

Special Report

**Regional Member Organizations Workshop 2014:
Regional Sharing of Experiences on
“Land and Natural Resources Grabbing and Corporate Accountability”**



Overview

- Purpose: Providing a space for regional learning, sharing of experiences and networking
- Date: 7-9 October 2014
- Location: Koh Kong, Cambodia
- Total participants: 25 people from 5 countries in Mekong (14 from Cambodia, 3 from Vietnam, 2 from Lao PDR, 1 from Thailand, 1 from Myanmar and 4 from Kepa Mekong)
**All participants were either from Kepa's member organizations, local partners of Kepa's member organizations and Kepa Mekong's local partners or associated with Finnish NGOs in one way or another.*

In 2013, Kepa Mekong commenced a 2-day regional workshop, conceived specifically for Kepa's member organizations and their respected partners in the region. Organized in Surin Province, Thailand, under the theme “Climate Change and Rural Development,” the first day of the event involved a series of learning and sharing sessions highlighting the multi-faceted linkages between climate change and various development sectors (i.e. rural livelihood, agriculture, energy, human rights and disability); and all participants visited three sites on the second day to witness how those linkages have manifested in reality. The workshop successfully mainstreamed the often neglected dimensions of climate change and produced fruitful sharing of experiences, thanks to the active contributions of all participations.

Building on the success and positive feedback of the previous year, Kepa Mekong, in partnership with NGO Forum on Cambodia (NGOF), decided to hold the second regional workshop in Koh Kong Province, Cambodia between 7-9 October 2014. The theme for this year was “Land and Natural Resources and Corporate Accountability.” The main objective of the workshop was to provide a space for Kepa's member organizations to learn from one another, share experiences and build a network for future cooperation. The workshop was consisted of a series of presentations outlining problems and

solutions associated with the issue at different levels, each accompanied by a discussion; an open floor session where participants enjoyed the flexibility to share their expertise and experiences as well as to raise new issues; and lastly a site visit and direct dialogue with villagers.

Component I: Introduction



Ms. Helena Ahola, Regional Director of Kepa Mekong, greeted all the participants on behalf of Kepa and highlighted the purpose of workshop – regional learning, sharing of experiences and networking. In her opening address, she emphasized that the workshop has been specifically designed to elevate the participants beyond the realm of problems and direct them to concentrate more on the solutions. She believed that the regional body of expertise and experiences brought in collectively by each of the participants from different countries as well as different regions in their respected countries is essential to achieve the purpose of the workshop. She then shared her personal experiences from having worked in different sectors and seen various angles of land issues including her role as the Head of Development Cooperation at the Finnish Embassy before assuming a her current position in Kepa.

A session titled “Who I Am? What I Do? Why I Am Here?” followed. Each of the participants was given 7-10 minutes to introduce himself or herself as well as to present his or her organization. To encourage the participants to use the time effectively and to speak concisely, the session was facilitated by a “time challenge” – those using their time closest to either 7 or 10 minutes would win a prize. Although there was a language barrier with some of the Cambodian participants who needed an interpreter, the session helped the participants to know each other and their organizations as well as their expectations in coming to the workshop. The participants this year were from all the 5 countries of the region. They represented NGOs and community organizations in various sectors, not only those who are working on land issues but also those from disabled people's organization, faith-based organization and climate change program. Two most common expectations the participants had are: learning more about land issues especially from other countries and networking with people working on related issues.

Component II: Problem

Since the participants in this workshop came from various backgrounds, ranging from those from national land issues working group to staff of disabled peoples' organization. This component aimed to bring everyone on the same page by giving an overview of the key problems and actors involved in land and natural resource grabbing. The presentations focused on the wider impacts and multi-dimensional effects of the issue in Cambodia and their linkages to surrounding countries.



Mr. Tek Vannara, Executive Director of NGO Forum on Cambodia, started off his presentation by establishing key human rights including right to water, right to land, right to forestry, etc. These are basic rights and minimal conditions in sustaining one's life. They should be considered as “common properties.” Everyone should be able to have the access to them and enjoy them them free of charge. However, these common properties are becoming increasingly privatized in different forms, namely forestry concession, economic land concession, large-scale plantation, mining and extractive industrial development, and hydropower dam development. They are putting

pressure on the basic rights of people especially the poor and the vulnerable. Because of the privatization of land and natural resources, people in many areas are now forced to pay to get the access to the basic life services which were once free of charge. The privatization has led also to many other problems such as deforestation, water pollution, health problems, forced eviction, and land conflict. NGO Forum on Cambodia (NGOF) is carrying out several initiatives to address this issue. One of them is to set up a national land database providing comprehensive information on land disputes and economic land concessions (ELC) in the country. It serves as an essential resource for carrying out evidence-based advocacy activities and supplies information to its 94 member organizations in supporting their work. An umbrella organization, NGOF is acting as a bridge between communities, private companies, and governmental units in settling land issues and improving legal frameworks and national policies governing them. NGOF is also engaging with inter-governmental forums as well as networks of NGOs to extend their influence. Despite the many achievements, NGOF and its member organizations are facing a number of challenges. The complex nature of land conflicts is one. But the challenges are also related also to the lack of cooperation among different stakeholders and the lack of funding for joint activities.

While the presentation by Mr. Tek Vannara focused on the national and international pictures of the issue, **Mr. Am Sokha**, Case Coordinator of Community Legal Education Center (CLEC), made his presentation based on his long and deep engagement with a number of villages in Cambodia. He emphasized the importance of understanding the historical context and traced the root of land issues in Cambodia back to the Khmer Rouge regime when the concept of property right did not exist. Back then, people were able to grow plants and fruits for living freely wherever they wanted. When the regime ended in 1979, there was a chaos as people were acquiring land for private ownership. Many of the present conflicts have their root in this historical shift. Mr. Sokha exemplified his point using a notorious case of land conflict in 2006, in which LY Yong Phat company bulldozed farmlands in several villages although these villages have occupied the lands and used them for agricultural purposes for decades.



In seeking justice and claiming back their lands, more than 200 villagers marched from their villages to Phnom Penh, the capital city. The distance of the march was over 200 kilometers. After persistent pressures, the company eventually allowed the villagers the access to their lands. CLEC played an important role in this success. It provided legal training to educate the villagers about their rights as well as assisting them in building coalitions and reaching out to media. The process was not easy. There were many challenges. Land title registration in Cambodia is long and complex. The local authorities were not willing to aid the villagers. Plus there was only little Cambodian public for the cause. But persistent pressure has proven impactful.

Discussion and Sharing of Experiences

Mr. Souvanpheng Phommasane (Lao PDR), Member of Land Issue Working Group (Lao PDR), was very eager to comment on the presentations and pointed out that Lao PDR is experiencing very similar problems with land governance. There are many ongoing land conflicts between private companies and local communities. The compensation made to local villagers are much lower than market prices. Companies do not follow environmental regulations and cause many problems to people living in the area. Lao PDR underwent the same historical shift from “cooperative land” to private ownership. In 1999, a new law was passed issuing expiration on land ownership of more than 3 hectares if they have not been used for commercial activities. A lot of people were strongly upset by the law, but the political environment in Lao PDR has made it impossible to stage a protest or do any campaign to influence the

government's decision. Land issue is a very politically sensitive issue in the country. Those who publically dissent from the decision of the government can face serious consequences. While the problem is almost the same for both Cambodia and Lao PDR, the extent to which people can claim their rights is different.

Mrs. Nguyen Thi Minh Tam (Vietnam), Coordinator of Coalition for Environment and Development (CED) Programme, made the same remark about the similarity of problems among countries in the region. She shared cases of land concessions in Vietnam and their impacts on local communities. She mentioned that although Vietnam is an agricultural country, farmlands are being turned into residential and industrial developments. This transition comes in the name of development. But it is development only for the rich. These developments would benefit mainly the companies and their investors, while ruining the livelihood of individual farmers. The compensation the companies have made to individual farmers are often unfair – some got it, some did not – some got a lot, some got very tiny. People are upset with the injustice, but like in Lao PDR, the political environment in the country is restricted. There is very limited space for mobilizing dissenting voice of people on the ground to the government. There are some ongoing campaigns for land right, but this kind of actions is actually illegal by law and the impact is still small.

Mr. Win Kyaw Kyaw (Myanmar), Information and Communication Officer, Myanmar Center for Responsible Business, shared a case from his country when there was a change of government in 2012. Prior to that, a vast majority of land in the country was owned by the junta or military government. The majority of the citizens did not have private property right. Ordinary citizen could only lease land from the government, not own it. They could not own their land, although they might have lived there for generations. The 2012 political shift brought about a dramatic change in land ownership. Land title registration process has begun, as well as the numerous problems associated with it. For instance, some of the lands previously belonged to farmers have been seized by companies working for or related to the government. Land and entitlement policies in Myanmar are still underdeveloped and unclear. This has caused a lot of confusion and conflicts.

Mr. Namchok Petsaen (Thailand), Representative of DPI-AP (ABILIS Foundation), came from a disabled people's organization and shared the experience of his family with land title registration in Thailand. Although Thailand has a much more advanced land title registration system, there are still problems which need to be addressed. Based on his grandfather's real life account, he explained the complication in obtaining land title registration in Thailand and the prevalence of bribery in the system. He concluded his sharing by emphasizing that land issue is related to everyone because land is one of the basic necessities of living one's life. Although his work focuses mainly on protecting and promoting the rights of disabled people, land issue is still related to him. For him, land issue means livelihood, accessibility and human dignity.

Component III: Solutions



Mr. Naeng Boratino (speaking in Khmer and interpreted by Mr. Sokha), Provincial Coordinator of ADHOC, gave a presentation advocating for indigenous people rights as one of the solutions to sustainable management of land and natural resources. According to him, indigenous people make up more than 1% of the total population of Cambodia, spread out in 15 provinces including the Province of Koh Kong. Koh Kong is indeed a small province, but its connection to Thailand is increasingly attracting investment to the

area, particularly from China. The adverse effect is local people are facing resettlement, natural resources are deteriorating and illegal logging is growing. Indigenous people of Koh Kong, and elsewhere likewise, live by their traditional culture and subsistence and their way of life is closely connected with the nature. They have played an important role in protecting the nature in their area. Before investors and illegal loggers came to Koh Kong, natural resources in the area were much abundant than at the present. Loggers are causing serious damage to local forest. Chinese investors, among other investors, is building a dam resulting in numerous problems including the loss of livelihood and local culture. Mr. Boratino believes that protecting the rights of indigenous people can in turn protect natural resources. These rights are recognized by the Ministry of Rural Development as well as international laws. People-led campaigns such as 'Save the Areng Valley' are trying to raise the voice of the local communities and secure the right to determine their own future, which they rightfully deserve. The 'Save the Areng Valley' campaign has continued to grow and already gained much public interest. It has also received support from local and national NGOs, who are assisting them with case making, coalition building and authority engagement. Mr. Boratino stated that “we demand no money before people.”

In the Q&A session, Ms. Tove Selin, Development Policy Officer of Kepa Mekong, asked how legal national and international laws can help indigenous people. Mr. Sokha, a lawyer by training, answered that the Cambodian government has ratified many of the international laws and UN conventions. National laws in Cambodia itself also recognize indigenous people's rights. The problem is people often do not know about their rights and therefore have no legal basis to defend themselves on. Legal training to educating them about their rights is therefore essential. Mr. Boratino added that while laws are important, but for people to win a case they need more than that. They need to have united voice and strong evidence in their advocacy, or else they would lose easily in a court case.

Mr. Saek Sabun, President of Community Protected Area of Peam Krasob Eco-Tourism, made a case for eco-tourism as a solution to sustainable management of natural resources. Based on his experience in eco-tourism since 2001, he shared how eco-tourism can protect mangrove forest and at the same time improve the livelihood of local people. Eco-tourism is a great incentive for local people to acknowledge the value of natural resources and protect them. It also encourages people to plant more trees to make the site looks more beautiful and attractive to visitors. Mr. Sabun's eco-tourism project has been supported by the local authority of Kampong Speu and he is happy, with the success the project has achieved. The project welcomes about 50 visitors per day for on average with its peak during the New Year holiday in April seeing up to 2,000 people per day. The initiative is not without a challenge. Working and educating local communities is a time-consuming effort. In the case of pricing disparity, for instance, some people focuses simply on the short-run profit and jeopardizes the price at which the members have altogether agreed. This does not only cause conflict among the members, but also damage the reputation of the site. The solution to this challenge, Mr. Sabun said, is inclusive participation. We need to engage everybody and help them realize their ownership of the project. Managing eco-tourism is easier when everyone feels that they have their stake in it.



In the Q&A session, Mr. Namchok Petsaen, representing an NGO for disabled people, asked about the support and accessibility for people with disability. Mr. Sabun assured that the site is friendly to disabled people as well as the elderly. In fact, a good number of disabled people and elderly people visit the site every year. There is however no toilet designed specifically for people with disability yet,

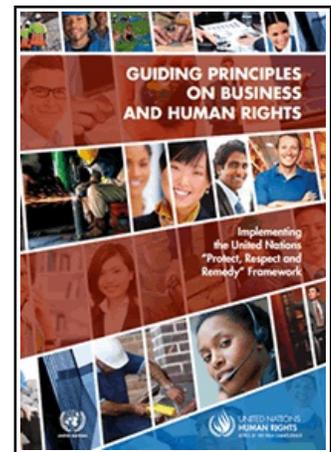
but the toilet is not very high and should not be a big problem. Many of the other participants also showed their interest in visiting the eco-tourism site. Suggested by NGO Forum, Kepa Mekong decided to, ad hoc, hold a short exposure visit in the evening. Although it was only a short visit, the feedback was very positive. The participants were able to experience first-hand what they learned from the presentation



Component IV: Open Floor Discussion

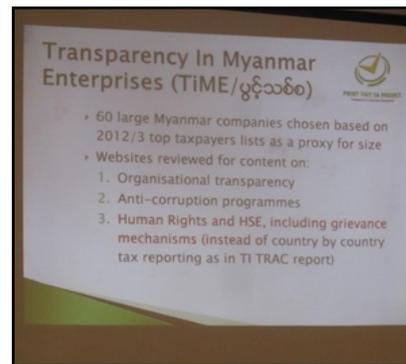
This session was intended to be a highly open and flexible space for each of the participants to share their expertise and experiences as well as to raise new issues for discussion.

Mr. Nattawat Theeralerttham, Development Policy Officer of Kepa Mekong, kickstarted the floor by sharing about the UN Guiding Principles on Business and Human Rights which Kepa Helsinki and other country offices have been following and using as a reference for global standard in preventing and addressing human rights violations linked to business activities. The UN Guiding Principles (UNGPs) is the first corporate human rights responsibility standard to ever be passed by the UN Human Rights Council. It is divided into 3 pillars, each composed of 2 types of principles – foundational and operational. The first pillar is state duty to protect human rights abuses by third parties including businesses. It encourages state to set clear expectations that businesses respect human rights both within the country and abroad. The second pillar is corporate responsibility to respect human rights. Businesses must avoid violating the rights of others and address negative impacts of their activities. It is discussed human rights due diligence which asks businesses to assess not only actual, but also potential human rights impacts of their activities. The third pillar is access to remedy. It asks both state and businesses to provide access to remedy through various means – judicial and non-judicial. Mr. Nattawat also shared some analysis from Kepa and partner NGOs on the strengths and weaknesses of UNGPs. While the UNGPs is the most authoritative global standard to date, it may not be a sufficiently high enough standard to prevent and address human rights violations. It is not legally binding and there is no accountability mechanism included.



Mr. Win Kyaw Kyaw (Myanmar), Information and Communication Officer of Myanmar Center for Responsible Business, took the floor and shared about a responsible business initiative his organization is working on in Myanmar: 'Transparency in Myanmar Enterprises (TiME)'. His organization defines corporate social responsibility as "the responsibility of enterprises for their impacts on society". This definition is in line with the definition adopted by the OECD, EU and UN. Inspired by the Transparency International's report on 'transparency in corporate reporting,' the purpose of the initiative

in Myanmar is to improve the transparency of businesses in Myanmar. It examines 60 biggest business enterprises in the country, researches data published on their websites and reviews organizational transparency, anti-corruption program and human rights including grievance mechanism. Mr. Win told us that the process was not easy. It was challenging to obtain data from these companies. Two of the companies are owned by the state or military and they do not make their data public. Out of 60 companies, only 35 of them have a website. To resolve this challenge, the research team had to make a request to those companies and obtain data from them directly. For those who were not willing to give out their data, the research team had to pay a visit and gather data as much they could. The resulting report reveals a ranking of companies by their level of transparency. It has been disseminated to the government, civil society, international partners as well as businesses. The report is now being use to pressure companies to improve their transparency by publishing more data. It is also being use to advocate for companies to provide grievance mechanism.



Mr. Tran Tan Hoi (Vietnam), Chairperson of People’s Council of the Commune People Committee (CPC) of Lao Ho Commune (CED), told us about how Danang city launched a campaign rejecting Coca Cola to build another factory in the area because its existing 10-year old factory has failed to pay taxes (i.e. tax avoidance) despite the enormous profit it is making every year. Another issue is food. There has been a number of scandals imported by companies from China. Consumers are now worried about food and vegetables they are consuming. Mr. Hoi wants this issue to be addressed too.

Mr. Am Sokha (Cambodia), Case Coordinator of Community Legal Education Center (CLEC), shared 3 stories in Cambodia related unfair trade between a plot of land and malfunctioning vehicle. Local villagers have been tricked into unfair deals. Five hectares of land was exchanged for a second-hand boat. Another five hectares of land was exchanged for an old TV. We are in the age of materialism and people feel pressured to possess these items. Land investors are taking advantage of this and local villagers are suffering from the consequences of their uninformed decision. Mr. Sokha and his organization has been trying to educate local villagers to make better decision. But it has not been easy. Sometimes local villagers get angry at him when he tells them to protect their land and livelihood by not selling their land.

Mr. Plang Sin (Cambodia), Associate & Bunong Community Network Leader of ICC/IBDE Mondulkiri (FELM), told us how important land is to Punong indigenous community. Livelihood of indigenous people rely heavily on the land they live on. It is where they live and farm. It is also linked to their culture and tradition. Land on Punong is used mainly for growing crops such as cashew, pepper, coffee and cassava. But companies have entered into the area and cleared out their land as well as forest. Livelihood has been lost. Culture has been lost. Local identify has been lost. Mr. Plang



said that he is interested in eco-tourism, but has some reservation about it. He is concerned about potentially adverse impacts it may bring to the community. Even eco-tourism, if not managed properly, can result in the loss of culture and damage to natural resources too. At least for now, Mr. Plang concluded, Punong community is happy to welcome visitors who will come to buy local products and businesses, but please do not buy our land and forest for tourism.

Mr. Sotico Pagulayan III (Cambodia), Food Security and Livelihood & Climate Change Specialist of Community Health & Agricultural Development (CHAD), supported by Free Churches Federation in Finland, pointed out that people in his community is not very aware of the danger of land grabbing and lumber logging. Land grabbing means the loss of grazing land for cows which supports the lives of many villagers. Lumber logging means the increase of malaria incidents. CHAD is trying to change the mindset of people and identify alternatives for them. Additionally, the community is facing Chinese mining company who is coming to the area. Referring to international standards such as the UN Guiding Principles sounds promising, but the reality is this kind of international standard is just way over the head of people in his community. The concept of inclusive development is quite new. CHAD is setting up a task force to oversee this initiative. The task force should be active in the area soon.

Mr. Kennedy Cruz (Cambodia), Team Leader of Community Health & Agricultural Development (CHAD), informed us that the United Methodist Church has staff all around the world and just last year developed a business and human rights task force. They will invest in campaigns to address human rights violations starting in Israel and Congo. It should expand to other parts of the world including Cambodia after.



Mr. Souvanpheng Phommasane (Lao PDR), Member of Land Issue Working Group (Lao PDR), shared a successful solution in Lao PDR in managing land conflict. It is called “three-plus-two policy.” It means that company has 3 contributions including capital investment, technical inputs and marketing; local community has 2 contributions including land and labor. This model has worked well in many locations in Lao PDR especially in areas with coffee plantation, but it may not fit well for every part of the country, Mr. Souvanpheng disclaimed.

Mr. Namchok Petsaen (Thailand), Representative of DPI-AP (ABILIS Foundation), gave his analysis on on business and human rights is related to people with disability. Disability is a human rights issue. People with disability cannot go to school often because of the lack of accessibility. This is an especially prevalent problem in rural areas of Thailand. It affects their job prospect and quality of life. Although the law in Thailand requires every registered company to hire at least one person, the reality is different. Unable to meet education requirement is one thing, but even those who can fulfill all the requirement may find that the company in hiring does not provide any support for them to access the workplace. In Japan, there is a system to integrate people with disability into the society. Big companies are participating in this system. Hitachi have employed over 100 employees with disability in the company and provide necessary support for them.

Mr. Vong Kosal (Cambodia), Legal Officer of NGO Forum on Cambodia, expressed that he has learned a lot from everybody about business and human rights. To him, two biggest issues seem to be justice and environmental protection. All the problems we have discussed have a solution, Mr. Kosal believes. Land grabbing, for instance, if the company is willing to offer fair compensation and local people are satisfied with the compensation, we can end the conflict. There is also a solution for both the

company and the local people. We just have to do it. Environmental protection, on the other hand, is more complicated. Even when we can end a conflict between company and local people, the environment might have already been damaged. Restoring the environment back to its original state is not easy. Cambodian government is increasingly open the country to Chinese and Vietnamese investors. The issues of land grabbing and human rights abuses are worrying.

Component V: Site Visit

The workshop coincided with a very important event against land grabbing in the area related. Participants of the workshop were able to witness the problem first-hand and discussed with affected people directly. That morning, 250 villagers from three villages, Trapaing Kandorl, Chi Khor, and Chhouk, marched to deliver a petition to Chi Khor Leu commune hall and Sre Ambel district office to petition authorities over a long running land dispute regarding an overlapping economic land concession, that involved Oknha Ly Yong Phat and is used to produce sugar for Thai sugar-manufacturer, Khon Kaen Sugar (KSL). The march was also intended to inform the public about their land dispute and gain public support.



The issue began in 2006 when the Cambodian government illegally granted land concessions in Sre Ambel district, Koh Kong province, to the two companies for the purpose of a sugar plantation. The companies and local authorities expelled local people from land that they depended on for their livelihoods, and to which they had a legal right under Cambodian law. More than 450 families lost about 5,000 hectares of land; in some cases company and government security personnel shot and beat local residents. With the assistance of the Community Legal Education Centre (CLEC), the communities sued in court in Cambodia to assert their legal rights.



The October march was as part of an ongoing campaign to convince local authorities to help resolve their dispute. “We want spread information about our land dispute, to put pressure on the authorities to find a solution for us. We want the firm to pay us damages, because we have not been able to grow anything on our farms for a long time,” the villagers told us.

Feedback and Suggestion

The evaluation summary below is based on the responses received from 13 participants from 5 countries including Cambodia, Vietnam, Lao PDR, Thailand and Myanmar. They are connected to Finnish NGOs such as Fida International, Abilis, Free Church Federation/Methodist Church in Finland and Land Issue Workshop Group in Lao PDR coordinated by a Finnish person.

Criteria		Very poor	Poor	Neutral	Good	Very good
1. Pre-workshop communication			1	2	6	4
2. Date and duration			1	3	8	1
3. Location				1	8	4
4. Accommodation and meals					5	8
5. Content of the workshop in relations to your work	Relevance		1		7	6
	Usefulness		1	1	2	10
	Materials			1	7	5
	Speakers		1	1	10	1
	Site visit				7	6
6. Discussions	Usefulness	1		3	6	3
	Time allocation		1	6	5	
7. Workshop kit				1	10	2
8. Financial assistance					4	9
9. Overall evaluation			1		9	3
10. Are you interested in future networking and follow-up on the issue? (Y/N)		- All “Yes”				
11. Suggested topics for 2015 workshop		- Successful advocacy cases on land grabbing - Natural resources governance, gender and climate change adaptation,				

	<ul style="list-style-type: none"> climate resilience - Climate Justice, labor and migration, human trafficking, AEC - Human trafficking - Deeper analysis on land and natural resources - Economic Land Concession, Human rights - Natural resources extraction - Community development - Human rights and development opportunities - Human rights and social protection
12. Other suggestions and comments	<ul style="list-style-type: none"> - More time for sharing - More inclusive planning - Improve introduction session - Clearer workshop objectives - Develop post-workshop action plan and joint commitment - At least 2 days for workshop - More time for group discussion - Materials of all speakers sent in advance - Longer workshop, shorter travel time - At least 2 days for workshop, post-workshop action and financial and technical support for it - Less time for presentations and more time for discussions - Have it again next year - More time for site visit, space for discussion with community, translation service - Invite participants with disability more

List of participants and contacts

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