



មជ្ឈមណ្ឌលសិទ្ធិមនុស្សកម្ពុជា
Cambodian Center for Human Rights

December 2016

Business and Human Rights Handbook for Cambodia



Generously supported by
Fair Green and Global Alliance

About the Cambodian Center for Human Rights and ActionAid Cambodia

This Handbook – *Business and Human Rights Handbook for Cambodia* (the “Handbook”) – is an output of “Strengthening CSOs to Advocate for Increasing Respect for Human Rights by Corporate Actors in the Land Sector”, a business and human rights project jointly implemented by the Cambodian Center for Human Rights (“CCHR”) and ActionAid Cambodia. The project aims to encourage greater respect for human rights among corporate actors working within Cambodia’s land sector in particular. The project is being implemented over a five-year period from 2016 to 2020 and is generously funded by the Fair Green and Global Alliance, a Dutch coalition of NGOs, which focuses on corporate conduct, trade and investment and financial and tax systems.

The contents of this Handbook are the sole responsibility of CCHR and do not necessarily reflect the views of the Fair Green and Global Alliance, a Dutch coalition of NGOs.

CCHR is a non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout the Kingdom of Cambodia (“Cambodia”). CCHR’s vision is of a non-violent Cambodia in which people can enjoy their fundamental human rights, are empowered to participate in democracy, and share equally the benefits of Cambodia’s economic development.

ActionAid Cambodia’s vision is for a world without poverty and injustice, in which every person enjoys their right to a life of dignity.

Queries and Feedback

Should you have any questions or require any further information about the Handbook, or if you should like to provide any feedback, please e-mail CCHR at info@cchrcambodia.org. Alternatively, please contact CCHR at:

#798, Street 99, Boeung Trabek, Khan Chamkarmon,

Phnom Penh, Cambodia

Tel: +855 (0) 23 72 69 01

Fax: +855 (0) 23 72 69 02

Web: www.cchrcambodia.org



Contents

	Page
Acronyms	iii
Introduction	1
About this Handbook	1
Why is the Handbook important?	1
1. Introduction to Business and Human Rights	3
1.1 What are human rights?.....	3
1.2 How are human rights protected?	5
1.2.1 Human rights in Cambodian law	5
1.2.2 Human rights in international law	6
1.3 Human rights in the business context.....	8
1.3.1 Business and human rights in Cambodia.....	8
1.3.2 Rights and responsibility.....	9
1.3.3 Business and human rights vs. corporate social responsibility	10
2. UN Guiding Principles on Business and Human Rights	11
2.1 What are the Guiding Principles?.....	11
2.2 The State’s duty to protect human rights	12
2.3 Business’ responsibility to respect human rights.....	14
2.4 Providing access to remedy.....	16
2.5 Benefits of the Guiding Principles	18
2.5.1 How are the Guiding Principles useful?	18
3. The OECD Guidelines for Multinational Enterprises (the “OECD Guidelines”)	20
3.1 What are the OECD Guidelines?.....	20
3.2 What do the OECD Guidelines say about human rights?.....	20
3.3 Using the OECD Guidelines in practice.....	21
3.4 Applying the Guidelines in the Cambodian context.....	23
4. The FAO Voluntary Guidelines on Responsible Governance of Tenure	26
4.1 What are the VGGT?.....	26
4.2 How can the VGGT be used by CSOs?	27
4.3 Using the VGGT to protect human rights	27
4.4 Good governance of tenure in practice	28
References	30

Acronyms

ASEAN	Association of Southeast Asian Nations
Cambodia	Kingdom of Cambodia
CCHR	Cambodian Center for Human Rights
CSR	Corporate social responsibility
Constitution	Constitution of the Kingdom of Cambodia, 1993 (as amended)
CSO	Civil society organization
EIA	Environmental impact assessment
ELC	Economic Land Concession
FAO	Food and Agriculture Organization of the United Nations
Handbook	This Handbook entitled <i>“Business and Human Rights Handbook for Cambodia’s Land Sector”</i>
Guiding Principles	United Nations Guiding Principles on Business and Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
MNEs	Multinational Enterprises
NGO	Non-governmental organization
NCP	National Contact Point for the OECD Guidelines
OECD	Organization for Economic Cooperation and Development
OECD Guidelines	OECD Guidelines for Multinational Enterprises
UDHR	Universal Declaration of Human Rights
UN	United Nations
VGGT	FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

Introduction

About this Handbook

This Handbook was developed as a guide to business and human rights in Cambodia's land sector and the implementation of three key instruments on business and human rights: the United Nations ("UN") Guiding Principles on Business and Human Rights (the "Guiding Principles"); the Organization for Economic Cooperation and Development ("OECD") Guidelines for Multinational Enterprises (the "OECD Guidelines"); and the UN Food and Agriculture Organization ("FAO") Voluntary Guidelines on Responsible Governance of Tenure (the "VGGT"). This Handbook is for civil society organizations, government officials, the media, companies, activists and those workers affected by corporate abuses of human rights in the land sector – in fact, anyone interested in business and human rights.

It is hoped that this Handbook will encourage human rights due diligence and acceptance of the idea that corporations in Cambodia have a duty to formulate and implement corporate social responsibility policies in line with international human rights standards.

Four modules make up this Handbook: the first module introduces the concept of business and human rights; the second module explains the Guiding Principles and their importance, including outlining how businesses and the State can implement the "Protect, Respect and Remedy" Framework and illustrating the benefits of implementing the Guiding Principles; the third module explains the OECD Guidelines and their associated non-judicial grievance mechanism, the National Contact Points (the "NCPs"); and the final module provides a brief overview of the VGGT.

The Handbook is intended to supplement training on Business and Human Rights provided by CCHR through the BHR Project.

Why is the Handbook important?

Business and human rights, a relatively new concept, has only emerged in the last few decades. In Cambodia, at a time when strong economic growth, international investment and development are occurring simultaneously in an environment with a weak rule of law, the concept is especially important as businesses involved in the land sector increasingly disregard the human rights of Cambodian citizens.

The Handbook aims to increase awareness of:

- Human rights issues relating to businesses
- The State's role in protecting human rights
- The responsibility of businesses in respecting human rights
- Mechanisms for solving human rights issues relating to businesses operating in the land sector
- The importance of the Guiding Principles, the OECD Guidelines, and the VGGT

It is hoped that this increased awareness will encourage the State to protect human rights in relation to business; provide businesses in the land sector with motive, incentive and concrete guidance on how to respect human rights in their day-to-day operations; and empower civil society, communities and workers to advocate for their own rights in relation to business and human rights.

1. Introduction to Business and Human Rights

1.1 What are human rights?

Human rights are the **basic rights and freedoms that all people are entitled to regardless of nationality, sex, age, national or ethnic origin, race, religion, language, or other status.**

(Universal Declaration of Human Rights)

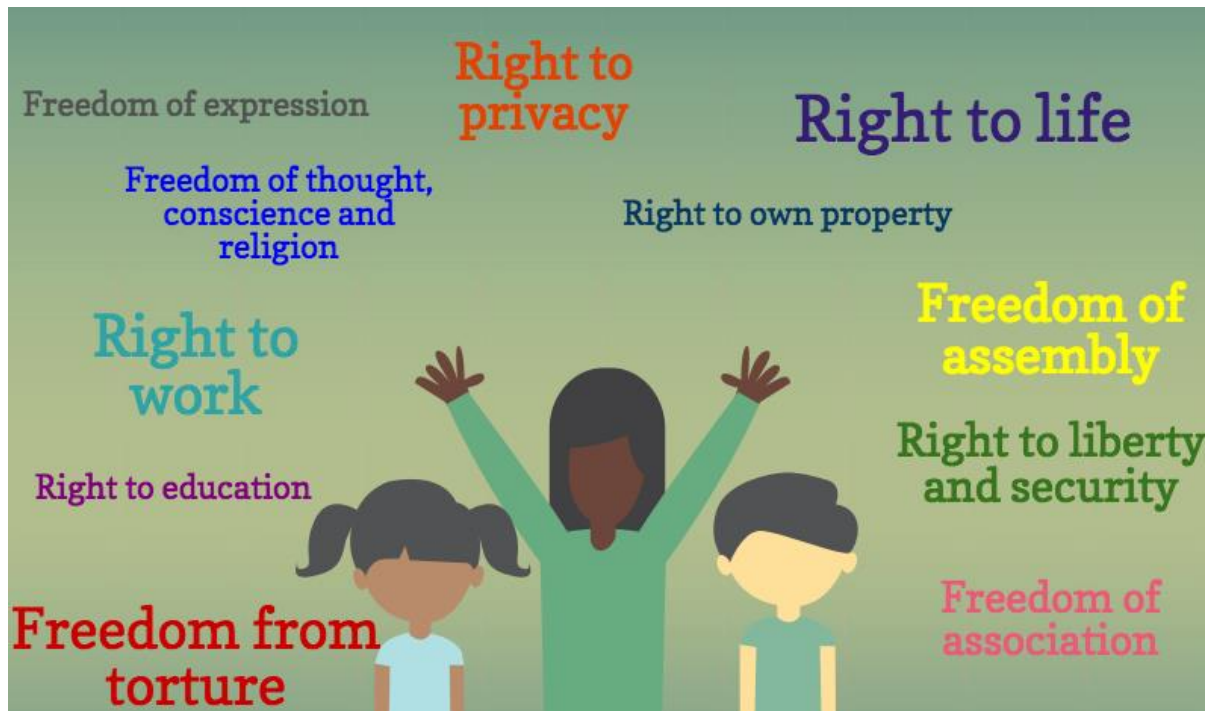
You have human rights simply because you are human.

Human rights are universal and apply equally to all people – everybody is entitled to enjoy them without being discriminated against. The rights of one individual are not more important than another individual and one person cannot violate the rights of another because they are richer, bigger, stronger or more powerful.

**“All human beings are born free and equal in dignity and rights...”
(Universal Declaration of Human Rights, Article 1)**

Human rights are fundamental and inalienable. What we mean by this is that they are basic rights that must be protected at all times. Human rights should be considered and respected by all people, but those with power over others need to be particularly cautious. This is because the power they hold and exercise has the greatest potential to cause violations of human rights. For example, governments, being in a unique position to create laws and policies that impact a nation, must pay particular attention to human rights. One example of how a government could ensure that human rights are respected is by making sure that any employment laws enacted do not unfairly discriminate against certain groups of people, such as women, or people from minority groups. State institutions also need to exercise caution in not causing or contributing to human rights abuses. For instance, the police are in a position to deprive people of their freedom and must ensure that proper investigations are undertaken before charging people with crimes and that they do not use their powers arbitrarily.

Some examples of fundamental human rights are specified within the following image:



Source: CCHR

A business is any organization which undertakes activity with a view to making a profit, and can range in size from multinational corporations to small, local, family-sized enterprises.

While businesses can provide a number of benefits to society including creating jobs, improving living standards and contributing to economic growth, it is important to note that businesses are also susceptible to causing human rights abuses, as their activities have the potential to impact upon so many peoples' lives. For instance, businesses employ workers and should ensure that those workers are paid and treated fairly. Many businesses carry out commercial activity in sensitive geographic locations and should make all efforts to avoid compromising the rights of vulnerable people, particularly indigenous communities.



Source: ActionAid

Human rights are important as they help us get along with each other and live in a society built on freedom, justice and peace and where the rule of law is preserved and respected. Human rights protect us against people who might want to harm or hurt us - when human rights are not well known by people, abuses such as discrimination, intolerance, injustice, oppression and slavery can arise. It is only when people know what their rights are that they can defend themselves and others.

1.2 How are human rights protected?

Human rights are set out in and protected by Cambodian and international law. Human rights involve both rights and responsibilities. States should assume duties and responsibilities under international law to protect and satisfy human rights. At the same time, human beings also have rights and responsibilities – while we are entitled to our human rights, we should also respect the rights of others.

1.2.1 Human rights in Cambodian law

Chapter Three of the Constitution of the Kingdom of Cambodia (the “Constitution”) sets out the human rights of Khmer citizens, and has 20 articles in total. The first article in Chapter Three, Article 31, states:

“Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status. The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedoms of others.”

Essentially this means that every Khmer person must be treated equally under the law – by the courts, and by the government. Importantly, the second sentence above means that no person shall use their human rights in a way that makes the rights of another person suffer.

Other articles in Chapter Three provide more information about specific human rights that all Khmer persons have under the Constitution. These include – but are not limited to – the following:

- The right to life, freedom and security (Article 32);
- The right to vote (Article 34);
- The right to demonstrate (Article 37);
- The right to travel (Article 40); and
- The right to own land (Article 44)

There are a number of other laws in Cambodia that build on the basic human rights prescribed in the Constitution and confer protection of more specific rights. The following is a list of some of those laws, with many being applicable to business and human rights. For example:

- The **1996 Law on Environmental Protection and Natural Resources Management** contains provisions aimed at protecting the environment and assessing the potential environmental impact of all projects before they are approved by the Cambodian government

- The **1997 Labor Law** covers all situations where there is an employer-employee relationship and further cements labor rights for workers
- The **2001 Land Law** provides protection of rights to land and property
- The **2002 Law on Forestry** provides regulations designed to promote the sustainable management of forests
- The **2007 Civil Code of the Kingdom of Cambodia** covers all situations relating to civil matters (relationships among properties and among relatives) to protect individuals' rights
- The **2007 Law on Fishery** aims to promote and protect the livelihood of communities living in close proximity to fish sources
- The **2007 Law on Management of Water Resources in Cambodia** promotes the sustainable use of water resources so as not to adversely impact livelihoods
- The **2009 Criminal Code of the Kingdom of Cambodia** prescribes offences that constitute crimes in Cambodia and also provides important laws relating to criminal procedure and how suspected criminals are to be treated by the police
- The **2010 Law on Expropriation** describes how expropriation of public land can take place justly and fairly
- **Sub-Decree No. 83 on the Procedures of Registration of Land of Indigenous of Land of Indigenous Communities** sets out the procedure for indigenous land titling and registration and is a core legal instrument in protecting the human rights of indigenous people

1.2.2 Human rights in international law

Human rights of all individuals in all countries are protected in international law. The origin of human rights protection in international law can be seen as the United Nations (“the UN”) Charter itself, the introduction of which states that the purpose of the UN is to *“to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small...”*

The Universal Declaration of Human rights (the “UDHR”) was the first document to set out the human rights of all people in the world. Although the UDHR is not legally binding, it has been treated by States as an authoritative statement of international human rights law, representing a strong political commitment by States. Its provisions are also now considered to form part of customary international law, and therefore be binding on all States.

International human rights law is incorporated into Cambodian domestic law by virtue of Article 31 of the Constitution, which states that Cambodia will recognize and respect the human rights set out in international law – including in the UDHR and other international covenants:

“The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women’s and children’s rights.”

The two most comprehensive international covenants are the International Covenant on Civil and Political Rights (the “ICCPR”) and the International Covenant on Economic, Social and Cultural Rights (the “ICESCR”) which contain more specific details on the rights set out in the UDHR; Cambodia is a party to both these instruments. The importance of the UDHR, the ICCPR and the ICESCR is illustrated by the fact that they are collectively referred to as the **International Bill of Rights**. Nevertheless, beyond these three important legal instruments there are a number of other sources of international human rights law that are protective of human rights, including those of Cambodian citizens. The following is a non-exhaustive list of some of the more important international legal instruments:

- The **Convention on the Rights of the Child** sets out the civil, political, social, economic, health and cultural rights of children. Compliance is monitored by the UN Committee on the Rights of the Child
- The **Convention of the Elimination of All Forms of Discrimination Against Women** contains provisions specifically prohibiting discrimination and breaching the human rights of women
- The **International Convention on the Elimination of All Forms of Racial Discrimination** prescribes provisions aimed at reducing racial discrimination and promoting tolerance and understanding of all races
- The **Convention on the Rights of Persons with Disabilities** is intended to protect the rights and dignity of persons with disabilities
- The **International Convention for the Protection of All Persons from Enforced Disappearance** contains provisions focused on preventing enforced disappearances

In addition to the requirements of international legal instruments, Cambodia’s membership of the Association of Southeast Asian Nations (“ASEAN”) can also be viewed as increasing its commitment to upholding human rights. Indeed, the ASEAN Charter specifies that one of the purposes of ASEAN is to “...*promote and protect human rights and fundamental freedoms...*” Following on from this, in November 2012 ASEAN Members unanimously adopted the ASEAN Human Rights Declaration, which reaffirmed their commitment to protect human rights as set out in the Charter, and set out in detail the specific human rights and general principles that members undertook to respect.

It should now be clear that there is in fact a considerable range of legal mechanisms that seek to protect against a wide variety of human rights abuses. We shall now go on to consider human rights specifically in relation to the business environment.

1.3 Human rights in the business context

Business and human rights refers to the private sector's respect or otherwise for universal human rights. Virtually all human rights can be affected by business activity – directly or indirectly.

Businesses can have a positive impact on human rights – for instance, companies that create jobs for local communities and pay a fair wage contribute to those people's ability to subsist. Another example is if a company works with the State or local government to improve local infrastructure. On the other hand business activities can negatively impact human rights, for instance, when people are forcibly evicted from their homes to make way for business developments, or when workers are made to work long hours without breaks for unfair and inadequate pay.

1.3.1 Business and human rights in Cambodia

In Cambodia, where the business sector is plagued with a myriad of human rights concerns, the concept of business and human rights is especially crucial, yet it is a relatively new concept and many Cambodians are unfamiliar with this term.

The concept is particularly important for Cambodia's land sector, where the government has permitted large swathes of land to be leased for commercial interests through economic land concessions ("ELCs"). Businesses often rely on false promises, intimidation and violence to secure land from vulnerable citizens. The violations do not end with land acquisition, either. In the aftermath of such land grabs, corporate actors, often with the collusion or complicity of state organs, continue to exploit the dispossessed through child labor, low wages, and denial of compensation.

Despite guarantees in domestic and international law, communities continue to have their land illegally taken away from them, for transfer to private companies for commercial agriculture (e.g. sugar and rubber plantations); and mining and energy projects, such as hydropower dams. Such business activities undermine the rights to adequate housing, food and water, and have long-term environmental and economic impacts. The following case study¹ evidences such abuse of land rights:

Case Study: Oddar Meanchey Province – Mitr Phol Sugar Company

Angkor Sugar Company, Tonle Sugar Cane Company, and Cane and Sugar Valley Company are all subsidiaries of Mitr Phol Sugar Company ("Mitr Phol") – a Thai corporation which is Asia's largest sugar and bioenergy producer. In 2014, Mitr Phol was revealed to be the third largest supplier of Coca Cola (USA). In 2008, they were awarded economic land concessions (ELCs) in Samrong and Chongkal districts of Oddar Meanchey province.

Cambodian Land Law prohibits ELCs exceeding 10,000 ha, and it also prohibits the same person or entity holding ELCs totaling more than 10,000 ha. The three ELCs amounted to 19,700 hectares – nearly twice the legal limit. Villagers were not consulted prior to appropriation of the ELCs and only became aware in November of 2007, when provincial authorities began marking the area.

¹ For more see: Oxfam & ActionAid, "Cambodia: The Bitter Taste of Sugar, Displacement and Dispossession in Oddar Meanchey Province" (2015) <http://bit.ly/1lyeo96>

Ultimately, the Mitr Phol ELCs affected 26 villages and 2,073 families. 9,430 ha of residential and *chamkar* land was appropriated and hundreds of houses (and property) were burned in the process. Access was also lost to temples and archaeological sites. Access to agricultural plots and *chamkar* land was restricted beginning in February 2008, and forced evictions began in April of the same year. Angkor Sugar Company staff, in April 2008, destroyed 154 homes in O’Bat Moan Village. In October 2009, the same village saw an additional 100 families’ homes destroyed. In due course, the village suffered the destruction of housing and property of the entire village (214 households). Much of the eviction and accompanying destruction was carried out by Brigade 42 troops, officially sponsored by the LYP Group’s O’Smach Casino.

Only 1.1% (219 hectares) of the ELC(s) was planted with sugarcane saplings, and the company signed a logging contract with a third party. Eventually, following years of ongoing campaigning by the affected villagers to demand their land back and widespread criticism of human rights abuses at the ELCs, Mitr Phol withdrew in 2015. However, the land has not been returned to the original inhabitants, nor has any move been made to compensate them after-the-fact.



Harvested sugar at the Mitr Phol ELCs

Source: ActionAid

The weak rule of law in Cambodia is certainly a factor that allows private companies to violate human rights in their business operations with ease.

The victims of business-based human rights abuses are often the most vulnerable in society who have few resources to stand up to such violations – the poor and disadvantaged, women, indigenous communities, and more generally those who are uneducated about their rights and the law.

1.3.2 Rights and responsibility

As discussed above, human rights are owed to individuals. There are some rights that are owed to groups collectively. For example, in Cambodia indigenous people have the right to own land collectively. At the international level, the 2007 United Nations Declaration on the Rights of Indigenous Peoples sets out a number of rights enjoyed by indigenous peoples, both individually and collectively. However, in practice, the rights of individuals and groups are often not fully respected.

Individuals – individually and together with others – also have the responsibility to respect the rights of others – as set out in Article 31 of the Constitution.

When the focus is on business and human rights, responsibilities are shared among the State and businesses. The State – the government, public institutions and all individuals who work for the government and public institutions - is responsible for ensuring that the rights of all citizens are respected, protected and fulfilled. This is a fundamental part of IHRL. Although the primary duty to protect and fulfill human rights is with the State, an increasing number of businesses are recognizing their responsibilities to protect human rights. In addition, businesses are required to comply with domestic laws and thus any international human rights instruments that have been ratified into domestic law.

When the State and businesses fail to protect human rights, other actors can help to improve human rights protection in practice, including NGOs, the media, and religious leaders. In addition, communities and employees have to know and fight for their rights too.

1.3.3 Business and human rights vs. corporate social responsibility



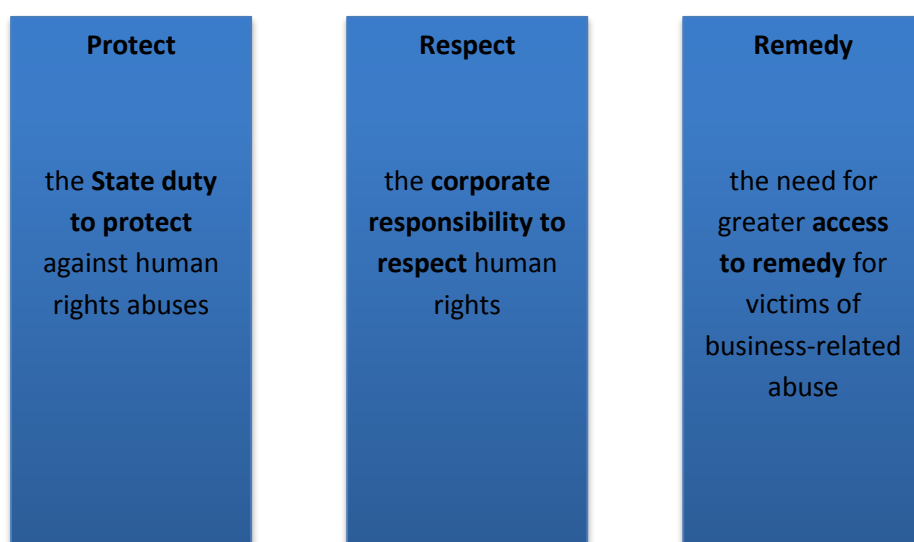
In the past, businesses have attempted to address social issues through their corporate social responsibility programs, also known as CSR programs. CSR are the voluntary activities undertaken by a company to operate in an economic, social and environmentally sustainable manner. For example, EZECOM, a communication services provider in Cambodia, has integrated CSR into their business model, even employing a CSR Manager (one of the few companies in Cambodia to do so). EZECOM claims to have made a commitment to use the power of technology to help communities thrive and enable people to achieve their potential. As part of their CSR, EZECOM provides free internet for the computer classrooms of Friends International, a NGO working with marginalized children. It should be noted however that often when Cambodian companies are promoting their CSR policies at the same time those very companies are perpetrating human rights abuses in the background.

In contrast, respecting human rights in business is not voluntary but follows necessarily from the universal nature of human rights, and requires companies to respect all human rights in all of their operations. A human rights framework provides a universally recognized, people-centered approach to companies' social and environmental impacts.

2. UN Guiding Principles on Business and Human Rights

2.1 What are the Guiding Principles?

The Guiding Principles are a set of 31 principles to define and guide how States and businesses can protect and promote a respect for human rights in daily business operations. Based on six years of work by the former UN Special Representative, Mr. John Ruggie, the Guiding Principles were developed to put into operation the UN's "Protect, Respect and Remedy" Framework, adopted by the UN Human Rights Council in 2008. This framework consists of three pillars:



Pillar 1: The State duty to protect against human rights abuses by third parties, including businesses, through specific and appropriate policies, regulation and adjudication

Pillar 2: The corporate responsibility to respect human rights, which means all businesses – small and large - are expected to avoid violating the human rights of others and to address adverse human rights impacts with which they are involved

Pillar 3: Access to remedy, which requires both States and businesses to ensure greater access for victims of business-related human rights abuses to effective remedy, both judicial and non-judicial

For each of the three pillars, the Guiding Principles provide specific guidance to both States and businesses to implement the Framework. It is important to note here that the Guiding Principles are not legally binding – they primarily seek to encourage rather than oblige States and the business sector to implement the Protect, Respect, and Remedy Framework. Despite this limitation, the UN Human Rights Council unanimously endorsed the Guiding Principles in June 2011, establishing the Guiding Principles as the global standard of practice that is now expected of all States and businesses with regard to business and human rights. In addition, the Guiding Principles include points covered in international law. Most recently, on 24 June 2014, the UN Human Rights Council voted to establish a working group to develop an international legally binding instrument on business and human rights,

so it is possible that future developments may see these responsibilities transformed into binding obligations on States and business.



Source: UNOHCHR

2.2 The State's duty to protect human rights



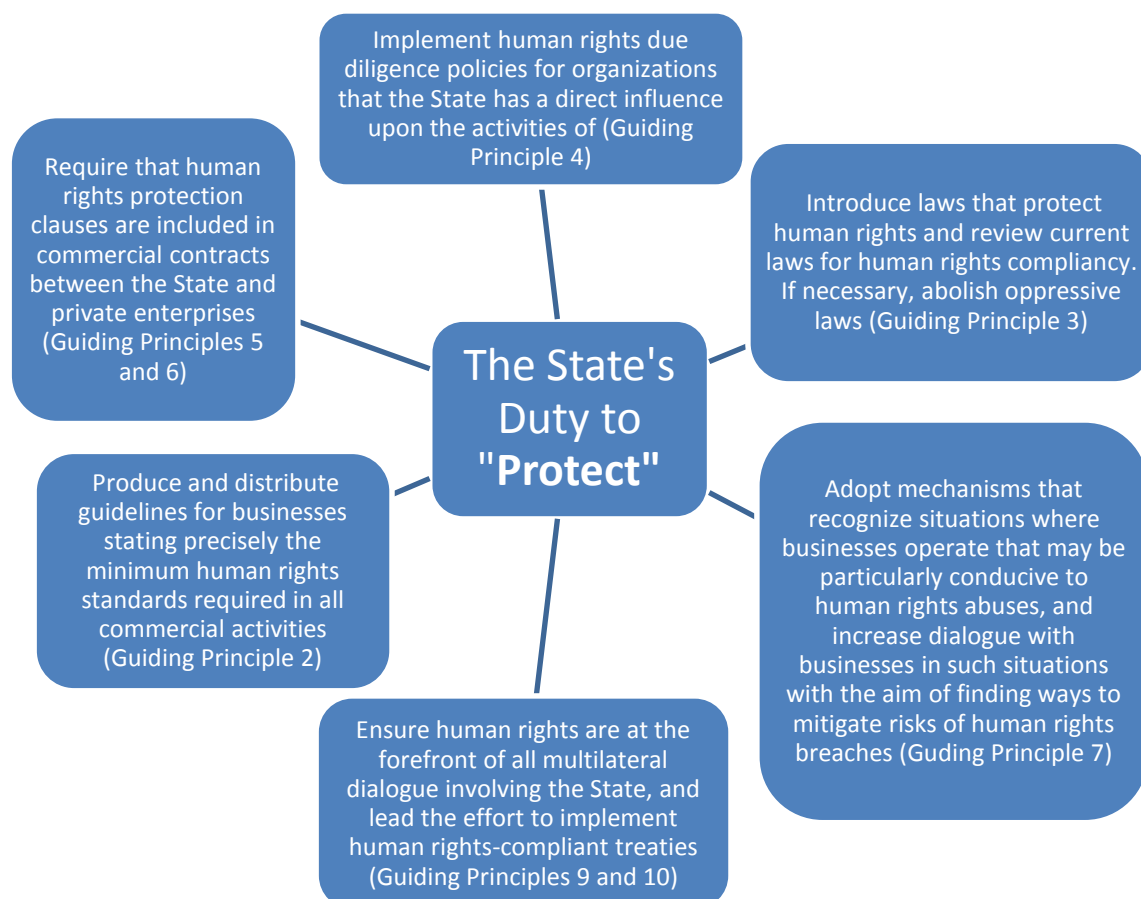
Under international human rights law the Cambodian government has a binding obligation to protect the human rights of persons within its jurisdiction, and prevent private and non-State actors from violating the rights of others.

As discussed above, all individuals have a duty to respect the rights of others. However, the primary duty bearer in human rights terms is the State. The State has an obligation to adopt and enforce laws, regulations and policies with the purpose of protecting peoples' rights. In instances where the actions of private individuals or companies violate the rights of others, it is the duty of the State to ensure that remedy is provided to those whose rights have been affected. In other words, while the damage to the citizen(s) whose rights have been violated may have been caused by a private individual or company, the State is responsible for protecting those rights and is under a duty both to end the damage to the citizen(s) and to provide remedy – such as compensation for the citizens whose rights have been affected or criminal prosecution of the private individual or company responsible.

A good example that makes clear the State's duty to protect is of a sugar company that employs to work on its plantation. A sugar plantation is a private business and is not part of the government. Child labor is a violation of fundamental human rights and has been shown to hinder children's development. In addition, according to Cambodian law, the minimum age of employment is 15 years

old. Under the duty to protect, the government must ensure that the private individuals and companies that run plantations do not employ children to work on their plantations, by passing laws or prosecuting plantation owners that do employ children in the courts. The State must also make sure that those children who have been treated employed on plantations and whose rights have therefore been violated have access to some remedy. In such an instance, a court can order the plantation owner to pay compensation, but also, depending on the circumstances of the case, convict the plantation owner if they are guilty of a crime.

In practice in Cambodia, there are a number of challenges regarding the State’s duty to protect. Arguably the greatest obstacle is a lack of enforcement and implementation of relevant laws and regulations, which is linked with widespread corruption among the powerful elite, which allows businesses to commit human rights abuses with no consequences. According to the international NGO Global Witness, 20 percent of the total land that has been allocated through ELCs is held by just five senators of the ruling Cambodian People’s Party. For example, Pheapimex, one of Cambodia’s most powerful companies, is co-owned by Senator Lao Meng Khin, and is estimated to control at least seven percent of Cambodia’s land mass. The same senator is a director of Shukaku Inc., the company responsible for the forced eviction of 3,000 people from Phnom Penh’s Boeung Kak Lake. Such conflicts of interest explain why the government often allows companies to get away with abusing human rights. In addition, there is a general lack of awareness among government officials of how to fulfill their duty to protect and ensure businesses respect human rights. The Guiding Principles provide a solution for this as they offer practical recommendations for governments to follow to ensure they fulfill their role. The diagram below displays some practical suggestions for actions that governments can take to implement the Guiding Principles:



2.3 Business' responsibility to respect human rights

Perhaps the most important actors that have to be involved if the Guiding Principles are to be implemented successfully are businesses. Even with robust action from the State under the "Protect" element of the Guiding Principles, implementation clearly will not be effective unless businesses fulfill their very important role in respecting human rights and ensuring they do no harm in their operations.

There are likely to be significant challenges to businesses in operationalizing the best practices enshrined within the Guiding Principles, and it is therefore crucial that we take time to acknowledge these obstacles. It is also important to recognize that although the Guiding Principles are designed to be "one size fits all" in that they are applicable to businesses of all sizes and who operate in a variety of industries, particular challenges are likely to be more pronounced with certain businesses, such as small businesses. The following is a list of some of the most significant challenges facing businesses:

- Smaller companies may feel they lack the resources to being able to successfully implement the Guiding Principles
- Businesses may feel they are already doing enough to mitigate any negative social impacts of their operations through their CSR
- Businesses may question whether implementing the Guiding Principles will bring any benefit to their bottom lines
- Businesses may feel the potential risks of human rights based litigation is a risk they are willing to take
- Where the State is not fulfilling its "Protect" role, businesses may question why they should have to fulfill their "Respect" role
- Businesses may struggle to formulate an effective strategy for implementing the Guiding Principles

Clearly, some of the above challenges involve parties other than the business itself, but many focus on how businesses may become hindered by the details of the Guiding Principles. Naturally, the more complicated it appears it will be to implement the Guiding Principles the less likely businesses will be to integrate them into their working practices. With this in mind, a simple, six-step blueprint that businesses are advised to adopt when implementing the Guiding Principles has been devised.² The six-step process is as follows:

² SAI & ICCO, 'UN Guiding Principles on Business and Human Rights: A Six-Step Approach to Supply Chain Implementation' <http://bit.ly/297leco>



The following case study provides an example of a business operating in Cambodia successfully addressing human rights abuses they have either caused or contributed to, and what efforts the companies did to make amends. This case study concerns land rights and provides a useful example of how the purposes of the Guiding Principles can be applied in practice.

Case Study: HAGL Group ELCs in Ratanakiri Province³

In February 2014, 17 indigenous villages located in the districts of Andong Meas and O’Chum in Ratanakiri province, filed a complaint to the World Bank’s private lending arm, the International Finance Corporation (“IFC”), in relation to its funding of a Vietnamese rubber company Hoang Anh Gia Lai (“HAGL”) and its affiliated companies who had committed widespread abuses. In 2010, the Cambodian government began granting thousands of hectares of ELCs to HAGL in the area for rubber plantations.

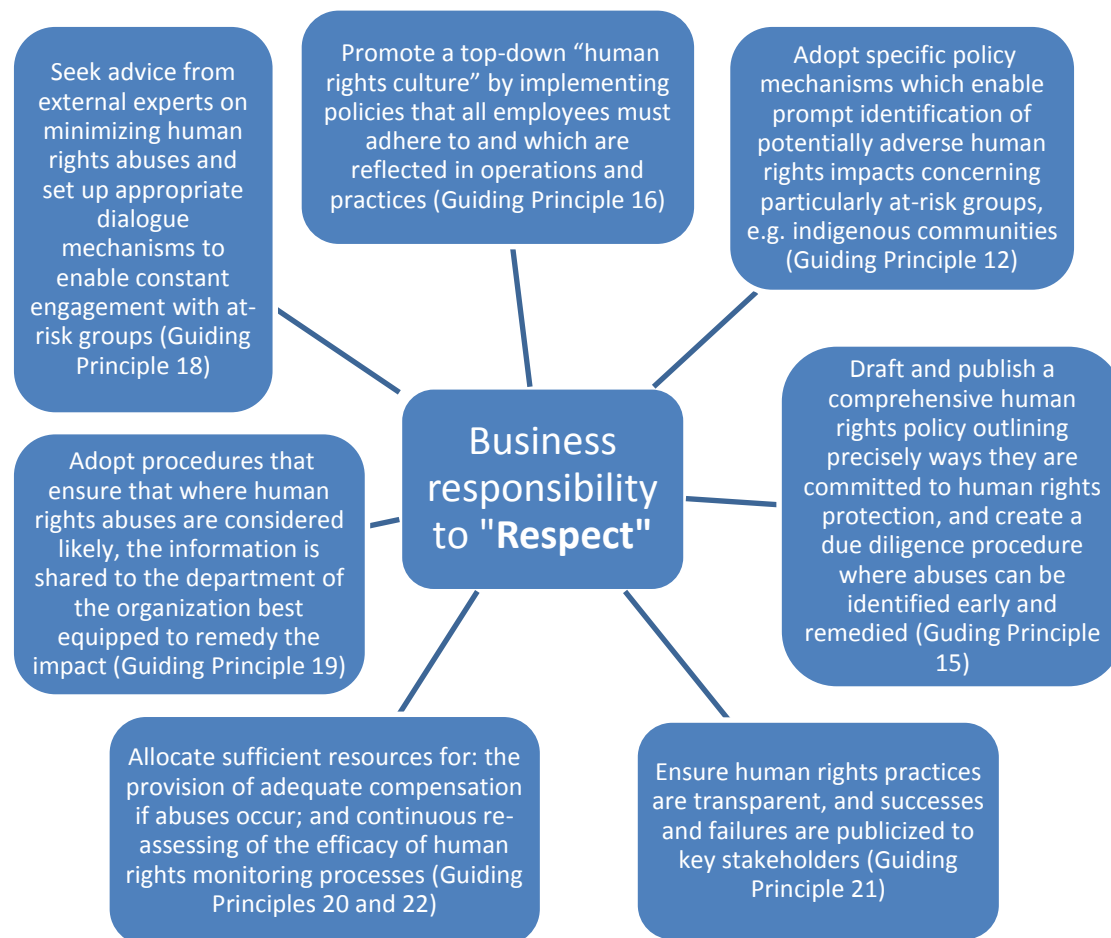
The affected villagers and HAGL had been in a dispute for a number of years, due to accusations of HAGL encroaching on land owned by villagers, in addition to committing other human rights abuses including widespread deforestation, polluting streams with chemicals used in its plantations, and sexual abuse.

Following mediation between HAGL and affected villagers facilitated by under the IFC’s Compliance Advisor Ombudsman, a final statement setting out points of agreement was released on 19 January 2016. It included commitments by HAGL not to clear or develop certain indigenous areas, as well as to repair and maintain roads and bridges in the villages that were damaged by its operation. It was further agreed that these commitments would be implemented by first organizing joint mapping trips to each of the affected villages.

³ For more, see Inclusive Development International, “Cambodia and Laos: Rubber land grabs” (2016)

<http://bit.ly/2aPg9Aq>

The six-step process outlined above provides a useful conceptual guide to implementing the Guiding Principles. However, the six-step process lacks specific details. The following diagram offers suggestions of practical steps businesses could take to implement the Guiding Principles:



2.4 Providing access to remedy

The Guiding Principles are focused primarily on preventing human rights abuses occurring in the first place, but does also recognize that should they occur there must be adequate remedial mechanisms firmly in place.

Providing access to remedial mechanisms is a fundamental element of both the State duty to protect and businesses' responsibility to respect human rights. Such mechanisms can be State or non-State based and may be judicial, or may incorporate alternative dispute resolution techniques.

The Guiding Principles visualize remedial mechanisms taking a variety of forms, thus ensuring maximum flexibility for users and ease of use. Certainly, the court system must be a key player. However, litigation should always be as a last resort and every attempt made to settle disputes without the need for court intervention. Therefore, it is important that alternative dispute resolution mechanisms are available that stem from both businesses and the State.

In the Cambodian context, issues with State-based judicial mechanisms are particularly pronounced as court independence and impartiality are frequently questioned, and the judiciary is often used by the political elite to suppress opposition. This issue is particularly pronounced in a country where the

activities of big business and big government are so tightly involved, with the courts often arbitrarily resolving disputes in favor of businesses with State connections. Issues with the impartiality of the court system in Cambodia are particularly evident in relation to land disputes.

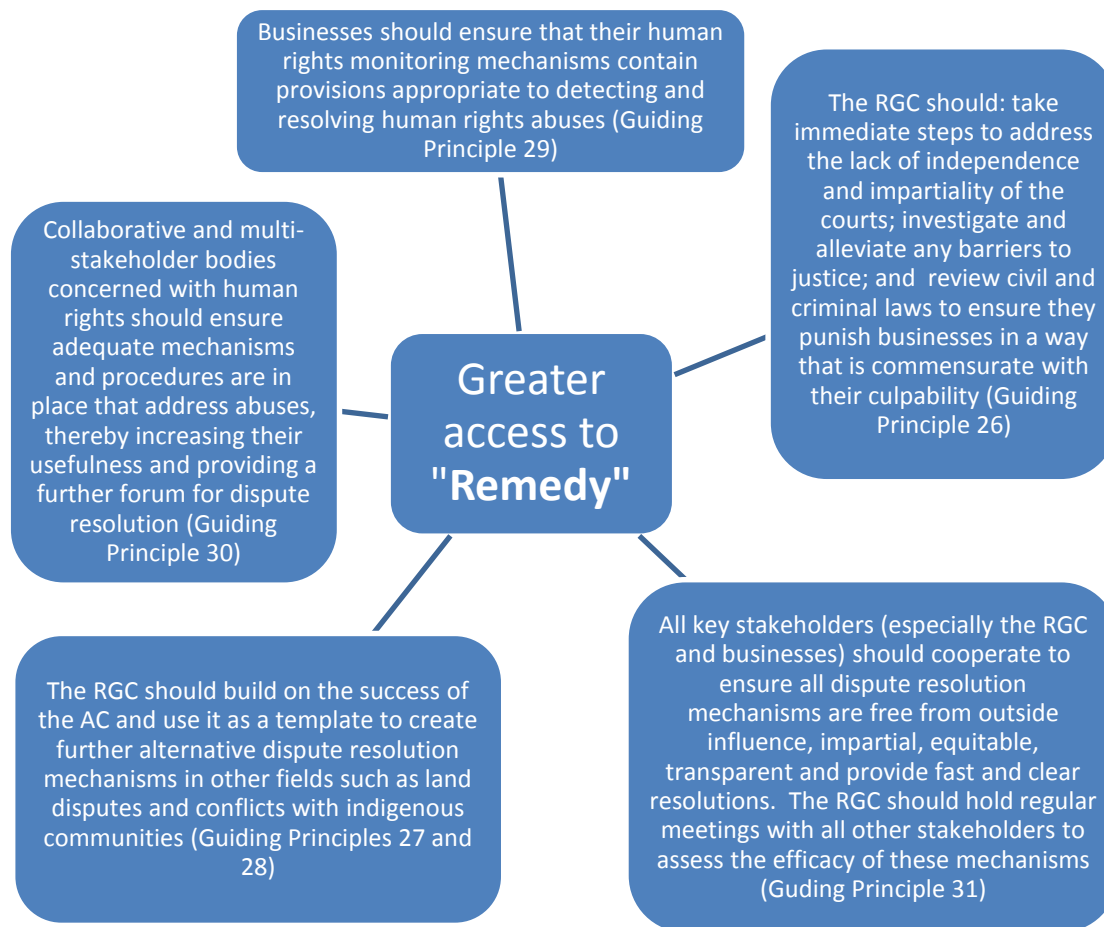
For those who find themselves involved in land disputes, there are five means of dispute resolution currently available. The five methods are:

1. **Commune Councils:** while they lack legal decision-making authority, the Commune Councils mediate amongst parties to ‘reconcile differences of opinion’. Typically, most cases are first brought before Commune Councils, though this is not a requirement.
2. **Administrative Committees:** they too, lack the authority to issue binding decisions. The Administrative Committees operate in all regions and are the primary responders for cases involving State-sponsored land registration campaigns.
3. **Cadastral Commission:** three sub-levels have been established under the Cadastral Commission for hearing disputes related to unregistered land and disputes which are unresolved before the Administrative Committee: the district/*khan* level, the provincial/municipal level and the national level. Land disputes before the Cadastral Commission must first be heard at the district/*khan* level, which only has the authority to provide support for reconciliation. If an agreement cannot be reached at this level, the case should be referred to the provincial/municipal level for further attempts at conciliation, which has the power (since 2009) to issue decisions if a resolution is not possible. If the case cannot be resolved at the district or provincial levels, it should be forwarded to the national level of the Cadastral Commission for adjudication.
4. **National Authority for Land Dispute Resolution (“NALDR”):** the NALDR hears cases beyond the jurisdiction of the Cadastral Commissions. The NALDR influences the resolution of land disputes by determining which ones to accept, which ones to refer to other bodies (including the courts) and the manner in which complaints are to be investigated. It’s decisions can be appealed to the Court.
5. **Court System:** the courts have jurisdiction over disputes involving registered or titled land. If the parties are not satisfied, the case can be filed with the Court of Appeal. Dissatisfied parties of disputes submitted to the National Cadastral Commission may also file an appeal with the Court of Appeal. Courts have jurisdiction over cases of forced evictions as well as contract and inheritance disputes, irrespective of the registration status of the land. If the dispute is related to unregistered land, however, the parties must first go through the Cadastral Commission.

While it is clear that Cambodians affected by land disputes have many dispute resolution mechanisms available to them, they have proven to be largely ineffective and inaccessible,⁴ and thus for the most part, do not effectively provide access to remedy.

⁴ For more on the issues with the land dispute mechanisms please see: CCHR, ‘The Failure of Land Dispute Resolution Mechanisms’, (Report) (July 2014) <http://bit.ly/12zx4nE>

The following diagram offers suggestions as to what practical steps, State based and non-State based, can be taken to achieve greater implementation of the Guiding Principles:



2.5 Benefits of the Guiding Principles

2.5.1 How are the Guiding Principles useful?

While adherence to the Guiding Principles may require a few changes, not only would their adoption ensure that human rights are respected in business operations, but their implementation would also bring a host of advantages to several entities in Cambodia, including for the government and businesses themselves. The following outline some of the key benefits that implementation of the Guiding Principles would create:

2.5.1.1 The Royal Government of Cambodia

- **Increased investor-confidence** by promoting an environment that could facilitate foreign direct investment, especially from Western countries
- **Risk mitigation** – the Guiding Principles would mitigate the risks of the Cambodian government violating international human rights law
- **Policy coherence** – the Guiding Principles provide guidance to the government policy makers on paying due diligence to human rights

- **Access to remedy** – as the government is already obligated to ensure the availability of remedial mechanisms in accordance with international human rights law, the Guiding Principles provide a useful framework

2.5.1.2 Businesses

- **Increased commercial reputation** – implementing the Guiding Principles will assist businesses in complying with human rights which will greatly boost their reputations
- **Government engagement** – the Guiding Principles encourage dialogue between the government and business on key issues
- **Risk mitigation** – implementing the Guiding Principles assists in alleviating the risks of litigation
- **No opportunity costs** – committing to human rights will prevent losses arising from employee protests, a lack of consumer satisfaction and non-compliance with buyer standards
- **Increased productivity** – committing to human rights will boost productivity if employees are satisfied, working in safe environments and have their rights secured
- **Competitiveness** – operationalizing the Guiding Principles and committing to human rights enhances a company's edge in the market
- **Value chain development** – buyers and suppliers benefit from improved relations and increased productivity when companies respect human rights
- **Sustainability** – with increased productivity and ethical business practices in place, businesses have greater chances to sustain and expand their economic activities
- **Increased opportunities to expand and engage export markets** – implementing the Guiding Principles creates openings for those markets which require certain standards in relation to traceability, sustainability, certification and good business practices (for example European and American markets)

2.5.1.3 CSOs and affected individuals/communities

- The Guiding Principles would ensure similar **human rights monitoring standards** across businesses and civil society
- The Guiding Principles provide **common standards for engagement** between stakeholders, therefore ensuring that everyone has the same understanding as to what needs to be achieved

2.5.1.4 Donors and development partners

- The Guiding Principles would help donors and development partners, including multi-lateral financial institutions who provide support, assistance and aid in the country(s) in which they operate, to **select their partners** (State institutions, CSOs, communities, individuals and other third parties including private consulting businesses and external agencies)
- The Guiding Principles provide a **common reference with regard to their assistance** and support to ensure those institutions neither restrain the ability of their member States to meet their duty to protect nor hinder business enterprises from respecting human rights

3. The OECD Guidelines for Multinational Enterprises (the “OECD Guidelines”)

3.1 What are the OECD Guidelines?

The OECD Guidelines are a series of recommendations made from governments to multinational enterprises (“MNEs”). The OECD Guidelines do not just address human rights impacts of business, but set out good practices for MNEs.

Unlike the UN Guiding Principles, the OECD Guidelines are not universal – they only apply to MNEs that operate in or from the territories of governments that have endorsed the OECD Guidelines. As of June 2016, 46 countries adhere to the OECD Guidelines: all 35 OECD Members, in addition to 11 other countries, including key emerging economies like Brazil, Colombia and Argentina. While Cambodia has not yet endorsed the OECD Guidelines, many of the transnational businesses that operate in Cambodia are based in OECD Member States, and so their business activities in Cambodia will fall within the scope of the OECD Guidelines and therefore should comply with their recommendations.



3.2 What do the OECD Guidelines say about human rights?

The OECD Guidelines were first adopted in 1976, but have been revised and updated on five different occasions since. The most recent revision, in 2011, included for the first time a chapter on human rights, and was drafted so as to be consistent with the UN “Protect, Respect and Remedy” framework and the Guiding Principles. While recognizing that the duty to protect human rights lies on States, the OECD Guidelines recommend that MNEs:

- Respect human rights;

- Avoid causing or contributing to adverse human rights impacts and address such impacts when they occur;
- Prevent or mitigate adverse human rights impacts that are directly linked to their business operations; have a policy commitment to respect human rights;
- Carry out human rights due diligence; and
- Provide a remedy where they have caused or contributed to adverse human rights impacts.⁵

While the above are only recommendations and therefore do not create legal obligations for MNEs, the OECD Guidelines system does impose some legal duties on States that are adhering to them. In particular, States are obliged to establish a functioning National Contact Point - a non-judicial grievance mechanism responsible for promoting the OECD Guidelines (see section 3.3 below). Governments are also expected to implement the Guidelines (which apply equally to MNEs that are wholly or partly state-owned) and promote their use by MNEs, and to enact laws and policies to help create an environment that supports business to act responsibly.

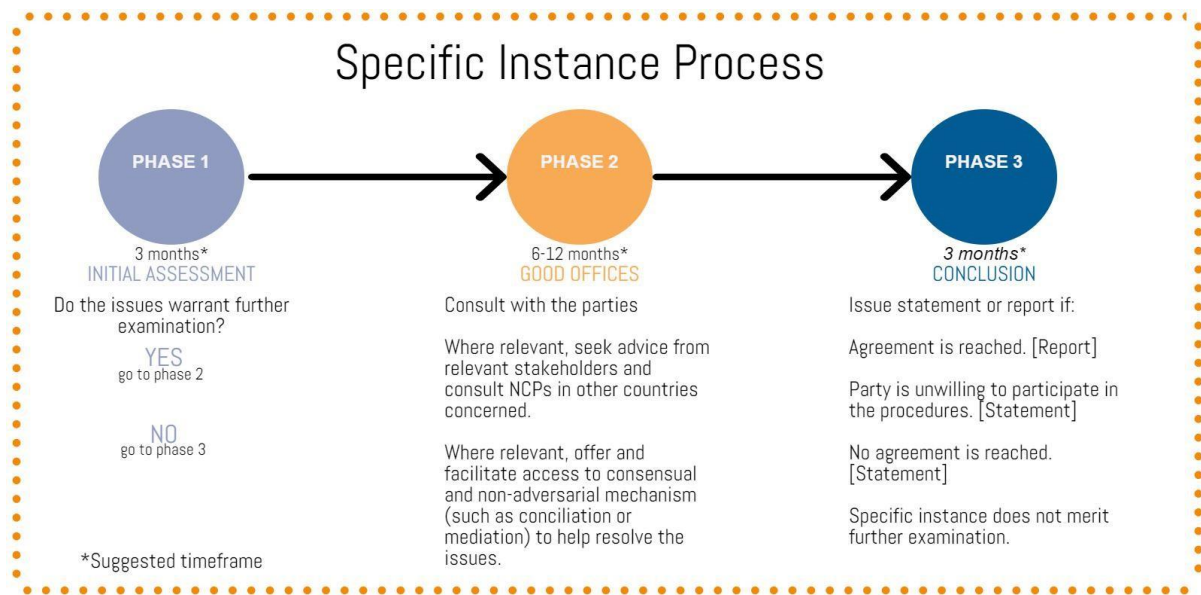
3.3 Using the OECD Guidelines in practice

The OECD Guidelines can be a powerful tool for civil society organizations (“CSOs”) in their work to prevent and combat human rights abuses by business. They can help change corporate behavior, raise public awareness and provide a mechanism for remedying grievances.

The Guidelines provide a clear and authoritative standard against which the actions of businesses can be judged. As a result, a statement by a CSO linking a human rights violation by an MNE to the Guidelines will help raise public awareness, as it will clearly identify the specific failure in the behavior of the MNE, highlight its gravity, and do so in globally recognized terms that can be understood by the public, media, and advocacy organizations inside and outside Cambodia. As a set of standards endorsed by governments, civil society and business, the Guidelines can also be a useful common starting point for CSOs in beginning a dialogue with MNEs about their conduct.

In addition to helping raise awareness of human rights abuses by business, the OECD Guidelines can also provide a means to fulfill the third pillar of the UN’s business and human rights framework by providing access to a remedy for human rights abuses. The OECD Guidelines are unique in that they are the only international corporate responsibility instrument with its own built-in grievance mechanism – the National Contact Points (the “NCPs”) – which CSOs and individuals can access directly.

⁵ OECD Guidelines for Multinational Enterprises (2011 edition), Chapter VI <http://bit.ly/1kPDOgW>



One important function of NCPs is to help resolve issues arising from the (non-)implementation of the OECD Guidelines in practice, by using their good offices. This is done through the “Specific Instance” process, which allows interested parties such as businesses, trade unions and civil society organizations to raise issues with the NCP where they feel an MNE is not acting in conformity with the OECD Guidelines. Where a MNE based in a country that adheres to the OECD Guidelines is abusing human rights in Cambodia, CSOs may wish to consider making a complaint to the NCP of the MNE’s home country. The Guidelines contain a broad recommendation for MNEs to “respect human rights” so it is likely that most kinds of human rights violations will potentially fall under the Guidelines. In making their complaint CSOs should be sure to specify the provision of the Guidelines that has been breached; identify the victims and MNE involved; and state the desired outcomes, such as a change in company policy or behavior, or action to remedy harms caused.⁶

The NCP will first of all consider whether the issues raised merit further examination and if they do the NCP will consult with the parties and stakeholders and offer its good offices to help them resolve the issue through conciliation or mediation. In all cases the NCP will issue a statement or report.

Civil society organizations have expressed concern about flaws in the NCP system,⁷ such as lack of transparency, and, given that NCPs are located within the governments of adhering States, a real or perceived lack of impartiality. Equally, making a complaint to an NCP will not always be the best course, and CSOs should consider all options available to them: they may prefer to bring an action through the courts, or try to influence the MNE through lobbying and public campaigns. Sometimes an MNE will be unwilling to engage through the NCP mediation progress if it is the target of a simultaneous public campaign or legal action.

⁶ For more detailed guidance on filing a complaint with a National Contact Point, see OECD Watch, “Calling for Corporate Accountability: A Guide to the 2011 OECD Guidelines for Multinational Enterprises” (June 2013) <http://bit.ly/29ZRBeB>

⁷ See OECD Watch, “Remedy Remains Rare,” (June 2015) <http://bit.ly/1QDkzNc>

However, where MNEs and victims are willing to engage and find a mutually agreeable solution, complaints to the NCPs have been effective. In its 15 years of operation the NCP system has had some important positive impacts, which show that it can be a very useful tool for those whose human rights are negatively affected by business to obtain a remedy. According to the OECD's own data, between 2011 and 2015 approximately half of all specific instances which were accepted by NCPs resulted in an agreement between the parties, and approximately 36% resulted in an internal policy change by the company in question, contributing to potential prevention of adverse impacts in the future.⁸ The following case study will provide an example of one success story:

Case study: Complaint from WWF International against SOCO International Plc.

On 07 October 2013 the World Wildlife Fund ("WWF") made a complaint to the United Kingdom NCP. It alleged that SOCO was conducting oil exploration activities within the Virunga National Park in the Democratic Republic of the Congo ("DRC"); that these activities were prohibited under international agreements and DRC law (in particular, that they were inconsistent with the park's World Heritage Site status) and risked adverse impacts on the local environment and local communities. SOCO responded on 12 November 2013 and denied the allegations, saying that its activities in the National Park were limited to environmental, scientific and social studies, and that these activities carried no significant risks of adverse impacts to the local area or communities. The NCP accepted the elements of the complaint relating to the stakeholder engagement, human rights, and environmental recommendations under the OECD Guidelines and offered the parties the possibility of using the NCP to resolve their issues using an external mediator.

Both sides agreed to engage and, following mediation, agreement was reached between the parties. SOCO committed to cease its operations in Virunga within 30 days and not to undertake or commission any other drilling within Virunga National Park unless UNESCO and the DRC government agree that such activities are not incompatible with its World Heritage status. SOCO also committed not to conduct any operations in any other World Heritage site anywhere in the world. In light of this, WWF agreed to stop further pursuit of its complaint.

The WWF-SOCO agreement represents the first time a company has agreed to halt operations during NCP-facilitated mediation.

3.4 Applying the Guidelines in the Cambodian context

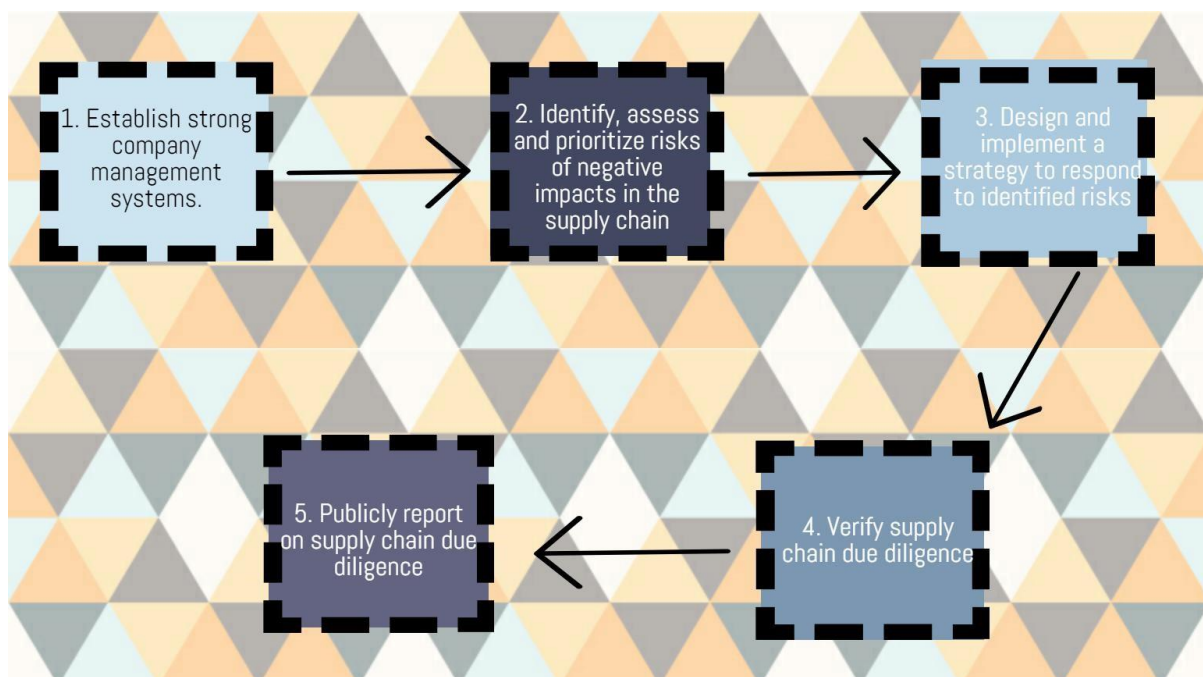
MNEs are not just expected to follow the OECD Guidelines' recommendations in their own operations; an important part of the OECD Guidelines system is the expectation that MNEs will exercise due diligence to identify, prevent and reduce any negative impacts that might arise as part of their supply chain or through activities to which they are linked by a business relationship. This is of particular

⁸ OECD, "Implementing the OECD Guidelines for Multinational Enterprises: The National Contact Points from 2000 to 2015," (21 June 2016) <http://bit.ly/29eOCif>

relevance in the Cambodian context where, for example, Cambodian factories and plantations are sources of manufactured or raw products, such as garments or sugar, for foreign MNEs. Where MNEs do not carry out adequate due diligence, they may be failing to comply with their responsibilities under the Guidelines, which could form the basis of a campaign by CSOs, or a complaint to the relevant NCP.

The OECD, in consultation with business, trade unions and civil society, has produced sets of guidance for MNEs on how to implement the OECD Guidelines. For MNEs to carry out due diligence to ensure their supply chains do not cause any negative impacts, including to human rights they should:

1. **Establish strong company management systems.** For example, each MNE should have a clear company policy on the standards of responsible business conduct that they commit to upholding, such as human rights and environmental policies.
2. **Identify, assess and prioritize risks of negative impacts in the supply chain.** How this is carried out in practice will depend on the sector in which the MNE operates. A company that sources textile products from an independently owned factory in Cambodia will face different challenges in trying to identify risks than does a company that controls land in Cambodia and operates the plantation itself.
3. **Design and implement a strategy to respond to identified risks.** If an MNE discovers that its supply chain or business partners may be creating a risk(s) of negative human rights impacts (for example, forced eviction or abuses of labor rights), it should put in place appropriate measures to mitigate these harms – for example, by engaging with the local community, providing adequate compensation, or refusing to deal with a local supplier until its practices conform to labor standards.
4. **Verify supply chain due diligence** – for example, through a system of independent third party audit.
5. **Publicly report on supply chain due diligence.**

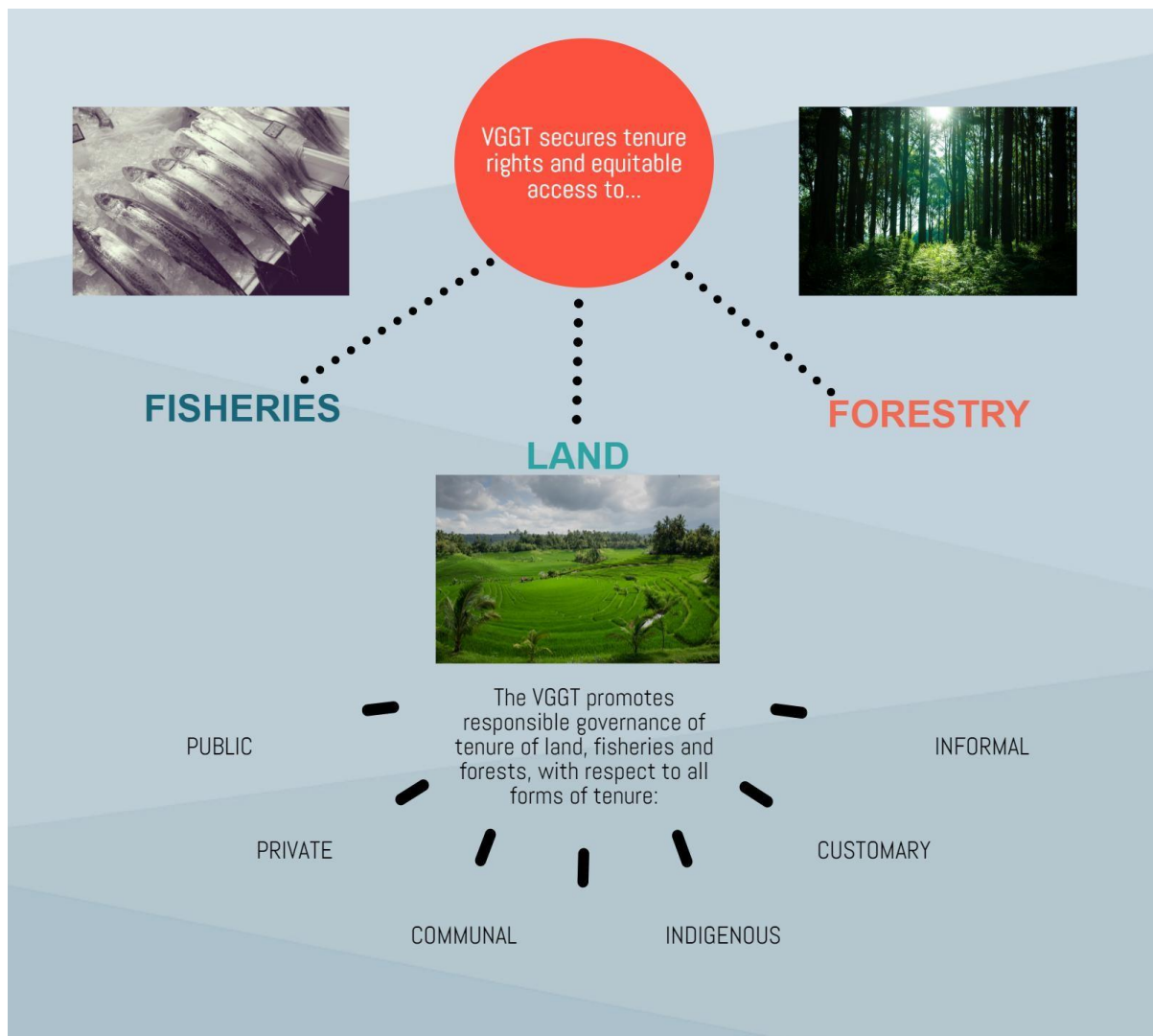


What adequate due diligence requires will not be the same for every MNE and should be tailored to the particular industry and context in which they operate. As of today the OECD has produced guidance on a number of different areas of business operations, from the extractives industry to the financial sector, but those likely to be of most relevance in holding to account MNEs that operate in Cambodia are the OECD-FAO Guidance for Responsible Agricultural Supply Chains, which also includes a specific annex on engaging with indigenous peoples; and the draft Guidance on Responsible Supply Chains in the Garment and Footwear Sector. These can be a valuable resource for CSOs, by setting out in concrete terms the internationally recognized best practices by which MNEs are expected to abide.

4. The FAO Voluntary Guidelines on Responsible Governance of Tenure

4.1 What are the VGGT?

The VGGT are the first global internationally-accepted guidelines on the governance of tenure, which aim to **promote secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment**. The VGGT promote responsible governance of tenure of land, fisheries and forests, with respect to all forms of tenure: public, private, communal, indigenous, customary and informal. Their overarching goals are to achieve food security for all, however while supporting efforts towards the eradication of hunger and poverty, the VGGT are also intended to contribute to achieving sustainable livelihoods, social stability, housing security, rural development, environmental protection, and sustainable social and economic development. The VGGT are intended to benefit all people in all countries, although there is an emphasis on vulnerable and marginalized people.



What is “tenure”?

“Tenure” is the relationship, among people as individuals or groups, with respect to land and its natural resources. This relationship can be defined in law (for example through land titles), or more informally, through custom. Rules of tenure, such as land laws, define how property rights in land are allocated within societies. Land tenure systems determine who can use what resources for how long, and under what conditions.

(Source: FAO, “Land Tenure Studies 3: Land Tenure and Rural Development,” (2002) <https://goo.gl/gJ7MsU>)

4.2 How can the VGGT be used by CSOs?

By providing clear, practical guidance on a relatively technical and specialized area of policy, the VGGT can be a useful tool for CSOs in Cambodia in their efforts to raise awareness about the appropriate management and exploitation of land.

Like the OECD Guidelines, the VGGT are non-binding and should complement, not replace, existing obligations under national and international law. However, the scope of the VGGT is wider than the OECD Guidelines: they are for use not just by businesses but **by everyone who is concerned with the governance of tenure** – including national governments, land users, indigenous peoples, and civil society. They are also universal in application – they can be used by and in all countries and regions.

The VGGT were developed in 2011 and 2012 by the FAO’s Committee on World Food Security, in consultation with stakeholders including civil society and business. This inclusive process for their development is one of the VGGT’s strengths, as is the prominent role they give to the rights of women and indigenous peoples. However, the VGGT are not legally binding and, unlike the OECD Guidelines, they do not have their own dedicated grievance mechanism to resolve issues regarding their (non-)implementation. Therefore, while the VGGT can provide useful guidance to actors on how to deal with land tenure issues responsibly, they may be less effective when it comes to fulfilling the third pillar of the UN’s business and human rights framework: providing a remedy.

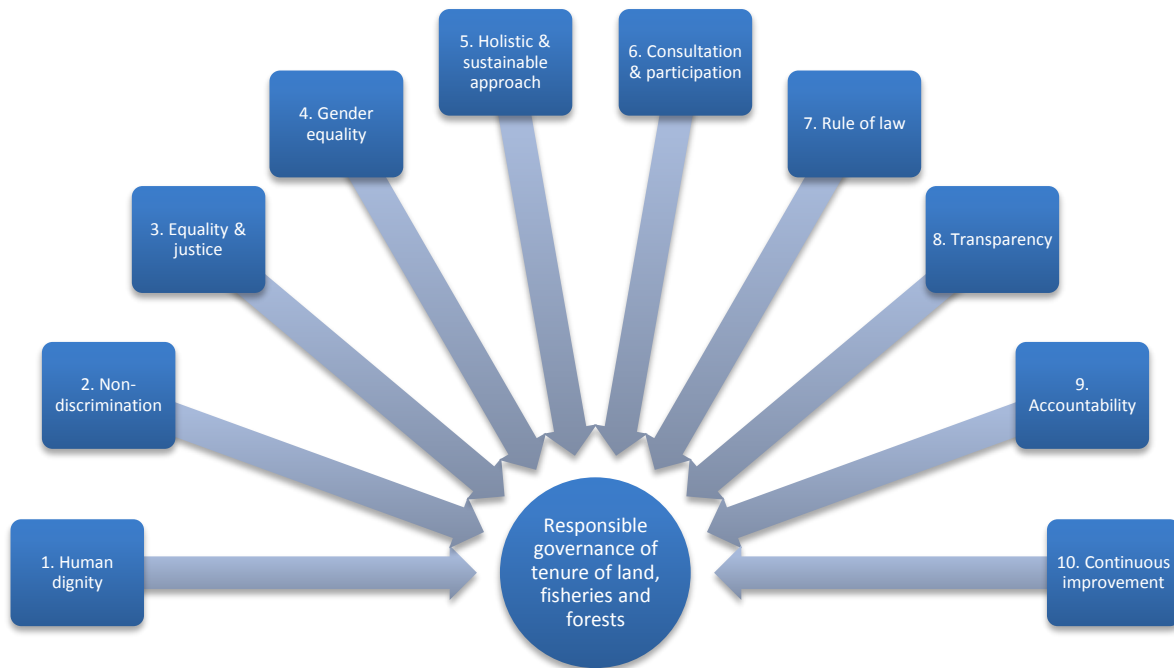
The VGGT may therefore be most useful to CSOs as a reference point when engaging with businesses and government, as they clearly set out the standards all actors are expected to comply with when dealing with the governance of land. As a universal instrument developed by a UN body, with the endorsement of key stakeholders, the VGGT enjoy a high degree of recognition and legitimacy, which can give weight to CSO campaigns to change company behaviour or remedy human rights violations by businesses. Their focus on indigenous peoples also makes them a useful tool for raising awareness among indigenous groups about the rights they should enjoy in relation to their land.

4.3 Using the VGGT to protect human rights

The VGGT give a prominent role to human rights protections. In the chapter on General Matters, the VGGT explicitly recall the obligations States have under applicable international human rights instruments.

However, while many of the recommendations are directed at States, the VGGT also recognize the responsibilities of non-State actors, including business enterprises, explicitly stating that they “*have a responsibility to respect human rights and legitimate tenure rights.*” Similarly to the OECD Guidelines, the VGGT state that business enterprises “*should act with due diligence to avoid infringing on the human rights and legitimate tenure rights of others.*”

For the implementation of these rights and responsibilities, the VGGT highlight ten principles which are essential to contribute to responsible governance of tenure of land:



4.4 Good governance of tenure in practice

The subsequent chapters take these general principles and provide more detailed guidance on how they should be recognized in practical contexts. In this way, the VGGT can be a useful practical reference for CSOs in their work in concrete cases on behalf of particular individuals and groups whose human rights have been negatively impacted by business. There are a number of sections that will be of particular relevance and usefulness for the Cambodian context. Three examples are highlighted below:

3.9 Indigenous peoples and other communities with customary tenure systems

In Cambodia, indigenous peoples continue to have their human rights violated through unlawful transfers of their land, forced evictions, and destruction of their livelihoods. The VGGT include recommendations that State and non-State actors acknowledge that land, fisheries and forests have social, cultural, spiritual, economic, environmental and political value to indigenous peoples; that States should provide appropriate recognition and protection of the legitimate tenure rights of indigenous peoples, consistent with existing obligations under national and international law; and that States and other parties should hold good faith consultation with indigenous peoples before initiating any project. In this context, the VGGT include reference to the concept of free, prior and informed consent, which

is derived from the UN Declaration on the Rights of Indigenous Peoples and recognized as an important standard for effective and meaningful consultation with indigenous peoples.

16. Expropriation and compensation

Given the continuing occurrence of forced evictions in Cambodia, the VGGT can provide useful guidance on how to avoid such human rights abuses occurring in future. In particular, the VGGT recommend that in cases of expropriation States should ensure a fair valuation and prompt compensation in accordance with national law; that they should endeavor to prevent corruption; and, crucially, that evictions and relocations should not result in individuals being rendered homeless or vulnerable to the violation of human rights.

25. Conflicts in respect to tenure of land, fisheries and forests

Given the mass displacements and disruptions to land title during the Khmer Rouge period in Cambodia, which still affect governance of tenure in the Kingdom today, the recommendations with regard to conflict are also of relevance. The VGGT recommend that States “*ensure that aspects of tenure are addressed before, during and after conflict*”, and that where, due to conflict, official tenure records do not exist, existing tenure rights should be documented as best as possible in a gender-sensitive manner, including through oral histories and testimonies.

References

CCHR, 'Cambodia: Land in Conflict, An Overview of the Land Situation', (Report) (December 2013) <http://bit.ly/1KtPNVy>

CCHR, 'The Failure of Land Dispute Resolution Mechanisms', (Briefing Note) (July 2014) <http://bit.ly/12zx4nE>

FAO, "Land Tenure Studies 3: Land Tenure and Rural Development," (2002) <https://goo.gl/gJ7MsU>

FAO, "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security," (2012) <https://goo.gl/1g60mi>

Human Rights Watch, "'Work Faster or Get Out'" Labor Rights Abuses in Cambodia's Garment Industry' (March 2015) <http://bit.ly/1NAZeEk>

OECD, 'Guidelines for Multinational Enterprises' (2011 edition), Chapter VI <http://bit.ly/1kPDOqW>

OECD, "Implementing the OECD Guidelines for Multinational Enterprises: The National Contact Points from 2000 to 2015," (21 June 2016) <https://goo.gl/8OBO2Q>

OHCHR, 'Guiding Principle on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy"' Framework, (December 2011) <http://bit.ly/18WbEUy>