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USAID GREENING PREY LANG

ANGKOR PLYWOOD

AN EXISTENTIAL THREAT TO PREY LANG WILDLIFE SANCTUARY

August 2021

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Cover Photo: Illegal logging in Prey Lang Wildlife Sanctuary.

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ACRONYMS AND ABBREVIATIONS

ACU	Anti-Corruption Unit
Angkor Plywood	Angkor Plywood Co., Ltd.
BCC	Biodiversity Conservation Corridor
CDC	Council for the Development of Cambodia
CF	Community Forest
CI	Conservation International
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
ELC	Economic Land Concession
EU	European Union
FA	Forestry Administration
GLAD	Global Land Analysis and Discovery
GPL	Greening Prey Lang
H.E.	His/Her Excellency
JCM	Joint Crediting Mechanism
LANGO	Law on Associations and Non-Governmental Organizations
MAFF	Ministry of Agriculture, Forestry, and Fisheries
MoC	Ministry of Commerce
MEF	Ministry of Economy and Finance
Mitsui	Mitsui & Co., Ltd.
MoE	Ministry of Environment
National Committee	National Committee for the Prevention and Crackdown of Natural Resource Crimes
NGO	Non-Governmental Organization
NPL	Northern Plains Landscape
PDAFF	Provincial Department of Agriculture, Forestry, and Fisheries
PDoE	Provincial Department of Environment
PLCN	Prey Lang Community Network
PNT	PNT Co., Ltd.
Prey Lang	Prey Lang Wildlife Sanctuary
REDD+	Reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries
RGC	Royal Government of Cambodia
Think Biotech	Think Biotech (Cambodia) Co., Ltd.
Thy Nga	Thy Nga Development and Investment Co., Ltd.
USAID	United States Agency for International Development
WCS	Wildlife Conservation Society

EXECUTIVE SUMMARY

Prey Lang Wildlife Sanctuary (Prey Lang) is the largest lowland evergreen forest remaining in mainland Southeast Asia and Cambodia's largest protected area. The wildlife sanctuary is recognized as one of Cambodia's most valuable areas for ecosystem services, carbon stocks, and biodiversity. More than 250,000 people live in and around Prey Lang, and most of them depend on the resources of the protected area for subsistence and livelihoods. The wildlife sanctuary lies within two watersheds that provide water to rivers that flow into Cambodia's Tonle Sap Lake, home to one of the world's largest freshwater fisheries, which is essential to the country's economy and food security. Prey Lang is also important habitat for a diverse range of wildlife species that are facing increased threats throughout the country and is home to 80 percent of the most endangered indigenous tree species in Cambodia.

Although Prey Lang gained protected area status in 2016¹, illegal activities including land encroachment, illegal logging, and wildlife poaching have increased significantly. In the three years since the inception in late 2018 of the United States Agency for International Development (USAID) Greening Prey Lang (GPL) project, USAID GPL, Ministry of Environment (MoE), and civil society have documented increased illegal logging in Prey Lang linked to economic land concessions (ELCs) on the border of the sanctuary. The evidence indicates there is a network of forestry crime, leading back to Angkor Plywood Co., Ltd. (Angkor Plywood), that has created a culture of impunity for rampant illegal logging and land clearance in the wildlife sanctuary.

Although several national level field investigations have been conducted based on the documented evidence and extensive support which has been provided to MoE and provincial authorities by USAID GPL to establish a robust and accountable law enforcement patrolling and monitoring system in Prey Lang, illegal logging and land clearance continues unabated. Analysis by USAID GPL of forest change using the University of Maryland Global Forest Change dataset in January 2021 demonstrated alarming trends in deforestation throughout Cambodia, with some of the highest rates of deforestation occurring within Prey Lang². USAID GPL and Conservation International (CI) reported in July 2021 that total forest cover loss in Prey Lang in Stung Treng province between 2018 and February 2021 was over 5,000 ha, more than 4% of the total area³.

The anarchic deforestation occurring in Prey Lang is jeopardizing the viability of the last expanse of lowland evergreen rainforest in Southeast Asia and the critical flooding/river systems of the Mekong and Tonle Sap and devastating local livelihoods that depend on Prey Lang and its forests and rivers. It is also putting at risk significant sustainable financing from carbon investment for the protected area. Not only is the Mitsui & Co., Ltd. (Mitsui) Joint Crediting Mechanism (JCM) REDD+ project in Prey Lang under threat of failure, investor confidence in REDD+ projects across Cambodia could be lost, along with millions of dollars of potential revenue from the sale of carbon credits, if deforestation in Prey Lang is not brought under control.

INTRODUCTION

PREY LANG WILDLIFE SANCTUARY

At roughly 36,000 km² and spanning four provinces (Kampong Thom, Kratie, Preah Vihear, and Stung Treng) to the west of the Mekong River in north-central Cambodia, Prey Lang Wildlife Sanctuary (Prey Lang) is the largest lowland evergreen forest remaining in mainland Southeast Asia and Cambodia's largest protected area. Prey Lang is recognized as one of Cambodia's most valuable areas for ecosystem services, carbon stocks, and biodiversity. It holds significant cultural and spiritual value for the indigenous Kuy, who have lived in Prey Lang for generations – Prey Lang means “our forest” in the Kuy language.

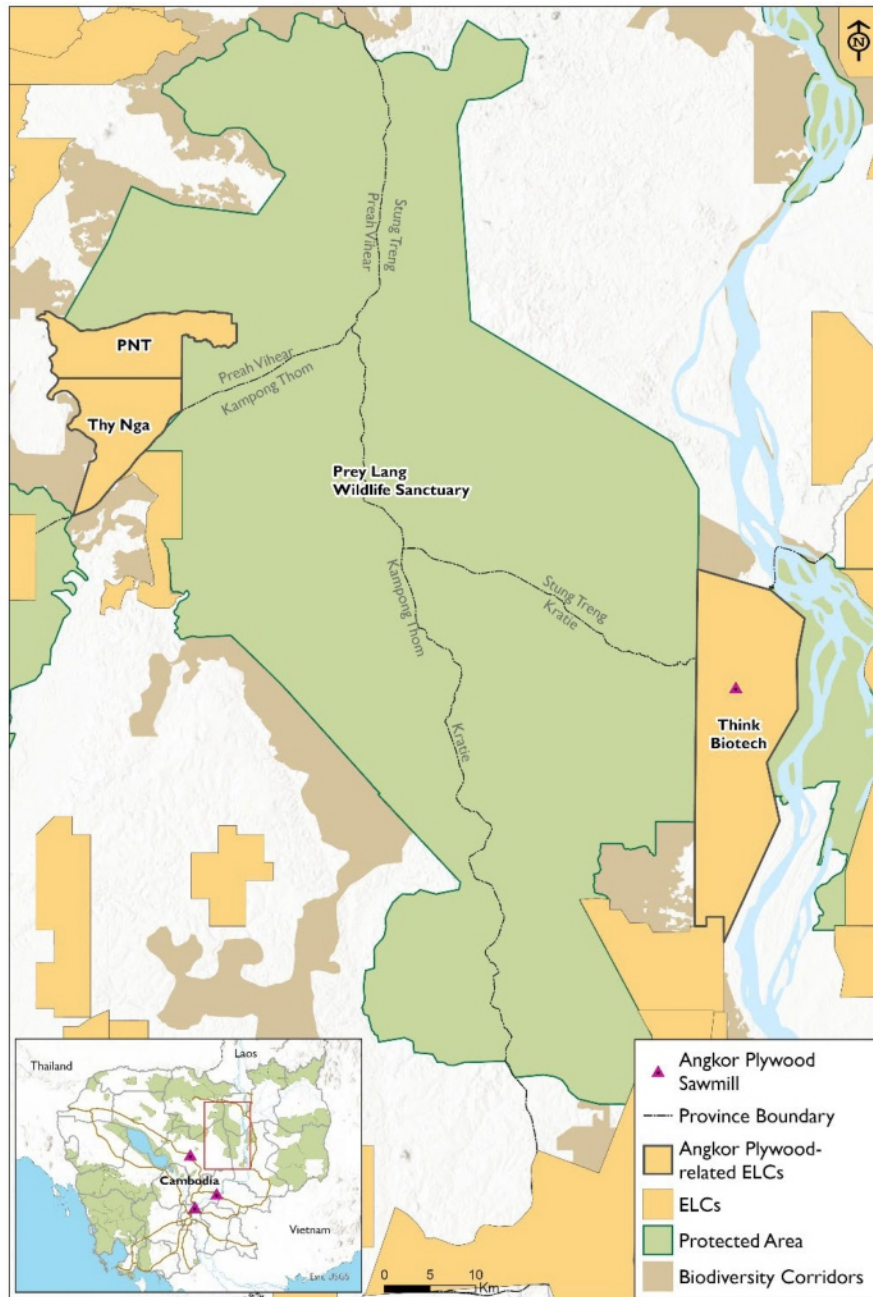


Figure 1 Prey Lang Wildlife Sanctuary.

More than 250,000 people live in and around Prey Lang, and most of them depend on the resources of the protected area for subsistence and livelihoods. The Kuy and Khmer people living here directly benefit from the protected area through harvesting of non-timber forest products such as resin, honey, and talipot palm. The wildlife sanctuary lies within two watersheds that provide water to rivers that flow into Cambodia's Tonle Sap Lake, home to one of the world's largest freshwater fisheries, which is essential to the country's economy and food security. Prey Lang is also important habitat for a diverse range of wildlife species that are facing increased threats throughout the country and is home to 80 percent of the most endangered indigenous tree species in Cambodia.

Despite Prey Lang obtaining protected area status in 2016⁴, illegal activities including land encroachment, illegal logging, and wildlife poaching have increased significantly. The vast diversity and beauty of Prey Lang and the broader landscape is under severe threat from deforestation and forest degradation due to these illegal activities.

TIMBER IN CAMBODIA

The 2008 Protected Area Law completely prohibits felling of trees and collection of timber in protected areas⁵. "Production Forests", created under the Forestry Law in 2002, are the only official source for timber in Cambodia. Production Forests are owned by the State and are managed by the Forestry Administration (FA), a department within the Ministry of Agriculture, Forestry, and Fisheries (MAFF). In all other areas of the country, there has been a logging moratorium in place since 2002. The exception, however, is land clearance for industrial agriculture within an economic land concession (ELC)⁶. ELCs were instituted beginning with the Land Law in 2001⁷. Although there has been a moratorium on new ELCs since 2012, concessions granted prior to this are still in operation.

MAFF regulates the timber industry and authorization from this ministry is required to harvest timber within an ELC or to operate a sawmill, a permit from FA and a license from Ministry of Economy and Finance (MEF) are required for transporting timber within Cambodia, and a license from Ministry of Commerce (MoC) and customs clearance are required for export to another country.

The export of timber products, including timber from land clearance within an ELC, is legal under the Forestry Law, although in 1997 export of logs was banned and a 2006 sub-decree excludes from export round logs and rough sawn timber unless harvested from plantations, squared logs with a diameter over 25 cm, and luxury timber and timber products⁸. In 2016, the border to Vietnam, which has been a major recipient of illegally harvested timber from Cambodia, was officially closed to timber trade in an effort to curb illegal timber exports. Timber is still exported from Cambodia, either illegally over land borders to Vietnam or to China through Sihanoukville Port. In order to export any logs or timber not meeting legal requirements, export would have to occur under false customs declarations.

Rare tree species are officially protected from timber harvesting by Cambodian law⁹ with rosewood (*Dalbergia* spp.) also protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which Cambodia joined in 1997. Also protected by law in Cambodia are resin trees, which include species in the *Dipterocarpaceae* plant family that are tapped by local communities for resin production, such as *Dipterocarpus alatus*, *Dipterocarpus costatus*, and *Shorea guiso*¹⁰. The sale of resin, which is a non-timber forest product, is an important source of income for many rural communities. While species listed by CITES and those tapped for resin are fully protected regardless of where they occur, once an ELC is granted, the concessionaire is legally authorized to cut and sell luxury timber species, even when they are listed as protected by Cambodian law.

ELC companies do not normally log their ELCs themselves, but rather subcontract logging to local communities or loggers from outside the area. The loggers bring harvested timber to depots within the ELCs where traders buy it without regard to the source. This means that there is no clear provenance for the logs brought to the ELC timber processing facilities and sawmills and no way to

ensure logs that are purchased have been cut from within the ELC. This provides the perfect environment for trespass logging into protected areas for luxury and rare tree species and for trees that can be converted into plywood. In addition, communities are often pressured to sell their resin trees, which are then logged, although transfer of ownership of resin trees only technically means transfer of the right to tap resin from trees.

THINK BIOTECH AND ANGKOR PLYWOOD

In August 2011, Think Biotech (Cambodia) Co., Ltd. (Think Biotech) was granted a 34,000 ha “forest restoration” concession adjacent to Prey Lang¹¹. The concession was approved as a reforestation project for “degraded” forest at the edge of the then protected forest. The concession, part of an agreement between the governments of Cambodia and South Korea¹², was an experiment using conversion of natural forest to monoculture tree plantation to mitigate climate change. Logging operations began in the forest restoration concession in 2012, with the company engaging in clear-cutting of the remaining natural and biodiverse forests and in their place establishing industrial monoculture forests, including acacia, eucalyptus, and teak. The original Think Biotech sawmill was licensed for operation in June 2013 for an unusual duration of 15 years (most sawmills are licensed for one year at a time). The project was anticipated to supply and export 600,000 cubic meter of sawn wood per year. The price for the concession, to be paid over 25 years, was U.S. \$89.3 million.

In December 2018, following the resignation of the Korean investors, Think Biotech restructured and in 2019 ownership passed to the owners of Angkor Plywood Co., Ltd. (Angkor Plywood)¹³, a dominant actor in Cambodia timber processing, with wood supplied by all the companies with concessions bordering Prey Lang¹⁴ and timber exports to China and Vietnam¹⁵. Following this transfer of ownership to Cambodian tycoons¹⁶, major changes in the Think Biotech operation occurred, including the development of a new sawmill and rapid clearing of mature forest within the concession. These changes have coincided with a significant increase in trespass logging within Prey Lang.

USAID GREENING PREY LANG

The five-year United States Agency for International Development (USAID) Greening Prey Lang (GPL) project, which began in August 2018, has been working in partnership with stakeholders to address the threats to ecosystems and biodiversity in the Prey Lang Extended Landscape and promote conservation-friendly, resilient, and low-emission sustainable economic development. As a fundamental component for protecting Prey Lang, this work has included significant efforts to establish a robust and accountable law enforcement patrolling and monitoring system involving both government rangers and local communities and employing the latest state of the art technology. Since the project’s inception, USAID GPL has engaged close to 5,500 stakeholders – rangers, local authorities, and community members – in law enforcement planning and patrols and trained 687 rangers, community members, and local authorities to use new technologies and improved law enforcement techniques. This work has also included developing a protected area monitoring system that collects, integrates, and displays historical and real-time on-the-ground and satellite data, monitoring for illegal activities and changes in the environment so that protected area managers can take immediate law enforcement actions in areas under threat.

DOCUMENTING A CULTURE OF IMPUNITY

REPORTING ON ILLEGAL LOGGING AND DEFORESTATION

In the course of implementation of project activities in late 2018 and early 2019, USAID GPL became aware of systematic industrial-scale illegal logging within Prey Lang and the intimidation of local villagers within and nearby the Think Biotech concession, immediately east of Prey Lang in Kratie and Stung Treng provinces. USAID GPL obtained evidence for this illegal activity from interviews with civil society organizations and local communities, Provincial Department of Environment (PDoE) staff, and Ministry

of Environment (MoE) staff and through analysis of satellite, drone, and photographic imagery¹⁷. Using satellite imagery from the European Space Agency, USAID GPL documented the creation and rapid expansion between April and July 2019 of a 10 km illegal logging road leading from the Think Biotech concession into Prey Lang and extensive resin tree and other high value timber cutting both within the Think Biotech concession and the wildlife sanctuary. Photographic evidence of logs clearly identifies the location and types of trees being cut. In addition, USAID GPL documented the operation of an industrial-scale timber processing facility within the concession, installed in early 2019 and owned by Angkor Plywood, only 4 km from the wildlife sanctuary.

The documentation of the scale and impact of these illegal logging activities was provided by USAID/Cambodia in August of 2019 to MoE, urging investigation¹⁸. The evidence provided by USAID GPL clearly points to Think Biotech and Angkor Plywood as the primary beneficiaries of these illegal logging activities. The (1) installation of a new sawmill by Angkor Plywood in early 2019 was followed by (2) development of new roads between the concession and Prey Lang and significant increase in (3) logging activity in Prey Lang and (4) logs being processed by the Think Biotech timber processing facility. Trees the size of those being cut within Prey Lang have no other credible destination other than processing by Angkor Plywood's industrial-scale sawmill. It would not otherwise be economically viable as there are no settlements or other sawmills with adequate capacity near where the illegal logging is occurring.



Figure 2 Think Biotech timber processing facility and log depots.

Through numerous interviews with local community members in mid-2019, USAID GPL also compiled substantial evidence of intimidation and coercion of local villagers to sell resin trees to company representatives at minimal prices. Local communities estimated that nearly 3,000 resin trees had been felled by Think Biotech between December 2018 and July 2019. Discussions with civil society and local communities revealed that commune and district officials have been unable to resolve the problem, despite repeated requests from villagers.

While conducting a preliminary assessment of resin trees in the Stung Treng portion of Prey Lang near the boundary between the protected area and the Think Biotech

concession in early February 2020, USAID GPL encountered anarchic cutting of resin trees within the Mitsui & Co., Ltd. (Mitsui) Joint Crediting Mechanism (JCM) REDD+ project area and transportation of resulting logs into the concession. Satellite imagery analysis of logging roads used by observed loggers going into the concession from Prey Lang determined that the roads lead to Think Biotech's timber facility and Angkor Plywood's sawmill. USAID GPL also observed villagers entering the wildlife sanctuary and were later apprised by an informant that they had gone into Prey Lang to sell resin trees to Think Biotech. The documentation of this illegal resin tree harvesting was provided to MoE in February 2020, urging action, including implementation of numerous recommendations to address illegal logging in the wildlife sanctuary¹⁹.

In April 2020, USAID GPL submitted photographic and geographic location evidence of illegal logging near Think Biotech at nine additional locations in Prey Lang in Kratie and Stung Treng provinces to MoE²⁰.

Images taken by camera traps installed in June and July 2020 in Prey Lang along the border of Think Biotech, Thy Nga Development and Investment Co., Ltd. (Thy Nga), and PNT Co., Ltd. (PNT) concessions (all of which provide timber to Angkor Plywood) confirmed that illegally logged timber is indeed being transported into the concessions. By mid-July, however, illegal loggers and timber transporters in Kratie had been informed of the purpose of the cameras and covered them, preventing further data collection. The results of the analysis of the images from the camera traps were provided to MoE²¹.



Figure 3 Camera trap images of illegal timber transport vehicles.

In January 2021, USAID GPL conducted a field visit to Prey Lang to verify information received of forest crimes in Kratie and Stung Treng. USAID GPL interviewed community members and made field observations, documenting illegal activities along the border of the Think Biotech concession. The findings from the field visit were shared with Think Biotech²² and, along with analysis of deforestation using satellite imagery, reported to MoE²³. USAID GPL documented significant forest loss within Prey Lang based on Global Land Analysis and Discovery (GLAD) Alerts, heavy use of logging roads between Prey Lang and Think Biotech, frequent carrying of unauthorized chainsaws within the wildlife sanctuary, and numerous timber stockpiles.

Analysis conducted in January 2021 using the University of Maryland Global Forest Change dataset demonstrated alarming trends in deforestation throughout Cambodia, with some of the highest rates of deforestation occurring in Prey Lang²⁴.

In February 2021, USAID GPL provided documentation to MoE of newly discovered road construction inside Prey Lang, originating on the border of the protected area and Think Biotech, as well as evidence of illegal logging within the wildlife sanctuary and transport of cut timber and whole logs²⁵.

In May 2021, USAID GPL supported a representative from villages in two communes in Kratie to request intervention from local authorities to prevent logging of resin trees along waterways within the Think Biotech concession and in Prey Lang^{26 27}. In 2018, the communities met with a Think Biotech representative who made a promise in front of local authorities and owners of resin trees that, if workers of Think Biotech felled any resin tree inside the company concession, the company would make financial compensation of 10 times the value of the tree. Because restitution is not being provided for logged resin trees, the communities have requested intervention from commune authorities to prevent logging of the resin trees that remain standing inside the company's concession. The traditional user rights of local communities for forest products and by-products have been recognized and ensured by the Royal Government of Cambodia (RGC) through the Law on Forestry (2002), Law on Environmental Protection and Natural Resource Management (1996), Protected Area Law (2008), and Land Law (2001). Communities understand that resin trees are a natural resource owned by the State, but the State must recognize and ensure traditional user rights. While traditional users cannot transfer or sell any of these traditional user rights to a third party, resin trees are still being cut down for timber.



Figure 4 New logging roads constructed inside Prey Lang documented in February 2021.

USAID GPL reported in May 2021 on deforestation trends in Prey Lang that threaten the integrity of portions of the Mitsui JCM REDD+ project²⁸. Significant deforestation has been documented by USAID GPL at the intersection of Preah Vihear, Stung Treng, and Kampong Thom provinces. Field visits confirmed the deforestation alerts captured by satellite imagery at the intersection of the three provinces. Deforestation patterns follow a proposed road network that will link the core of Prey Lang to villages and towns in the surrounding provinces. Communities in other parts of Prey Lang and in Preah Roka Wildlife Sanctuary (Preah Roka) reported extensive illegal forest clearing in March and April

2021. These forest clearings occur within the boundaries of the Mitsui JCM REDD+ project area in Prey Lang and the proposed Northern Plains Landscape (NPL) REDD+ project area in Preah Roka. USAID GPL staff verified the legitimacy these claims along with those made by civil society organizations.

In June 2021, USAID GPL and Conservation International (CI) submitted evidence of corruption and bribery within Stung Treng PDoE to the newly appointed director²⁹. This evidence was submitted to the former director, but an update was never received. In fact, all the implicated rangers are still with Stung Treng PDoE. In addition to the evidence of corruption and bribery, CI and USAID GPL received countless verbal reports from community members that every time they reach out to the ranger station managers for support to crack down on resin tree cutting, PDoE rangers do not respond. CI and USAID GPL teams frequently share reported logging and timber transport incidents with the park director, station managers, and team leaders who rarely report back the outcome of ground checks nor any successful crackdown efforts. This has resulted in community members losing faith in rangers and Stung Treng PDoE management.

The corruption and bribery committed by these individuals has gradually led to corruption of almost the entire ranger force of Prey Lang in Stung Treng. This illegal activity is arguably the main driver of forest loss and increased illegal logging in the wildlife sanctuary in Stung Treng province. Despite significant financial and technical support from both the Mitsui project and USAID GPL, during the three years of project implementation in Phase I of the Mitsui activity, Prey Lang in Stung Treng lost more 5,000 ha of forested area. If these individuals continue in their positions, the destruction of the forest is inevitable.

In July 2021, USAID GPL and CI submitted a report to MoE detailing forest clearing for land grabbing and illegal logging in Prey Lang in Stung Treng in order to identify lessons learned from Phase I (March 2018 to April 2021) of the Mitsui JCM REDD+ project to ensure success of Phase II³⁰. With extensive support from CI and USAID GPL in the last three years, the technical capacity of rangers, the park director, and PDoE staff has increased. Law enforcement reports have documented ranger patrols of at least 10 days per month, including multiple overnight patrols. Patrols have covered almost every part of Prey Lang in Stung Treng, and rangers have confiscated chainsaws, arrested individuals for forest clearance and illegal logging, and participated in seizures of bushmeat in Stung Treng market. PDoE has

cooperated with the provincial governor to create a technical working group to address forest clearing and illegal occupancy of forested land inside the protected area. Communications and reporting have been improved through monthly and quarterly monitoring and planning meetings.

Through these collective efforts, improvements in law enforcement and park management should be evident. However, that is not the case. In the three years of Phase I of the project, 5,179.11 ha of forest have been lost in Prey Lang, Stung Treng. This is the equivalent of U.S. \$8 to \$13 million worth of carbon credits. Analysis by CI and USAID GPL demonstrate that patrolling by rangers is ineffective and there are strong indications that rangers regularly ignore illegal activity. This is evidenced by the extreme difference in outcome between ranger patrols and patrols that include military police, the ease with which routine field visits by USAID GPL and CI can document illegal logging and timber transport, and the refusal by rangers to use mobile ranger stations and engage in joint patrols with community members.

In addition to the abundance of evidence of illegal logging within Prey Lang and the transport of timber from the protected area into the Think Biotech concession, USAID GPL also acquired evidence of the sale of luxury timber by Think Biotech. USAID GPL obtained a “permit of conveyance” issued by the director of the Kratie Provincial Department of Agriculture, Forestry, and Fisheries (PDAFF) in November 2019 for the transport of luxury and Class I³¹ timber to a timber yard in Kandal province owned by the timber tycoon Try Pheap.³²

RESPONSE FROM GOVERNMENT

The National Committee for the Prevention and Crackdown of Natural Resource Crimes (National Committee), which was established in 2016, visited Think Biotech in August 2019 following the report of illegal logging activity from USAID GPL³³. USAID GPL analysis of the investigation noted that (1) only minor infractions were highlighted and (2) there was no investigation of the reports of illegal logging, including the newly expanded logging road between the concession and Prey Lang or the new timber processing facility near the border of the wildlife sanctuary³⁴. In fact, the National Committee was taken to the deactivated sawmill within the concession and did not investigate further. As a result, the findings were not related to the issues that had been documented and reported to MoE by USAID.

Following the August 2019 report from USAID, in addition to a similar report from the European Union (EU), in September 2019, MoE informed MAFF of the reports of logging of resin and other valuable trees by Think Biotech in Prey Lang and the processing of the illegally harvested trees by Angkor Plywood³⁵. The MoE stated that USAID and the EU had requested that the RGC investigate and take measures to protect and preserve Prey Lang. MoE requested that MAFF provide information about the activities of Think Biotech and Angkor Plywood, as the operations of both companies are under MAFF’s jurisdiction.

In January 2020, USAID GPL coordinated a site visit to Think Biotech for an inter-ministerial working group established in response to the reports in 2019 of illegal logging and timber laundering by the concessionaire. The working group included representatives from MoE, MAFF, Kratie and Stung Treng provincial government, Prey Lang Community Network (PLCN)³⁶, and USAID, as well as local community members. USAID GPL organized and facilitated the trip and provided the evidence for the investigation. The working group visited the active timber processing facility and saw firsthand the logging roads that originate in Prey Lang and terminate inside the concession. However, the authorities would not investigate further, refusing to go into Prey Lang or investigate any reported illegal activity within the protected area. This was in spite of agreeing to the recommendation by USAID GPL of the need for mobile ranger stations and camera traps on the border of Prey Lang to help control illegal logging and timber transport³⁷.

During a February 2020 meeting with Think Biotech regarding the concessionaire’s request to expand a road through the Northeastern Biodiversity Conservation Corridor (BCC), H.E. Sao Sopheap, Secretary

of State of MoE, expressed his concern over the logging and timber transport from Prey Lang into the company's concession, ordered the company to take restrictive measures to prevent these illegal activities, and said he holds Think Biotech accountable for anything the company does that might be against the law³⁸. The meeting was attended by senior MoE and PDoE officials, Kratie and Stung Treng provincial FA cantonments, and members of relevant provincial security taskforces.

In a follow up meeting hosted by MoE later that month with Thy Nga and Think Biotech, in addition to discussing proposed road retrofitting along the border of Prey Lang between the two concessions and Angkor Plywood facilities in Kampong Thom and Kampong Cham provinces, participants addressed the issue of illegal logging and associated timber laundering. Representatives from MEF; FA; Council for the Development of Cambodia (CDC); Kampong Thom, Kratie, Preah Vihear, and Stung Treng deputy governors; Kampong Thom, Kratie, Preah Vihear, and Stung Treng PDoE; and conservation non-governmental organization (NGO) partners (USAID GPL, Wildlife Conservation Society [WCS], CI, and Wild Earth Allies) agreed that mobile ranger stations and camera traps would help stop illegal logging and associated timber transport into concessions³⁹. During the meeting, the Minister of Environment mentioned several times his support for using camera traps.

Although unrelated to the purpose of this meeting, MoE made its objections to PLCN members acting to monitor and report on forest crimes in Prey Lang clear, claiming that PLCN is an "illegal" organization because it is not registered under Cambodia's controversial 2015 Law on Associations and Non-Governmental Organizations (LANGO) and has not signed an agreement with MoE to engage in forest protection and conservation activities. To address this assertion, USAID GPL commissioned a legal analysis, which concluded that PLCN is not required to register under LANGO⁴⁰. Since PLCN is not an organization, it cannot sign an agreement with MoE. Amnesty International has called for LANGO, which has been used to restrict and repress civil-society actors⁴¹, to be repealed or substantially amended to bring it in line with international human-rights law⁴².

On March 13, 2020, well-known environmental defender Ouch Leng was arrested and detained along with PLCN members Srey Thei and Khem Soky and forest investigator Man Mat while investigating allegations of illegal logging in Prey Lang⁴³. The four were detained and Man Mat was allegedly beaten by Think Biotech staff⁴⁴. While they were released without charge following days of community protests in Kratie against the arrests^{45,46}, they were later charged with trespassing and using forged documents based upon a complaint made by a representative of Think Biotech⁴⁷. These arrests occurred following MoE publicly accusing the PLCN of operating illegally⁴⁸.

In June 2020, the Anti-Corruption Unit (ACU) wrote⁴⁹ to the acting director of Preah Vihear PDoE requesting a response to the April 2020 charges against Mr. Som Ratha, a Preah Vihear PDoE officer, and community forest (CF) members for extorting money from loggers and timber traders in Prey Lang and colluding with a timber kingpin known only as "Leng". The complaint stated that multiple illicit timber traders colluded with the accused to allow groups with tractors to log inside Prey Lang and move freely in and out of the protected area three to four times a day. These and other timber kingpins in the area were accused of buying illegally logged timber not only in collusion with the PDoE officer and CF members, but also in alliance with administration police officers. In addition, the complaint stated that the wife of an FA officer owns vehicles that have been used to transport timber out of Prey Lang. It is unknown whether a response to the accusation has been received from the director of the Preah Vihear PDoE. What is known is that Som Ratha is still a ranger, stationed in Beng Per Wildlife Sanctuary.

In collaboration with PDoE and MoE, USAID GPL installed mobile ranger stations in Kratie and Preah Vihear in December 2020 and in Stung Treng in January 2021 along the borders of Prey Lang and Think Biotech, Thy Nga, and PNT concessions. A mobile ranger station serves as a temporary strategic basecamp for joint patrolling between rangers and community members in hotspot areas of illegal activity. Despite all efforts made by USAID GPL and community members, support from Kratie and

Stung Treng PDoE was extremely lacking. In two locations along known forest logging roads originating in Prey Lang and terminating in Think Biotech where USAID GPL intended to set up mobile ranger stations, PDoE in Kratie and Stung Treng were unresponsive and would not dispatch rangers to these locations. For the most part, the mobile ranger stations in Kratie and Stung Treng were abandoned by the rangers, resulting in no joint patrolling. This lack of implementation is suspicious and points to Stung Treng PDoE (under the previous director) and Kratie PDoE having been co-opted by organized logging networks.

MoE conducted an inspection visit to Prey Lang in Kratie and Stung Treng in January 2021 to investigate the illegal activities documented by USAID GPL earlier in the month. MoE's internal report of the inspection visit noted observation of significant evidence of resin trees being logged near roads, several locations where forest was cleared to hunt macaques, and suspicious activity by two men reportedly ordered by the head of Think Biotech security to identify locations of resin trees, along with receipt of numerous reports from several villages that resin trees belonging to community members had been logged by Think Biotech⁵⁰. MoE concluded that there was (1) insufficient patrolling and weak law enforcement performance as the investigators saw no rangers during their three-day trip and (2) strong evidence of corruption and collusion of rangers with loggers as the investigators saw no rangers at the Kratie and Stung Treng mobile ranger stations and neither PDoE had operationalized the joint patrol mechanism established by USAID GPL.

In February 2021, MoE officers arrested and detained five environmental defenders for investigating illegal logging in Prey Lang⁵¹. After three days in custody, they were released only after agreeing to sign a document⁵² admitting guilt (to violating Article 57 of the Protected Area Law, which states that it is prohibited to access a protected area for the purposes of natural and scientific study without a permit) and committing to refrain from entering the wildlife sanctuary without permission from MoE.⁵³ Multiple interventions were made on their behalf by the Office of the United Nations High Commissioner for Human Rights and the U.S. Ambassador, as well as numerous civil society organizations, and, ultimately, no charges were filed against the activists.⁵⁴

There is no evidence that the PDoE in Kratie has ever approached illegal loggers or those clearing land with this degree of harsh treatment. If apprehended, those individuals are normally taken to PDoE ranger stations or the PDoE office and given written warnings. The process takes half a day at most. The 72-hour detention of the five forest activists is a strong indication that the priority for Kratie PDoE is suppressing civil society from speaking out about forest crimes and not protecting Prey Lang.



Figure 5 Illegally felled tree within Prey Lang identified during the National Committee investigation.

Following the January 2021 MoE inspection visit to Prey Lang, the National Committee conducted an “investigation and crackdown” operation in Prey Lang in Kratie and Stung Treng in mid-February. As a participant of the investigation, USAID GPL was able to guide the National Committee to reported locations of forest crimes. Investigators were able to identify the owner of land in Kratie used as a depot for timber from illegally logged resin trees and through interviews with nine witnesses, confirmed the illegal logging occurring in Prey Lang by documenting more than 1,000 logged resin trees, and discovered the names of the two main timber traders implicated in the massive logging of resin trees in the wildlife sanctuary.

Despite these results, USAID GPL observed that the investigation was not properly or effectively conducted, citing the overly friendly relationship between investigators and those being investigated, the lack of pursuit of investigative leads that would identify the high-ranking individuals involved in illegal resin tree logging and trade (only low- or mid-level perpetrators were targeted), and the failure of investigators to vigorously pursue suspected leads or utilize techniques to verify claims made by informants⁵⁵. The suspects identified in the investigation have not been arrested and continue their illegal activities, and the National Committee report of the investigation has not been released. In addition, MoE acknowledged in an internal report of the investigation that enforcement efforts made by the responsible authorities to prevent and crack down on natural resources offenses have been inadequate⁵⁶.

THINK BIOTECH

In December 2019, USAID GPL hosted a meeting with Think Biotech and Angkor Plywood to address protection of Prey Lang. Although Think Biotech agreed to work with USAID GPL to ensure sustainable timber management, has expressed a willingness to engage in conservation efforts in Prey Lang⁵⁷, and has accommodated field visits by USAID GPL and national and subnational authorities, the company has continuously denied any wrongdoing⁵⁸, has not implemented recommended procedures to ensure legal provenance of the timber they procure⁵⁹, has denied access by civil society to monitor activities, and has refused to destroy or block logging roads between the concession and Prey Lang.

Think Biotech announced in December 2020 that they were in the process of clearing 8,000 ha within the 34,000-hectare concession^{60,61}. During a discussion with Think Biotech in January 2021, USAID GPL was informed that Think Biotech had more 2,000 individuals working on their concession. Nearly all these individuals were contract employees, harvesting timber with chainsaws and tractors to sell back to Think Biotech. With no known controls in place, Think Biotech had no mechanism to determine the origin of the timber being purchased, providing an obvious opportunity for individuals to illegally cut trees in Prey Lang and launder the sawn timber through the concession.

USAID GPL met with Think Biotech in January 2021 to discuss issues identified by USAID GPL during the mid-January field visit to Prey Lang, which included demolition of existing access roads to the mobile ranger station in Kratie (preventing community members from participating in joint patrols), delay of USAID GPL field activities due to Think Biotech security checkpoints, and obstruction of USAID GPL's field visit to the Kratie mobile ranger station due to large trees that appeared to have been purposely felled to block access at several locations on the road that runs along the border between Prey Lang and the concession.

Think Biotech's direct activities are undermining rule of law and creating an atmosphere of infectious impunity. The indirect effects of this are that north and south of the Think Biotech concession in Stung Treng and Kratie provinces there is 10% annual forest loss where communities and land speculators are engaging in deforestation. Resin trees within Prey Lang are felled with no repercussion, including over 1,000 logged resin trees documented in just three days in February 2021 during the National Committee investigation.

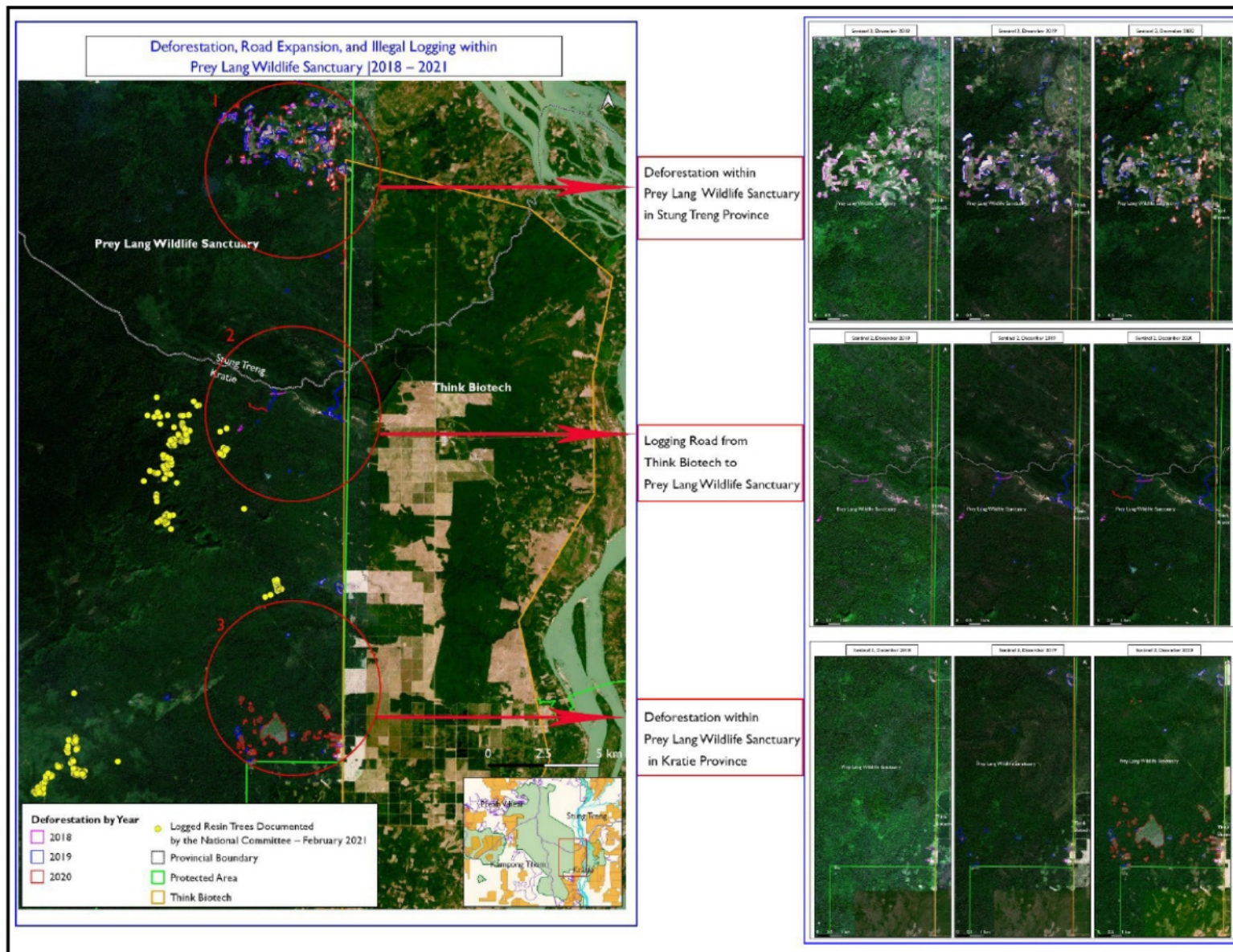


Figure 6 Land clearance, road expansion, and illegal logging in Prey Lang in Kratie and Stung Treng provinces between 2018 and 2021.

RECOMMENDATIONS

In addition to documenting and reporting illegal logging activities and facilitating site visits for national-level investigation, USAID GPL has provided numerous and repeated recommendations to the Cambodian government that would help address illegal logging. Key recommendations have included (1) monitoring of the Think Biotech's Environmental Impact Assessment (EIA) commitments by the EIA Department within MoE, (2) implementation of mechanisms such as the software "Timestamp Camera" for logging contractors to verify the provenance of timber purchases by Think Biotech, (3) participation of Think Biotech and other concessionaires in Prey Lang protected area management zoning consultation, (4) public commitment from Angkor Plywood that none of its facilities will process any wood originating from any of Cambodia's protected areas and clear communication from concession companies to all employees and contractors that there is zero tolerance for engaging in illegal logging in Prey Lang, (5) enforcement of the mechanisms for district and provincial security taskforces, (6) increased ranger presence, (7) implementation of joint patrols between rangers and community members, (8) implementation of camera traps along key corridors of illegal activities, and (9) implementation of mobile ranger stations on the boundary of Prey Lang and Think Biotech. Of these, only mobile ranger stations, joint patrols, and camera traps have been implemented, and they have had limited success.

CONCLUSION

During the last three years, USAID GPL, MoE, and civil society have documented increased illegal logging in Prey Lang linked to ELCs on the border of the sanctuary. The evidence indicates there is a network of forestry crime, leading back to Angkor Plywood, that has created a culture of impunity for rampant illegal logging and land clearance in the wildlife sanctuary.

Although national level field investigations have been conducted based on the documented evidence and extensive support has been provided to MoE and provincial authorities to establish a robust and accountable law enforcement patrolling and monitoring system in Prey Lang, illegal logging and land clearance continues unabated. Analysis in early 2021 of forest change shows alarming trends in deforestation throughout Cambodia, with some of the highest rates of deforestation occurring within Prey Lang. Assessment of forest cover in Prey Lang in Stung Treng province reveals a loss of more than 4% of the forest between 2018 and early 2021.

The anarchic deforestation occurring in Prey Lang is jeopardizing the viability of the last expanse of lowland evergreen rainforest in Southeast Asia and the critical flooding/river systems of the Mekong and Tonle Sap, devastating local livelihoods that depend on Prey Lang and its forests and rivers, and putting at risk significant sustainable financing from carbon investment for the protected area. Not only is the Mitsui JCM REDD+ project in Prey Lang under threat of failure, investor confidence in REDD+ projects across Cambodia could be lost, along with millions of dollars of potential revenue from the sale of carbon credits, if deforestation in Prey Lang is not brought under control.

NOTES

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³ Conservation International and USAID Greening Prey Lang. (2021). Report on Deforestation, Illegal Logging, and Timber Transportation inside Prey Lang Wildlife Sanctuary of Stung Treng Province. July 8, 2021. English translation of Executive Summary and original Khmer.

⁴ Royal Government of Cambodia. (2016). Sub-Decree on Establishment of Prey Lang Wildlife Sanctuary. May 9, 2016.

⁵ Royal Government of Cambodia. (2008). Protected Area Law. January 4, 2008.

⁶ Royal Government of Cambodia. (2002). Law on Forestry. August 31, 2002.

⁷ Royal Government of Cambodia. (2001). Land Law. August 30, 2001.

⁸ Royal Government of Cambodia. (2006). Sub-Decree on Forest and Non-Timber Forest Products Allowed for Export and Import. November 28, 2006.

⁹ Royal Government of Cambodia. (2002, 2005, 2008). Law on Forestry, August 31, 2002; Protected Area Law, January 4, 2008; and Prakas on Forest Products and By-Products Prohibited for Harvest, February 14, 2005.

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¹¹ Royal Government of Cambodia. (2011). Sor Chor Nor No. 999 SCN.KS. August 12, 2011.

¹²Environmental Justice Atlas. (2017). Think Biotech reforestation concession, Kratie and Stung Treng province, Cambodia. <https://ejatlas.org/conflict/think-biotech-reforestation-concession>

¹³ Angkor Plywood operates at least four plywood factories (Kampong Cham, Kampong Thom, Kampong Thmor, Kandal) and one sawmill (Think Biotech concession) in Cambodia. Global Initiative Against Transnational Organized Crime. (2021). Forest Crimes in Cambodia: Rings of Illegality in Prey Lang Wildlife Sanctuary. March 26, 2021.

¹⁴ There are three concessions on the border of Prey Lang implicated in timber laundering from illegal logging within the sanctuary, Thy Nga Development and Investment Co., Ltd. (Thy Nga) and PNT Co., Ltd. (PNT) to the west, and Think Biotech (Cambodia) Co., Ltd. (Think Biotech) to the east. In 2017, when commercial timber was no longer readily available within Thy Nga and PNT (as all resin trees had been cut), the concession was transferred to Macle Logistic (Cambodia) Import Export Co., Ltd. (Macle Logistic). Despite a lack of commercial timber within these concessions, in 2018 MAFF issued a new license for sawmill operations and FA authorized timber transport. The only source for timber, now that the concession areas were devoid of commercially viable species, was Prey Lang. Macle Logistic supplies timber to Angkor Plywood. Global Initiative Against Transnational Organized Crime. (2021). Forest Crimes in Cambodia: Rings of Illegality in Prey Lang Wildlife Sanctuary. March 26, 2021. Pages 29-30, 36. <https://globalinitiative.net/analysis/forest-crimes-cambodia/>

¹⁵ Global Initiative Against Transnational Organized Crime. (2021). Forest Crimes in Cambodia. Rings of Illegality in Prey Lang Wildlife Sanctuary. March 26, 2021. <https://globalinitiative.net/wp-content/uploads/2021/03/Forest-crimes-in->

¹⁶ Lu Chu Chang, who is chairman of the board of directors of Think Biotech, is also a co-owner of the Angkor Plywood sawmill, a director of Angkor Plywood, and the president of the Cambodia Timber Industry Association. Mr. Lu, a Taiwanese national, has extensive investment and over 30 years of involvement in the timber trade in Cambodia. Chea Pov, who is a shareholder and director of Think Biotech, is also a co-owner and director of Angkor Plywood, a co-owner of the Angkor Plywood sawmill, and a director of Thy Nga. His foster mother Choeung Sopheap, who has been in the Cambodian timber business since at least 1995, owns two companies (Pheapimex Group Co., Ltd. and Wu Zhishan Group Co.) that export timber to China and is a co-owner of the Angkor Plywood sawmill located within the Think Biotech concession. His sister is Chea Vuthy, Deputy Secretary General to the Council for the Development of Cambodia (CDC). Chea Sankhida is a director of Think Biotech and Angkor Plywood, and the daughter of Chea Vuthy and the niece of Chea Pov. Global Initiative Against Transnational Organized Crime. (2021). Forest Crimes in Cambodia: Rings of Illegality in Prey Lang Wildlife Sanctuary. March 26, 2021. Pages 34-36. <https://globalinitiative.net/analysis/forest-crimes-cambodia/>

¹⁷ USAID Greening Prey Lang. (2019). Memorandum to USAID/Cambodia on industrial-scale illegal logging in Prey Lang Wildlife Sanctuary. July 29, 2019.

¹⁸ USAID/Cambodia. (2019). Letter to Ministry of Environment on industrial-scale logging in Prey Lang Wildlife Sanctuary. August 12, 2019.

¹⁹ USAID Greening Prey Lang. (2020). Emergency Report: Resin Tree Logging in MoE-Mitsui REDD+ Project Area. February 12, 2020.

²⁰ USAID Greening Prey Lang. Report and documentation of illegal logging in Prey Lang Wildlife Sanctuary. April 21, 2020. English translation and original Khmer.

²¹ USAID Greening Prey Lang. (2020). Presentation on (camera trap) analysis of human activities in Prey Lang Wildlife Sanctuary around Think Biotech, Thy Nga, and PNT concessions. August 12, 2020. English translation and original Khmer.

²² USAID Greening Prey Lang. (2021). Meeting/Workshop Report on meeting with Mr. Lu Chu Chang, Director of Think Biotech on January 14, 2021.

²³ USAID Greening Prey Lang. (2021). Emergency Report on Illegal Logging and Land Clearance in Prey Lang Wildlife Sanctuary. January 21, 2021.

²⁴ USAID Greening Prey Lang. (2021) Analysis of the University of Maryland Global Forest Change Datasets. January 2021.

²⁵ USAID Greening Prey Lang. (2021). Report on newly identified roads and logging hotspots. February 12, 2021. Khmer.

²⁶ Yi Bunchhem. (2021). Letter to commune chief of Beung Cha requesting for intervention to prevent logging of and protect our resin trees remained standing along both sides of waterways inside Think Biotech concession and in Prey Lang. May 4, 2021. English translation and original Khmer.

²⁷ Yi Bunchhem. (2021). Letter to commune chief of Kampong Cham requesting for intervention to prevent logging of and protect our resin trees remained standing along both sides of waterways inside Think Biotech concession and in Prey Lang. May 4, 2021. English translation and original Khmer.

²⁸ USAID Greening Prey Lang. (2021). Deforestation Threatens REDD+ Project Areas in Prey Lang and Preah Roka Wildlife Sanctuaries. May 12, 2021.

²⁹ Conservation International and USAID Greening Prey Lang. (2021). Letter of submission of evidence of corruption and bribery committed by the Prey Lang Wildlife Sanctuary Office Chief and his team leaders. June 14, 2021. English and Khmer translations.

³⁰ Conservation International and USAID Greening Prey Lang. (2021). Report on Deforestation, Illegal Logging, and Timber Transportation inside Prey Lang Wildlife Sanctuary of Stung Treng Province. July 8, 2021. English translation of Executive Summary and original Khmer.

³¹ Royal Government of Cambodia. (2005). Prakas on Forest Products and By-Products Prohibited for Harvest. February 14, 2005.

³² Kratie Provincial Department of Agriculture, Forestry, and Fisheries. (2019). Permit of Conveyance. November 15, 2019.

³³ National Committee for Prevention and Crackdown on Natural Resource Crimes. (2019). Report on Investigation by National Committee into Sawmill of Think Biotech. August 17, 2019. English translation and original Khmer.

³⁴ USAID Greening Prey Lang. (2019). Memorandum to USAID/Cambodia on overview and analysis of Investigation Report of Think Biotech by the National Committee for Prevention and Crackdown on Natural Resource Crimes. September 10, 2019.

³⁵ Ministry of Environment. (2019). Letter to Ministry of Agriculture, Forestry, and Fisheries on the report of illegal logging in Prey Lang issued to Cambodia by the European Union and USAID/Cambodia. September 16, 2019. English translation.

³⁶ The Prey Lang Community Network (PLCN) is a network of local community members established to save the Prey Lang forest from illegal logging and industrial agriculture in the early 2000s. The network patrols the forest and records illegal logging and conversion of forest within the protected Prey Lang Wildlife Sanctuary and reports its findings to policy makers and the general public. PLCN collects and communicates information on illegal logging activity in the Prey Lang forest. The information is collected by the network during patrols into the forest using smartphone technology. The network brings the information to national policy makers and the Cambodian public in reports and on social media. PLCN has 400

active members from communities in Prey Lang's surrounding provinces – Kratie, Stung Treng, Kampong Thom, and Preah Vihear. All members give their time and efforts to preserve the forest on a voluntary basis. The network is organized into an elected core group of 28 network members and a Steering Committee comprising a representative from each of the provinces. Prey Lang Community Network. <https://preylang.net/about/plcn/>

³⁷ USAID Greening Prey Lang documentation of the January 14, 2020, working group field visit to Think Biotech is included in the February 12, 2020, Emergency Report to MoE.

³⁸ Ministry of Environment. (2020). Minutes of the meeting (led by H.E. Sao Sopheap) on review of the results of on-the-ground inspection of Think Biotech's request to retrofit and build a road in Kampong Cham commune, Sambo district, Kratie province and O'Lang commune, Siembok district, Stung Treng province. February 20, 2020. English translation and original Khmer.

³⁹ USAID Greening Prey Lang. (2020). Summary of MoE Consultation Meeting on Think Biotech and Thy Nga. February 28, 2020.

⁴⁰ SNB & Associates Law Group. (2020). Legal Memorandum on the Rights of NGOs, Associations, and Communities to Engage in Protection, Advocacy, and Conservation of Forests in Cambodia. June 25, 2020. English translation and original Khmer.

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⁵³ Radio Free Asia. (2021). Authorities Release Five Cambodian Activists Detained Days for Entering Forest without Permission. February 8, 2021. <https://www.rfa.org/english/news/cambodia/release-02082021175436.html>

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