

**On The Ninth Session of the United Nations Forum on Business and Human Rights
November 16 – 18 2020**

As the 9th United Nations Forum on Business and Human Rights convenes in Geneva, Equitable Cambodia, Inclusive Development International and the Cambodian League for the Promotion and Defense of Human Rights (LICADHO) renew our long-standing call for redress for the Cambodian communities who were forcibly displaced by the Thai sugar company, Mitr Phol.

Between 2008 and 2009, Mitr Phol colluded with Cambodian Armed Forces to raze people's homes, forcibly seize their land and loot their harvested rice crops to make way for a sugarcane plantation in Cambodia's Oddar Meanchey province. The company held on to this illegally seized property for over five years while the communities suffered ongoing human rights violations resulting from the loss of their homes, land and livelihoods. These serious human rights abuses have been investigated and confirmed by many institutions including the UN Office of the High Commissioner for Human Rights (UNOHCHR), the Thai Human Rights Commission and multiple human rights NGOs.

To this day, more than ten years after losing their land and livelihoods, the affected communities have yet to receive any remedy and Mitr Phol has continually refused to be accountable for its actions.

The affected communities are currently seeking justice from Mitr Phol in the Thai courts. In July of this year their legal action, filed in March 2018, was granted class status marking the first transboundary human rights class action in Asian legal history. As a consequence, over 700 families will now finally have their case heard before a court of law.

While it is commendable that the Thai courts have granted class status, the communities should not have to endure a protracted litigation process in a foreign court in order to secure their right to an effective remedy. Bonsucro, the sustainability certification body for the sugar industry, ought to have compelled Mitr Phol to enter into its non-judicial grievance resolution process with the communities. In the face of overwhelming evidence of Mitr Phol's responsibility for human rights violations, including an investigation by the Thai National Human Rights Commission which specifically called upon the company to compensate the Cambodian families, Mitr Phol remains a Bonsucro member in good standing. Bonsucro acquiesced to Mitr Phol's actions and failed to meet its own human rights responsibilities.

Mitr Phol's consistent failure to provide a remedy to the affected communities has also been enabled by the failure of its major corporate customers to abide by their own human rights responsibilities. Mitr Phol sells sugar to some of the world's most recognizable brands, including Coca Cola, Nestle, and Mars Wrigley. Each of these companies is directly linked to the continuous human rights violations that the affected communities are experiencing by way of their business relationship with Mitr Phol. As such they have a duty under the UN Guiding



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Principles on Business and Human Rights and the OECD Guidelines on Multinational Enterprises to use their leverage with Mitr Phol to facilitate access to remedy for the communities

We call upon Mitr Phol to finally acknowledge the harms that it caused and fulfil its human rights responsibilities by immediately entering into settlement talks with representatives of the affected families and undertaking appropriate remedial action.

We also call upon Bonsucro and the brands that continue to source sugar from Mitr Phol, including the Coca-Cola Company, Nestle, Mars and Corbion, to finally come together and use their collective leverage to demand that Mitr Phol delivers the long-overdue justice that these communities deserve.



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