useful method instead of just individual interviewing. Deploying the FGDs would have allowed the FIDH study to reach many villagers within the same duration of time with individual interviews. In addition, if carried out carefully, the richness of information collected from focus group discussions would be significantly enhanced.

Lack of Local Participation

The FIDH study indicates that the team meets six residents from the affected villages but those villagers that refused to the proposed options from concessionary company are missed out for the interviews (FIDH 2011, p. 40). This highlights a major shortcoming in this study. Not all affected groups of villagers have inclusively participated in the SIA process. Many authors point out that the SIA principles include to build local knowledge and utilize participatory processes that enable interested groups and affected people to raise the concerns and discuss about intervention planning for mitigating negative impacts on their life and community (IAIA 2003, p. 2; Vanclay 2006; Inter-organizational Committee on Principles and Guidelines for SIA 2004). Thus, exclusion of some types of affected villagers means that they are unable to voice their concerns or propose any mitigation strategies for improving their livelihoods and other land issues. This issue should not be overlooked by this large international human rights organization whose mission is to ensure and promote the equal human rights. In addition, the lack of representativeness of other affected groups of villagers, as previously mentioned, may limit not only richness of information collected but also produce potential information biases. These concerns have been raised by many researchers and SIA experts (Vanclay 2006; Chambers 1994b; Becker et al. 2003).

This shortfall could have been overcome if the FIDH study includes method of focus group discussions (FGDs) as suggested above. It allows many villagers participate in small groups and talk more and actively participate in providing information their community. Many authors of participatory research methods suggest that FGDs enable local people to not only share their concerns in regard to discussed topic but also to learn and to build more understanding about their community issues (Chambers 1994a, p.1265; Buchan 2003, p.1). Villagers can be grouped for FGDs based on the options that they choose such as ‘cash payment’ or ‘reallocation’ or ‘family rubber’ or ‘refuse all three options’. In addition, those who affected by the rubber plantation concessions should not be considered as a homogeneous group. The villagers should be selected by other criteria such as sex, status in the community or ethnicity. Although participatory approach has been increasingly used as empowerment tools, there is a jeopardy if ‘who participates’ is not wisely considered (Chambers 1994b, pp. 1444-1445).

In addition, FGDs can be used in conjunction with other tools such as impact assessment matrix in identifying consequences of ELCs on indigenous people’s livelihoods and other features. This matrix is a type of ranking tools that allows villagers to rank impacts by using various scales. It is very simply and useful for villagers that have limited level of literacy. The Andrea’s study also applies the same tool of livelihood impact matrix (Andrea 2011, p. 3). Moreover, Chambers indicates that information collected from this tool can generate relevant statistics and insights about related issues (Chambers 2010, 47).

Independency on One Method

The method used by the FIDH study in the field work primarily focusing key informant interviewing with affected villagers and other relevant stakeholders. As mentioned above, the application of only one method in the study may not able to collect adequate information and difficult to cross-checking. This is

another shortfall of this SIA study. Bamberger strongly recommends using a mix method of both qualitative and quantitative particularly in the impact evaluation (Bamberger 2012). In addition, the same vein, other authors point out that the use of various methods and tools enables researchers to gather more information that can be verified and triangulated (Chambers 1994a, p. 1254; Irene 2014, p. 9). However, the ignorance of these important suggestions seems make analysis and illustration in the study is less convincing and evidence. For example, the study cannot explain well about the actual consequences for those families, who rejected all the options provided by the company because the information collected from only six individual villager interviews is not sufficient. It presumably concludes that those families are unable to cultivate their land and access water (FIDH 2011, p. 40). Furthermore, in the analysis of this study, it also acknowledges the lack of formal land maps in Bousra district exacerbates the dispute between affected villagers and the company (FIDH 2011, p. 39).

To address these shortcomings, this study could have included extra methods such as community or participatory mapping and satellite images. Community mapping is an essential tool to empower local people to have better understanding about their community, issues and to take actions for themselves through mapping (WateAid 2005, p. 3; Irene 2014, p. 10). This tool has been used in the similar study of the impacts of ELCs on indigenous communities in Cambodia (Andrea 2011, p. 3; Prachvuthy 2010, p. 9). The Prachvuthy's study encourages villagers to draw maps to show forest areas and community land that has been taken by the company (Prachvuthy 2010, p. 9). Moreover, a number of satellite images of land use change can be used to illustrate solid evidence with visualisation as in the Global Witness study (2013).

V. Conclusion

The SIA study on impacts of rubber plantations by Socfin-KCD on indigenous community in Bousra, Cambodia by the FIDH indicates only a few methodological strengths. The study captures all perspectives from various stakeholders from government, local authorities, civil society organizations and the company as well as some effected communities. It elaborates key issues concerning lack of local community participation and consent, transparency and accountabilities. In addition, its analysis is supported by different secondary sources of information. However, this study would need more participatory approach and comprehensive information and evidence, and the following shortcomings have been found. The first weakness is the insufficient selection of samples. The number of effected villagers is very small and selection criteria are unclear. These limitations produce biased and inaccuracy information in many aspects. Second, the study ignores to integrate participatory methods that some groups of effected villagers are excluded this process of SIA. The third shortcoming of this study is its dependency on key informant interviewing, that unable to produce sufficient and strong evidence. In addressing the above-mentioned shortcomings, this study could include FGDs in conjunction with different participatory tools such as impact assessment matrix, participatory mapping. Moreover, to

ensure the inclusiveness and the richness of information and data collected, the selection criteria for FGDs should consider diversity of people such as sex, status and ethnicity.

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