ACKNOWLEDGEMENTS

AUTHORS:
Mark Grimsditch & Dominic Renfrey

EDITORS:
David Pred
Sao Sotheary

FIELD-TESTING AND REVIEW TEAM:
Dominic Renfrey
Mark Grimsditch
Sao Sotheary
Bun Makara
Dara Rith
Eang Vuthy
Ros Sothida

TRANSLATORS:
Sek Sokha
Sao Sotheary

ILLUSTRATIONS:
Illustrations for this publication were provided by artists at Our Books (http://www.siewphewyeung.org.kh/)

Chan Ny
Moeu Diyadaravuth
Phal Phourisith
Tek Tevinn
Sin Yang Pirom
Srey Ratanak
Souen Klo (coordination)
Sao Channa (graphic assistance)

COVER DESIGN AND ADDITIONAL ILLUSTRATIONS:
Chan Vichet

A Community Guide to Mining: Impacts, Rights and Action was researched, written and field tested from 2009 through 2011. It is a product of collaboration between Bridges Across Borders Cambodia (BABC) and Development and Partnership in Action (DPA).

This guide follows from the spirit and builds upon the methodology of A Cambodian Guide to Defending Land and Housing Rights (2009), published by Bridges Across Borders Southeast Asia (BABSEA), International Accountability Project (IAP) and the Centre on Housing Rights and Evictions (COHRE). The “How to Use This Guide” section of the Facilitators’ Edition is adapted from the same section of A Cambodian Guide to Defending Land and Housing Rights.

Financial support for this project was provided by the McKnight Foundation, Norwegian People’s Aid (NPA), Open Society Institute (OSI), Oxfam Australia, Swedish Amnesty Fund, and Blue Moon Foundation (BMF).

To each of our funding partners, we are deeply thankful for their support, and for enabling this project to become a reality.

We thank all the Cambodian activists and community network members who participated in field-testing workshops conducted in 2010 and 2011. Their constructive feedback enabled the review team to improve the guide and make it more relevant and easy to use.

We would also like to acknowledge the following individuals, who contributed, reviewed and provided important guidance and suggestions on the overall approach, content, activities and methodology of this manual: Natalie Bugalski, Mam Sambath, Dara Rith, Iv Moniroth, Jason Jones, and Thy Try.
# CONTENTS

## ACKNOWLEDGEMENTS

## INTRODUCTION

## HOW TO USE THE GUIDE

### PART 1: MINING & COMMUNITIES

<table>
<thead>
<tr>
<th>Lesson</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>What is Mining?</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>Stages in the Mining Process</td>
<td>29</td>
</tr>
<tr>
<td>3</td>
<td>Potential Benefits of Mining</td>
<td>46</td>
</tr>
<tr>
<td>4</td>
<td>Potential Negative Impacts of Mining</td>
<td>51</td>
</tr>
<tr>
<td>5</td>
<td>Environmental Impact Assessments</td>
<td>62</td>
</tr>
<tr>
<td>6</td>
<td>Public Participation and the EIA Process</td>
<td>68</td>
</tr>
</tbody>
</table>

### MINING AND COMMUNITIES – DIFFICULT TERMS

### PART 2: MINING & THE LAW

<table>
<thead>
<tr>
<th>Lesson</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Classification of Land in Cambodia</td>
<td>77</td>
</tr>
<tr>
<td>2</td>
<td>Where Can Mining Happen?</td>
<td>95</td>
</tr>
<tr>
<td>3</td>
<td>Land Rights</td>
<td>101</td>
</tr>
<tr>
<td>4</td>
<td>Expropriation of Land</td>
<td>111</td>
</tr>
<tr>
<td>5</td>
<td>Mining Licenses</td>
<td>118</td>
</tr>
</tbody>
</table>

### MINING AND THE LAW – DIFFICULT TERMS

### POST TEST

### POST TEST ANSWER KEY
INTRODUCTION

Mining is a huge industry all across the world. Every day we use things that are made from the products of mining. Cars are made from steel, and drink cans from aluminum. Mobile phones and VCD players contain a metal called Coltan, and batteries often have Cadmium inside. Many of the things we depend on from day to day, and many of the things that make our lives more comfortable or enjoyable, contain minerals that are mined from under the ground.

A lot of money can be made from the sale of mineral resources, and when a country manages these resources well, the benefits can reach local people and raise important funds for the national budget. Unfortunately, this is not always the case, and there are many examples of local communities being devastated by mining operations.

Until recently the mining sector in Cambodia did not receive much investment, but this is changing. Some people predict that mining will become a huge industry in Cambodia, and if it does, it is likely to affect the lives and land of tens of thousands of people.

This guide is made for Cambodian communities who are affected by mining or likely to be affected in the future. It is divided into two books, book one has two parts: Mining and Communities, and Mining and the Law. Book 1 covers the basics of the mining process, potential benefits and negative impacts, and the process of Environmental Impact Assessment and public participation. It also covers the main laws that apply to mining in Cambodia. Book 2 is focused on Taking Action, and looks at what impacted communities can do if they are negatively affected by a mining project.

The guide uses interactive activities to help people understand the information, take part in discussions, and learn important skills, even if they cannot read or write. This way, everyone can participate in planning what they can do to defend their rights and the rights of fellow citizens.
A Community Guide to Mining: Impacts, Rights and Action has been designed and written so that it is accessible to communities, including those who have had limited access to education and have little or no knowledge of the subject. The language used is simple and straightforward and the exercises used are interactive and enjoyable. Everything in this manual has been tried and tested with communities around Cambodia and the authors have considered all feedback and comments in revising and finalizing the lessons.

The guide can be used by people who want to facilitate a training workshop and by people who would like to use it simply as an information resource. The guide is made up of the Facilitators’ Edition and the Participants’ Edition. The Facilitators’ Edition includes all the instructions and everything else you need to run a training session. The Participants’ Edition contains only the information on each topic without the facilitator’s instructions. It is useful to provide copies of the Participants’ Edition to the people who attend your training. It can also be used as a stand-alone resource.

This module explains the basics on how to use the guide and how to organize and deliver a community training.

**ORGANIZING A TRAINING**

First, you will need to organize the training workshop. It is important that everything – from the venue, to the selection of modules you will be teaching – is prepared well in advance and that you are organized. If things do not run smoothly, the training will not be as effective. When organizing a training workshop you should consider the following points:

**BOOKING A VENUE**

It may be possible to teach in the community, or you may need to find or hire a room to hold the training. Make sure the venue is quiet and bright and has enough space for all the participants to work comfortably. Make sure that you have decided on and booked the venue at least two weeks before the training.

**PARTICIPANTS**

You will need to decide who should participate in the training. It may be people from one or more communities affected by a mining operation, members of a community network or people from NGOs. You may even decide to teach government officials or company employees. Think about who will benefit from the training. You should also consider who will be able to attend and stay for the whole training. Think about how many people should participate – usually an ideal number of participants is between 15 and 25.

Try to make sure that you have a good mix of participants. There should be equal numbers of men and women, and sometimes it is a good idea to have mixed age groups, as people have different experiences to share. If you are training in an area that has a number of ethnic groups, for example Cham or indigenous peoples, it is important to involve people from these groups in the training and ensure that everyone is treated equally.
NOTIFICATION AND INVITATIONS

Make sure you inform all participants about the training dates well in advance. When the date gets closer, send reminders.

PARTICIPANTS’ SITUATIONS

Try to find out what specific problems the participants are experiencing and what their stories are. This way you can decide which sections of the guide are most important to teach. It is also a good idea to ask a few community representatives what topics they think would be most useful.

AGENDA

Once you have information about the participants you will need to prepare an agenda. This sets out the plan for each day of the workshop. Make sure you have enough time to teach the lessons you have selected. Make sure you also include time for breaks, meals and energizers (explained below).

INFORMING AUTHORITIES

Think carefully about whether it is necessary to inform the local authorities of your plan to conduct a community training.

PARTICIPANTS’ GUIDE

At the end of the training it is a good idea to provide the participants with all the information you covered in the workshop. To do this, you will need to photocopy the relevant sections of the Participants’ Edition.

BE PREPARED

Make sure you are familiar with the material that you will teach, and make sure that before the workshop starts, you have all necessary material for each lesson. If there are other facilitators, make sure you have decided who will be responsible for each lesson and activity.
TRAINING CHECKLIST

Before conducting a training, make sure that you do the following:

- Organize a venue ✓
- Decide who the participants will be and how many will attend ✓
- Invite the participants well in advance, and send a reminder closer to the date ✓
- Learn about the participants’ background, situation and which topics they are interested in ✓
- Choose the modules you will teach and make an agenda ✓
- Inform the authorities, if you think it is necessary ✓
- Photocopy relevant parts of the Participants’ Edition ✓
- Prepare the materials, for example, paper, pens and handouts ✓
- Revise the lessons so you feel confident to teach them ✓
STARTING A TRAINING

On the day of the training arrive at the training space or room early to make sure everything is ready. Arrange the materials neatly so that you can access them easily when you need them during the lessons. If tables and chairs are available think about how you would like them to be arranged. Sometimes it is a good idea to arrange the tables in a circle so everyone can see each other and no one has to sit behind someone else. This will help the training be more interactive because everyone will feel included.

Once the participants arrive and sit down, the first step is to introduce yourself to the group and give participants the chance to introduce themselves. This is done at the beginning of almost all trainings and workshops. In order to start the training in an interesting way, try to keep the introductions short, or try to make them into a game or fun activity. This can be very simple such as asking everyone to say their names, where they are from and their favorite food or song.

It is also a good idea to start the training by explaining the main objectives of the workshop to the participants. You may also want to explain the rules of the training, for example, everyone should turn off mobile phones, everyone should be considerate of other people, there should be no discrimination, and everyone should have a chance to speak. You can also ask the participants about their expectations for the workshop. You may ask a few or all participants to name one thing they expect or hope to learn during the training. You can come back to these expectations at the end of the training to see if they were met.
INTERACTIVE TEACHING

The most effective methods for teaching any information are interactive. They are based on active participation and focus on the participants, rather than the facilitator. These techniques help people to learn faster and remember more than if they are taught using traditional methods, such as lecture.

Studies have shown that the quantity and quality of the information that participants remember depends on the teaching methods used. Research indicates that the lecture style of teaching is the least effective method for passing on knowledge to participants. The more interactive the teaching method, the more people will learn and remember. Examples of interactive methodology include:

- Role-play
- Demonstrations
- Stories
- Group discussions

One of the best ways for you to improve your understanding of new information and skills is to teach it to others. By teaching others, you will gain a better understanding, know how to explain things using simple language and be able to show how the information and skills can be used. Community trainings are a two-way learning process. As you teach, the participants learn, and you will also become more confident and increase your understanding of the issues you are teaching. You will also have a valuable opportunity to learn from the knowledge and experiences of the participants.

TEACHING METHODS

There are many different teaching methods that can be useful for teaching in communities. These methods are aimed at making those attending the workshop active participants and not passive observers. They recognize that participants always come to training workshops with knowledge and experience from their own lives and that they have much to contribute to the learning that will happen in the room. Below are some examples of interactive teaching methods.

BRAINSTORMING

Brainstorming is a way of allowing participants to think freely about ideas. There are usually no right or wrong answers, and participants are able to express their ideas freely.

During brainstorming on a particular topic, participants might be asked questions, such as: “What are the different ways to teach?” Participants then think of as many different ideas as they can, and these should be written or drawn on a whiteboard or flipchart. Everyone’s ideas can then be discussed.
SMALL GROUP DISCUSSIONS

Small group discussions should be planned carefully. The participants should be given clear rules and instructions and should be allowed enough time for discussion. If possible, the groups should usually not have more than five participants so that everyone has a chance to speak.

CASE STUDIES

Case studies are stories or a description of an event that can be real or made-up and can be used to help understand how information and skills can be applied. Case studies can be used during group discussions to help participants analyze and think critically about how to use new information and skills in practice.
ROLE-PLAYS

In role-plays participants (or sometimes facilitators) act out a situation. Participants can either be given the situation in a case study or they can be asked to make it up themselves. Different objects that can be found around the training area can be used to make role-plays more fun. Role-plays are useful because participants are able to be creative, which will make them feel more involved in the lesson, and keep them active and interested.

QUESTION AND ANSWER

A discussion through questions and answers can often be used instead of lecturing. This way everyone is talking and needs to think carefully about the issues, not just the facilitator. Participants almost always know some information about the issue or the subject that is being taught and how it relates to their lives. Good facilitators will draw out the knowledge and experience of participants and build on it. Asking polite questions to quiet participants can be a good way to encourage them to speak and get more involved.

A good way to start teaching a new topic is by asking the whole group some basic questions on the subject. This way you will find out what everybody already knows. Asking questions at the end of the lesson is also a good way to ensure that participants understood the content in the workshop, and that the learning objectives were achieved.
GAMES

Games are a fun way for both adults and children to learn. Games may be used as ‘ice breakers’ to help participants get to know each other and become more comfortable with each other. Games are often used as ‘energizers’ to refresh people when they are feeling unfocused or sleepy between lessons. Games can also be used to teach more difficult topics, such as the law, and to help people remember new information. Games might involve teams and competitions but be careful not to embarrass anyone if they do not know an answer to a question. It can be more encouraging if everyone wins!

PARTICIPANT PRESENTATIONS

Participants can be given a topic, case study or question to work on in small groups and then present to the rest of the class. Groups can be asked to prepare and present drawings, songs, role-plays, plans, ideas, or answers to questions. Presentations can be made by the whole group, or a group selected spokesperson. After the presentations, all the participants (both presenters and observers) can discuss the presentation.

VISUAL AIDS

Objects, photographs, pictures, drawings, posters and films are all examples of visual aids. Visual aids are an effective way to help focus participants’ attention and bring real life experiences from Cambodia and around the world into the training room. Visual aids are also helpful in expressing ideas, concepts and plans. Participants can be asked to describe and analyse what they see, and apply or compare it to their own experiences and other situations. Visual aids such as films can be especially useful in demonstrating how new skills can be applied to real-life situations. Good and bad examples can be shown and analysed. (Remember that the same thing can be done using role-plays.)

Many community groups, NGOs and United Nations agencies have produced videos on legal and human rights issues in Cambodia. If you have access to electricity and equipment you can contact these groups and ask if they have any videos available for you to use in your community training.
SONGS

Most Cambodian people love to sing and dance. You can use this in your training workshops. Sometimes you may want to take a break from the lessons and have a song or dance session to wake people up. You may also use song to teach. After teaching a topic, you could ask participants to make up a song about it. Using popular tunes can make it easy for people to remember the things they learned.

PARTICIPANTS WITH READING DIFFICULTIES

Sometimes there will be participants in your training workshop who have difficulties with reading and writing. You need to be aware of this, although it is not a good idea to ask participants in front of everyone else if they can read and write because this could embarrass them.

Many of the training exercises involve case studies and other methods that require some reading and writing. If there are participants who will find this difficult, there are a few things you can do. One option is to make sure there is one member of each group who can read and write so they can read out case studies or questions and write down ideas or answers for the rest of the group. If there are not enough participants who can read, you or another facilitator can read out case studies and help groups to record their answers. You can also think of other ways that groups can record ideas and answers such as through drawings or simply by remembering them.

All activities in this guide can be easily adapted so that all participants, including those with reading difficulties can be actively involved.
A lesson plan is like a road map. If you want to travel somewhere, but you are not certain of the correct route, you can use a map. To use a map you should look for the starting point, the final destination, and the points you need to pass along the way. A lesson plan works in a similar way. The start point is the aim of the lesson, and the final destination is achieving that aim. But to get to this destination, there are steps that you must take to get there.

The lesson plan used in the guide is broken down into clear steps. Below is a summary of these main steps.

**AIM**

The Aim is what you want to achieve with the lesson, and what you want participants to learn or understand by the end of the lesson.

Example:

AIM: Participants will share what they already know about mining. They will have an opportunity to tell others about any experience or knowledge they may have of mining in their provinces.

**MATERIALS**

This is a list of things you will need to teach the lesson. You should have all of the items ready before starting the lesson.

Example:

MATERIALS: Flipchart or whiteboard, markers, ball, copies of Handout 1.

**METHODS USED**

This is a list of all the interactive teaching techniques used in the lesson.

Example:

METHOD(S) USED: Brainstorming, large group discussion, drawing.
PROCEDURE / TIME BOX

The left column of this box contains a list of the procedures you should follow to run the lesson. The right column of the table indicates the amount of time required for each step. The total time needed to complete the whole lesson is shown at the bottom. This box is very useful for preparing the workshop agenda.

Example:

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Time Frame (in minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 - Brainstorm and open discussion</td>
<td>30</td>
</tr>
<tr>
<td>Step 2 - Introduce information from Section 1</td>
<td>20</td>
</tr>
<tr>
<td>Step 3 - Debrief</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>60</strong></td>
</tr>
</tbody>
</table>

LESSON INSTRUCTIONS

After the procedure box, the manual gives step-by-step instructions on how to teach the lesson. The steps correspond to the steps in the procedure table. If the instructions relate to an exercise, you will see this icon:

Instructions for exercises will usually appear in bulleted lists with a clear explanation of how to conduct the exercise. For example:

**BRAINSTORM & OPEN DISCUSSION:**

- Start the lesson by writing “MINING” on the whiteboard or flipchart in big letters. Ask for a volunteer to read it out loud to the rest of the group.

- Explain that this will be the subject for the training, and that the group will do a brainstorm and open discussion session, to find out what people already know about mining.

- Pass around some pictures of the mining process (see Handout 1). The pictures show different types of mining.

- For the next 20 minutes the group will have an open discussion on what they already know about mining, and share experiences they have had with mining in their area.
When you need to teach from the text, you will see this icon:

Before the text, you will see a grey box that explains the main learning points for that lesson. For example:

**INTRODUCE INFORMATION: WHAT IS MINING?**

Introduce the following information. It is important that participants understand:

- What mining is.
- Some of the different types of mining.
- Why it is important to know more about mining.

**DEBRIEF**

The last step in any lesson is the debrief. The goal of a debrief is to evaluate whether the Aim of the lesson was achieved. It is very important that you do not simply summarize the information contained in the lesson, as this will not allow you to check whether or not the participants learned the main points. You can check whether the Aim was achieved by using activities such as questions and answers, by asking participants to summarize the lesson, or by using fun games such as quizzes. A debrief will look like this:

**DEBRIEF:**

- Before ending the lesson, ask a participant to tell the group what the definition of mining is. Ask other participants to give examples of different types of mining.

- Explain that during the rest of this module we will look in more detail at the mining process, impacts of mining, the legal framework for mining in Cambodia and things that you can do if you think a mine is causing, or is likely to cause, you and your community harm.
FACILITATION SKILLS

As a facilitator there are many different things to think about, including the lesson content, exercise instructions, and what materials are necessary. At the same time, you must be aware of the way you behave and the way you present the lessons. It is important that participants respect you and feel respected, and that they are comfortable doing the exercises and contributing. Below are several tips on how to be a good facilitator. This may be a lot to remember, but over time these skills will start to come naturally.

PREPARATION

If you know the lesson very well you will be more confident, you will be able to teach more clearly and participants will have more confidence in your ability. It is important to be confident about the information you are teaching, and know what materials you will need and what instructions you should give to participants.

Make sure the venue, snacks, handouts, materials and any equipment you need is organized at least one week before the actual training.

TIME MANAGEMENT

It is important that you are flexible. If participants find a lesson difficult you may need to take more time to explain things. If it is easy for them, or they are already familiar with the content then you may be able to move faster through the materials. However, if you have a busy schedule and many subjects to teach you will have to keep to the timetable as much as possible.
BODY LANGUAGE

Let the participants know that you are enthusiastic and want to teach. It is important to stand up straight, move around the class as you teach. Make sure you look at all of the participants – not at the floor, or out the window, and not just at the participants directly in front of you. Your body language should not make the participants feel uncomfortable, for example, you should not point at people. If someone is answering a question, do not stand over them or look down at them. Instead, show interest and encourage them by giving praise and polite correction if necessary.

TRY NOT TO LECTURE

Sometimes lecturing can seem like the easiest way to teach new information. However, as discussed above, this is the least effective way to teach. All the training methods described above are ways to teach the information without lecturing. If you find yourself speaking for too long, stop and ask some questions or introduce an activity. Lectures can often be turned into questions and discussions. This way, the participants discover the information themselves, rather than just being told. This method may take longer but it will be much more interesting and effective for the participants and you.

CHECK FOR UNDERSTANDING

Good facilitators will check for understanding throughout the lesson. But, do not teach for one hour and then ask at the end “Do you understand?” You can check participant understanding every few minutes by asking questions or asking for volunteers to summarize. Remember to not always ask the loud and confident participants to summarize the content of the lesson. It is important to also check that the quieter participants understood the lesson too.

ENCOURAGING THE QUIETER PARTICIPANTS

In every training there are quieter participants who feel shy or may have some learning difficulties. In some cases, women or people from minority groups are quieter and do not volunteer to answer questions, even when they have something to say.

It is very important to try to help the quieter participants feel more comfortable and relaxed by smiling at them and giving them more attention without making them feel embarrassed. You can try to encourage them to answer questions or be the spokesperson for their group and give them plenty of praise when they do so. It helps to give the quieter participants extra attention in the breaks as they might feel more comfortable talking about what they learned or asking you questions one-on-one.
BUILD A GOOD RELATIONSHIP WITH THE PARTICIPANTS

Try to develop a friendly relationship with participants. You can do this by:

- Greeting them as they enter the training room;
- Calling them by their name;
- Asking them questions about themselves and telling them something about yourself;
- Encouraging the participants to become involved in the lessons;
- Talking to them on a one-on-one basis before and after lessons and during breaks (especially some of the quieter participants);
- Giving participants a chance to share personal stories;
- Joining participants for lunch; and
- Praising good work and good contributions and encouraging participants who are shy or find learning more difficult.

ENERGIZERS

It is important that you keep the participants interested. If participants are not interested they will not listen well, and they will not remember what they have been taught.

A way to avoid this problem is to do short “Energizer” exercises between lessons, or whenever you feel that participants are getting tired or losing interest. You may often need to do energizers towards the end of the day, or just after lunch when participants are feeling tired. Energizers include songs, dances, games, stories, and any other activities that get the participants moving around and having fun.
EVALUATIONS

After training, it is important to find out how the participants felt about the training. This is done through evaluation. Evaluations can be done in a number of different ways and can be conducted at different times. The best time to evaluate is usually at the end of each day of training. Sometimes it is also a good idea to evaluate the training several weeks or even months later, this way you can check what the participants have remembered.

You can conduct evaluations by simply speaking with participants and asking questions. This can be done with the whole group or with a smaller focus group. This may be useful if participants are illiterate. Another useful way to evaluate is by handing out evaluation forms.

Whichever method of evaluation you choose to pursue, you should ask the following questions in the evaluation:

- Did you understand the lesson?
- Was the information useful?
- Which lessons were most useful and which were least useful? (You can also ask participants to rank the lessons.)
- Did the facilitator do a good job?

By asking these questions, you will be able to adapt and improve for future trainings.

In addition, trainers and observers can evaluate the training by making their own notes on how successful they thought the exercises were and how well the participants appeared to understand.

KEEPING RECORDS

Finally, it is important to keep records when you conduct training. It is useful for yourself and also useful to share with others if you are a member of a network or working at an NGO. After a training you should record:

- Who you have trained (including how many men and how many women);
- Where you held the training (province, district, village, and venue);
- Which topics you taught;
- How you think the training went (for example, did participants understand the lessons? Were the lessons enjoyable?); and
- What response you had from the participants (positive or negative evaluations).
Mining is a huge industry all across the world. Every day we use things that are made from the products of mining. Cars are made from steel and drink cans from aluminum. Mobile phones contain a metal called coltan, and batteries often have cadmium inside. These minerals are mined from under the ground.

A lot of money can be made from the sale of mineral resources. When a country manages these resources well, the benefits can reach local people and raise important funds for the national budget. Unfortunately, this is not always the case, and there are many examples of local communities being devastated by mining operations. Some countries have very poorly managed mining sectors, in which the revenue disappears and never makes it into the national budget. In these cases, a small group of people benefit, rather than the general population. Mining can also have very harmful impacts on local people and the environment.

In this module, we will look at the basics of what mining is, what its impacts are and how it affects local communities.

OUTCOMES

After completing this module, participants will:

1. Know what mining is and know about some of the different types of mining.
2. Know the main steps of the mining process.
3. Be aware of some of the potential benefits of mining.
4. Be aware of some of the potential negative impacts of mining.
5. Know what Environmental Impact Assessments (EIAs) are and understand what public participation involves.
LESSON 1: PARTICIPANTS’ EXPERIENCES

AIM: Participants will share what they already know about mining. They will have an opportunity to tell others about any experience or knowledge they may have of mining in their provinces.

MATERIALS: Whiteboard/flipchart, markers, copies of Handout 1.

METHOD(S) USED: Brainstorm, open discussion, pictures.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Time Frame (in minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 - Brainstorm and open discussion</td>
<td>30</td>
</tr>
<tr>
<td>Step 2 - Introduce information: 1. What is Mining?</td>
<td>20</td>
</tr>
<tr>
<td>Step 3 - Debrief</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>60</strong></td>
</tr>
</tbody>
</table>
BRAINSTORM & OPEN DISCUSSION:

- Start the lesson by writing “MINING” on the whiteboard or flipchart in big letters. Ask for a volunteer to read it out loudly to the rest of the group.

- Explain that this will be the subject for the training, and that to start with we are going to do a brainstorm and open discussion session, to find out what people already know about mining.

- Pass around some pictures of the mining process (see Handout 1). The pictures show different types of mining.

- For the next 20 minutes the whole group will have an open discussion on what they already know about mining, and share experiences they have had with mining in their area.

- Encourage everyone to join in, and reassure people that they do not have to worry about making a mistake. The aim of this lesson is to share stories and find out what participants already know about mining. We will study mining in more detail in the following lessons.

- As people look at the pictures, try to keep the discussion as free as possible. If you need to encourage people to join in, you can use these questions (or questions like these):
  - Who has heard of mining before?
  - Have you ever seen a mine?
  - What do you think mining is?
  - Do you know what is happening in these pictures?
  - Are you involved in any of these mining activities?
  - Do you know anywhere where these things are happening?
  - Have you been affected by a mine?
  - What impacts did the mine have on your community?
1. WHAT IS MINING?

INTRODUCE INFORMATION: WHAT IS MINING?

Introduce the following information. It is important that participants understand:

- What mining is.
- Some of the different types of mining.
- Why it is important to know more about mining.

Notes:
As you go through the different types of mining you may want to stop and ask if any participants have ever heard of the types of mining you are discussing. If there is time, before moving on to Section 1.2, ask participants why they think it is important to know more about mining.

Mining is the process whereby people and companies take minerals, rocks and precious stones out of the ground or from water. There are many different types of mining, ranging from small-scale to large-scale projects. Some individuals and families make a living by mining for gold and precious gemstones. Sometimes these are one-person or one-family operations, and sometimes these are companies that have permission to mine over very large areas. These companies may employ laborers to work on their mining projects, using heavy machinery and extracting many tons of mineral or rock from the ground.

Cambodia has a number of valuable minerals, including gold, ruby, sapphire, copper, zinc, bauxite, iron, coal and sand. Because of Cambodia’s recent construction boom, there is also a demand for materials like gravel, cement and crushed rock. According to the law, all of the mineral resources in Cambodia are State property.¹

Until recent years there has not been very much investment in mining in Cambodia, but this is changing. Mining is predicted to become a huge industry in Cambodia, and if it does, it is likely to affect the lives and land of tens of thousands of people.

1.1. DIFFERENT TYPES OF MINING

There are many different methods used for mining. The methods used depend on many things, including the type of material being mined, how much there is and how deep in the ground it is. Sometimes mining can be done on or close to the surface of the ground, while other times deep tunnels must be dug to bring the materials out of the ground. Below are some common forms of mining:

**Underground mining:** This involves digging into the ground and making tunnels and shafts for taking out minerals. This does less damage to the surface but can be quite dangerous for miners, as they have to spend long periods of time deep underground. Sometimes it can be dangerous for people who live on the land above these tunnels because the land can collapse.

Open-pit mining: This method is used when minerals are found close to the surface. It involves cutting into the earth from the surface. Open pit mines can be very big. This type of mining produces a lot of waste and can cause great damage to the environment.

Leaching: Pieces of rock are broken into small pieces and then a chemical is sprayed over them. The chemical dissolves the rock surrounding precious minerals, such as silver or gold, which can then be collected as the chemicals run off. The chemicals used are often very poisonous chemicals like cyanide. There is a high risk of the chemicals polluting the environment if this is not used responsibly.

Dredging: Taking sand or sediment from the beds of rivers, lakes or sea. This is very common in Cambodia at the moment. Boats take material from under the water and filter out the valuable sand. The sand is often then sold to construction companies.

Mountain-top removal: This involves using explosives to blast away the tops of mountains to get to the mineral or rock underneath. This is method is often used for extracting coal and limestone. It makes a lot of waste rock, which is usually dumped in nearby areas. Sometimes the mountains need to be deforested first.

Here the black shows layers of minerals. In mountain-top removal mining, the rock and earth between each mineral layer needs to be blasted away to access the minerals.
**Small-scale mining:** This usually involves individuals or small groups of people who use basic instruments. When someone works for themselves, rather than a company, this is sometimes called artisanal mining. Millions of people across the world make a living as artisanal miners, who do farm work during one season and mining during another season. Artisanal mining is often unregulated, so health and safety can be a problem. Sometimes artisanal miners use chemicals like mercury, which can be very harmful to the environment and people’s health if not used properly.

### 1.2. WHY IS IT IMPORTANT TO KNOW MORE ABOUT MINING?

Mining produces many valuable products that we use every day. For example, the products of mining are used in cars and motorbikes, cell phones and jewelry. Cement and sand are used for construction, and coal is used to make electricity. Though these things are important in our day-to-day lives, if mining is not regulated and conducted in a responsible way, the negative impacts can be very serious. For example:

- Mining can displace people from their homes and livelihoods;
- Chemicals used in mining can poison the land and rivers;
- The area around a mine may become unsafe because of the heavy equipment and use of explosives; and
- If waste products are not dealt with properly, they can be harmful to the environment and health of people around the mine.

Responsible companies often start social programs to balance the negative impacts. They may employ some local people to work in the mines, start educational projects and build local infrastructure. However, very often this does not happen, and the wealth from the extracted minerals may go to just a few powerful and wealthy individuals and companies, while providing little benefit for local people and the country as a whole.

In the following lessons we will look in more detail at the mining process, the impacts of mining, the legal framework for mining in Cambodia and what you can do if you think mining activities are causing, or are likely to cause, you and your community harm.

**DEBRIEF:**

- Before ending the lesson, ask a participant to tell the group what the definition of mining is. Ask other participants to give examples of different types of mining.

- Explain that during the rest of this module we will look in more detail at the mining process, impacts of mining, the legal framework for mining in Cambodia and things that you can do if you think a mine is causing, or is likely to cause, you and your community harm.
HANDOUT 1 – LESSON 1
LESSON 2: THE STAGES OF THE MINING PROCESS

**AIM:** Participants will be aware of the different stages of the mining process.

**MATERIALS:** Whiteboard/flipchart, markers, copies of Handout 2.

**METHOD(S) USED:** Pictures, ordering process, discussion.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Time Frame (in minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 - Introduce information: 2. The Steps of the Mining Process</td>
<td>25</td>
</tr>
<tr>
<td>Step 2 - Groups order pictures of the mining process</td>
<td>25</td>
</tr>
<tr>
<td>Step 3 - Groups discuss their order choice for pictures and give feedback to other groups</td>
<td>20</td>
</tr>
<tr>
<td>Step 4 - Debrief</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>80</strong></td>
</tr>
</tbody>
</table>
2. STEPS IN THE MINING PROCESS

INTRODUCE INFORMATION: STEPS IN THE MINING PROCESS

Introduce the following information. It is important that participants understand:

• The main stages of the mining process.

Notes:
Before starting the lesson, copy the simple diagram showing the steps of the mining process onto a piece of flipchart paper. The diagram is just below this box.

To start the lesson, show this diagram to the whole group and ask different participants to read out a step in the mining process. Explain that these are the main stages of the mining process, and the participants will learn more about each stage during the lesson. You can look back at this diagram as you teach each stage in the following lesson.

The process of setting up a working mine includes several stages, which can take time and be very expensive. Below is a simple diagram of the main steps in the mining process:

![Diagram of mining process]

Below is a detailed explanation of what happens in the mining process at each step.
2.1. PROSPECTING

A company uses satellite pictures to look at the land. From these pictures they may identify “interesting areas” where they predict there may be some deposits of minerals. The size of the area where they look using this technique can be hundreds of kilometers wide.

After companies find areas where they believe there may be minerals, company employees begin prospecting in these places. This involves taking samples from the ground by digging small pits or trenches and taking soil and water from the surface. These samples are then tested for signs of minerals. This action requires an agreement with the Government, but it does not yet require a license.

The most common way companies identify where good sources of minerals are without having to do ‘prospecting’ is by looking in places close to where existing mining operations have already had success, and also in areas where artisanal miners are already mining for minerals.

2.2. EXPLORATION

If results from prospecting show that there may be high levels of minerals then the company may begin exploration. Exploration is similar to prospecting, but it is more intense, it can involve drilling deep holes to take mineral samples from underground, and it is more expensive than prospecting. Usually, in the exploration stage the company will drill small holes in the ground at a regular distance apart from each other. This allows the company to get an idea of where, under the ground, the minerals are most concentrated.

Exploration samples are tested to find out the quantity and quality of minerals present under the ground. Companies need an ‘Exploration License’ before they can begin exploring. Exploration can go on for months and sometimes years.

However, mining companies often do not find a good source of minerals during the exploration stage. In fact, most mineral exploration operations do not turn into mineral exploitation operations. (Mineral exploitation is discussed in more detail below).
Usually the area covered by a mineral exploration license is very large. However, the area exploited is often a very small portion of the area explored, and dependent on what minerals the company finds.

Cambodian law states that before a company starts exploring, the company should first study the impacts the exploration is likely to have on the environment and people in the area. This is called an Environmental Impact Assessment (EIA) and is discussed in more detail later. Currently, the Government only requires an EIA when the company reaches the mining stage of the process.

### 2.3. FEASIBILITY STUDY

The next stage in the process is for the company to study whether or not they can make a good profit from mining inside this area. The company finds this out by doing a feasibility study. To do this, the company uses the exploration samples to estimate the economic value of the mineral deposits. However, the mineral deposit is not the only thing that determines the value of the operation. As well as assessing how much it will cost to mine the minerals, and how much the minerals can be sold for, the company will also want to be sure that their financial investment is safe. To determine this, the company will also consider other factors, such as:

- Whether there is appropriate infrastructure (such as roads, railways, and ports) in place to conduct mining and export the minerals.
- What kind of taxes the company has to pay for their operations.
- What the national law and regulations require.
- Whether the country is politically and socially stable.
Before a mining company makes the decision to invest a lot of time and money in developing a mine, it will want to be sure that the country is stable and has a political and economic situation that is good for their long-term business plans. If the findings of the company’s feasibility study are positive, they will start looking for a financial institution to borrow the large amount of money it needs. This process can take a lot of time – sometimes years. In this time the company may begin the community interviewing and environmental surveying process to develop the EIA document. We will discuss this in more detail later.

### 2.4. COMPANY RECEIVES INDUSTRIAL MINING LICENSE

If the company thinks the mine will make a profit, it may decide to develop the project. To do this, it must get the necessary approval and licenses from the Government. In addition to applying for a license, the company must sign a contract and agreement on where the mining will take place, how long it will continue and what minerals will be mined. The law states that the company must first complete an EIA before they are considered for a license.

In addition to completing the EIA, the company must also demonstrate to the Government that it is financially secure. This means it must show the Government where they are receiving their funding from and demonstrate that this source of income is a long-term guarantee.

If a company receives an Industrial Mining License, it can start exploitation. This is why an Industrial Mining License is sometimes called an ‘exploitation license’ – they are the same thing. We will discuss mining licenses in more detail later.
2.5. BUILDING, MINING AND PROCESSING MINERALS

After the company has the necessary approval and licenses, it can start exploitation. Exploitation is the process of taking a large amount of material from the ground and processing it into minerals that can be sold. To do this the company will first need to build the buildings and infrastructure necessary for mining. This will include plants to process the minerals, water, electricity supplies, and sometimes roads to transport minerals and workers.

The mining company will often hire contractors to do some of this work. For example, a mining company may hire a local construction company to help build roads.

After the necessary infrastructure is complete the mine can start working. Minerals that are mined may be processed in the mining area and then transported away from the mine, or the minerals may not be processed on-site but instead transported in raw-form, before they are processed. This depends on what kind of mineral is being extracted.
The processing of material from under the ground sometimes involves using chemicals to separate the mineral the company wants, for example gold, from the rest of the material that comes out of the ground. The chemicals used in processing can have harmful effects on people and the environment. We will discuss these problems in later sections.

2.6. DECOMMISSIONING AND CLEAN-UP

After the period of the mining license has expired, a company can either apply for a new license or stop working. After a mine closes, it is important that it is decommissioned.

Decommissioning means closing the mine and cleaning up the surrounding area so that it is safe. Before a company receives approval from the Government to mine, there should be a plan for decommissioning. Decommissioning can include removing chemicals and other waste products, replacing soil and earth, filling in pits, planting vegetation and cleaning water. If this is done properly it can cost many millions of dollars, but very often it is not done well. The law in some countries requires a company to put money into a secure bank account, before beginning operations, to be used to clean-up the area when the mine closes.
GROUPS ORDER PICTURES OF THE MINING PROCESS:

- Make copies of Handout 2. You will need one copy of Handout 2 for each group of participants. Copy both the pictures and the descriptions. Use scissors to cut out each description.

- Divide the participants into five groups and give each group of participants a set of the pictures of the mining process. Also give them a set of the short descriptions of what the company and the Government is doing at each step of the mining process.

- Tell the participants they have 25 minutes to work together in their groups to place those pictures in the correct order together, with the correct description.

GROUPS GIVE FEEDBACK AND DISCUSS PICTURES:

- For this session, make sure you have a set of your own pictures. As the participants give you the correct answers stick these pictures on to the wall in the correct order.

- Make sure the pictures are in a place that is visible to all participants as you will use them in future lessons. Make sure that all the groups participate, and if possible, ask participants to help you stick the pictures up in the correct order.
Suggested Answers:

1. Prospecting

Company staff look at satellite pictures and investigate interesting areas. They take some soil and water samples.

2. Exploration

Company receives Exploration License and starts to drill for samples.
3. Feasibility study

The company researches the conditions in the country and decides if a mine is financially and practically possible. The company starts to undertake an EIA at this point.

4. Company receives an Industrial Mining License

The company finishes its EIA, and together with documents showing the company is financially stable, it can now receive an Industrial Mining License from the National Government.

5. Building, mining and processing minerals

Infrastructure is built and the mine starts to operate.
6. Decommissioning and clean up

DEBRIEF:

- To debrief the lesson, run through the stages once more. Ask a different participant to summarize each of the stages shown in the pictures.

- Explain to the participants that they will look back at these stages throughout the training, especially when they learn about the EIA process.

- If there is time, ask participants at what stages in this process they think local communities should be consulted by the Government and the company. This should only be a brief discussion, as it will be discussed in more detail later.

After the mine stops working the area is cleaned-up.
Company receives Exploration License and starts to drill for samples.

The company finishes their EIA, and together with documents showing the company is financially stable it can now receive an Industrial Mining License from the National Government.

The company researches the conditions in the country and decides if a mine is financially and practically possible.

The company starts to undertake an EIA at this point.

After the mine stops working the area is cleaned-up.

Infrastructure is built and the mine starts to operate.

Company staff look at satellite pictures and investigate interesting areas. They take some soil and water samples.
**LESSON 3: WHAT ARE THE POTENTIAL BENEFITS OF MINING?**

**AIM:** Participants will think about some of the potential benefits of mining and decide whether or not they think these benefits are actually likely to happen.

**MATERIALS:** Whiteboard/flipchart, markers.

**METHOD(S) USED:** Drawing, discussion.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Time Frame (in minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 - Introduce information: 3. Potential Benefits of Mining</td>
<td>20</td>
</tr>
<tr>
<td>Step 2 - Groups draw pictures of positive impacts of mining</td>
<td>15</td>
</tr>
<tr>
<td>Step 3 - Groups discuss drawings together</td>
<td>30</td>
</tr>
<tr>
<td>Step 4 - Debrief</td>
<td>15</td>
</tr>
<tr>
<td>Total:</td>
<td>80</td>
</tr>
</tbody>
</table>
As we discussed earlier, mining could soon become a major industry in Cambodia. In this section and the next, we will look at some of the potential benefits and negative impacts of mining. If you are personally affected by a mining operation, or you know someone who is, you may already have strong opinions about whether large-scale mining is a good thing or a bad thing. However, it is still important to think about how and why people support this kind of development.

People in the mining industry and in the Government often talk about the benefits that mining can have. Below are some of the arguments that you may have heard discussed by those who support mining in Cambodia.

Remember that the points below are not facts. They are just some of the main ideas that people – usually supporters of mining – give as reasons for developing mining projects. In some cases these benefits may happen and in some they may not.

**3. POTENTIAL BENEFITS OF MINING**

**INTRODUCE INFORMATION: POTENTIAL BENEFITS OF MINING**

Introduce the following information. It is important that participants understand:

- People, companies and authorities that support the granting of large mining concessions often mention a number of benefits of mining.
- Not everyone agrees that these benefits ever happen, especially for people who suffer directly from the negative impacts of mining.
- Even if you do not agree with the arguments in favor of mining, it is important to know what they are so you can challenge them if necessary.

**Notes:**

Before teaching from this section, make sure you explain to participants that you are going to discuss some of the arguments often put forward by those who support large mining developments. Some people in the group may not agree with them, and they will get a chance to discuss this during this lesson and the next lesson.

As we discussed earlier, mining could soon become a major industry in Cambodia. In this section and the next, we will look at some of the potential benefits and negative impacts of mining. If you are personally affected by a mining operation, or you know someone who is, you may already have strong opinions about whether large-scale mining is a good thing or a bad thing. However, it is still important to think about how and why people support this kind of development.

People in the mining industry and in the Government often talk about the benefits that mining can have. Below are some of the arguments that you may have heard discussed by those who support mining in Cambodia.

Remember that the points below are not facts. They are just some of the main ideas that people – usually supporters of mining – give as reasons for developing mining projects. In some cases these benefits may happen and in some they may not.

**3.1. DEVELOPMENT AND FINANCIAL BENEFITS**

1. **Wealth creation** – Mining can create a lot of wealth. Minerals, rocks and precious stones can be very valuable, and when they are exploited in large amounts they can be sold for a lot of money. Part of this wealth could be reinvested in the country through fees for licenses, land rental, taxes and royalties on all the minerals the company takes from the ground.

   Mining could raise money for the national budget. However, in countries with problems of corruption, it is sometimes very difficult to see if these revenues are properly collected. If they are collected, it is often difficult to see whether the money goes to the correct place, or if it is actually used to make improvements in the lives of ordinary people.
Some people question where mineral wealth goes. Very often, local people do not see the benefit of this wealth.

2. **Increased investment** – If mining is promoted in Cambodia, it may increase investment by both local and international companies. This could lead to improved techniques, access to better equipment and more investment in the country as a whole.

   Also, secondary local investments may also increase, as people sometimes establish successful small businesses near large mine sites, supplying mine workers with services such as restaurants and accommodation. However these businesses only last as long as the mine does.

3.2. **BENEFITS FOR LOCAL PEOPLE**

1. **Employment** – Companies often say they will hire local people to work in mines. There are benefits to this. For example, in some cases, mining can provide jobs all year round and thus could provide a more stable income for people who usually depend on a good agricultural season to make a living from farming. Mining can also provide seasonal work to farmers in the dry season. However, promises of employment are often not kept and modern mining operations sometimes do not require many people to run them. So after the initial building stage, the company rarely requires large numbers of employees.

2. **Skills** – It is sometimes claimed that people working in the mine will be trained in new skills, and that this could make them more employable in the future. However, local people are usually employed in low skill jobs, such as driving trucks, and the more highly skilled laborers are brought in from outside.
3. Improved infrastructure – Infrastructure such as roads, irrigation and power supply are still of low quality in many areas of Cambodia. In order for a large mine to function, improvements need to be made to infrastructure. Local people may benefit from this development as well. Unfortunately, there are examples in some parts of the world where mining companies build new roads, or improve water and electricity supply, and then charge locals a high price for using them. In other cases, community land is taken to build infrastructure for the mine.

4. Education and Social Programs – Some mining companies invest money in education and social services in the areas where they work. For example, they may build a school or medical center, or donate supplies. This is good for local communities, as long as they are allowed equal access to the new services, they are affordable, and communities are consulted before they are delivered. The sustainability of these services must also be planned for after the mine operators have left the area.
• Explain to the participants that although they may not agree that all of these benefits will happen, it is important to try and see the full picture. It is likely that supporters of mining will talk about these benefits, so it is important that you understand them and that you are able to respond if necessary.

DEBRIEF:

• To debrief the lesson, ask participants to summarize some of the potential benefits that mining concessions may have.

• Ask participants to look at the pictures of the mining process that were stuck on the wall during Lesson 2. Ask participants if they can think of where in this process these benefits may come about. For example, during the stage of building the mine, local people may be employed to do construction work.

• If there is time, you can stick notes on the wall in the appropriate stage of the mining process showing where the positive impacts may come.

• Before ending the lesson, remind participants why it is important to assess the potential benefits of new developments, such as mining projects, as well as the negative impacts. If there are truly benefits, then acknowledging those benefits will help you to advocate softly with the Government and the company to address the negative impacts.

• If there are not any benefits, it is still good to think about what the supporters of the project are going to say to defend their project so you can counter their arguments.
LESSON 4: WHAT ARE THE POTENTIAL NEGATIVE IMPACTS OF MINING?

AIM: Participants will identify and discuss the potential negative impacts of mining. They will understand that these impacts can be far-reaching and are often connected to each other.

MATERIALS: Whiteboard/flipchart, markers, copies of Handout 3.

METHOD(S) USED: Brainstorm, drawing, discussion, case study.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Time Frame (in minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 - Participants brainstorm negative impacts of mining</td>
<td>20</td>
</tr>
<tr>
<td>Step 2 - Introduce information: 4. Potential negative impacts of mining</td>
<td>20</td>
</tr>
<tr>
<td>Step 3 - Groups discuss case study and identify negative impacts</td>
<td>30</td>
</tr>
<tr>
<td>Step 4 - Debrief</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>90</strong></td>
</tr>
</tbody>
</table>
PARTICIPANTS BRAINSTORM NEGATIVE IMPACTS OF MINING:

- Before introducing the information from the text, brainstorm the possible negative impacts of mining with the participants.

- If you are using a whiteboard, draw a line down the middle and write “Impacts on the Environment” on one side and “Impacts on People” on the other. If you are using a flipchart, use a piece of paper for each.

- For the next 20 minutes ask participants to suggest possible negative impacts of mining. These could be impacts they have seen or experienced, impacts they have heard or read about, or just ideas of their own.

- Write the answers down on the flipchart paper under either “Impacts on the Environment” or “Impacts on People”. If possible ask a volunteer participant to help you do this.

4. POTENTIAL NEGATIVE IMPACTS OF MINING

INTRODUCE INFORMATION: POTENTIAL NEGATIVE IMPACTS OF MINING

Introduce the following information. It is important that participants understand:

- There are many cases across the world where mining has had serious negative impacts.
- The negative impacts that mining projects can have on the environment.
- The negative impacts that mining projects can have on people.
- Impacts are often connected, and harm to the environment often leads to harm to people.
- The unique impacts that mining projects can have on women.

Notes:
When you introduce this information, make sure to link this information to the answers and ideas that participants gave during the brainstorm.

For example, if a participant said that pollution is a possible negative impact of mining, but did not go into detail, you can add information from the text. Do this with other points, and add any new impacts that were not mentioned during the brainstorm.
There are many potential negative impacts associated with mining. Although mining companies and others who support mining operations may talk about the benefits, these benefits rarely find their way back to the local community. Very often, local people bear the costs and outsiders benefit. Wealthy companies and powerful individuals can become richer, while the environment and local communities are harmed.

Looking around the world you will see that many very poor countries have a lot of valuable mineral resources, yet their people remain poor. In some cases they have become poorer, even though the resources are sold for a lot of money – this is sometimes called the resource curse.

Now we will look at some of the negative impacts that mining can have on the environment and on people. Remember that these impacts do not always happen, and all cases are different. However, the impacts below have been seen in many different cases across the world.

### 4.1. NEGATIVE IMPACTS ON THE ENVIRONMENT

1. **Chemical pollution** – Mining operators sometimes use very poisonous chemicals. These chemicals can poison the land, birds, fish, cattle and sometimes people. This is especially the case where minerals are processed at the mine site. For example, gold mining often uses cyanide to process the raw mineral, which can cause a lot of health and environmental problems if not treated properly.

   Even after a mine is closed these chemicals can continue to leak out. They can travel in groundwater, streams and rivers, and if they get into people’s bodies they can cause serious illnesses, including cancer.

2. **Noise, dust, smoke and vibrations** – Mining and construction work creates a lot of noise, dust and vibrations, which can disturb local people and local wildlife, especially if the mine uses explosives. When a mine is operating there is often an increase in heavy traffic as large trucks will need to transport rocks and minerals. Dust and smoke can be breathed in and cause health problems for people living and working near the mine.

3. **Waste products** – Mining produces a lot of waste rock and stone. This is often dumped in valleys and can block up rivers and streams.
4. **Water use** – Mining often uses many millions of liters of water, particularly when minerals are processed at the mine site. This means that local water supplies can get used up, making it harder for farmers to irrigate their crops and keep livestock.

5. **Forest clearance** – To build the mine there will often be some forest clearance. Building new roads and improving electricity and water supply may also lead to forest clearance. Once good roads are in place there may be an increase in illegal logging, as loggers will have better access to the area. Sometimes irresponsible companies, with a license to explore for minerals will clear the forest within the license area and sell the timber to make extra money.

6. **Destruction of habitat** – Destroying forests and mountaintops also destroys the habitat of animals, and can threaten their survival.

---

**CASE STUDY: MINING COMPANY POLLUTION IN BANTEAY MEANCHEY**

In 2000, a Korean company set up a gold mining operation in Banteay Meanchey Province. Soon after the company began operating, community members started to notice some serious impacts.

**Impacts**

The biggest impacts were from pollution of the water supplies. Local fishermen have noticed a big reduction in the size of catches, and fish can often be seen dead and floating on the top of the water. The skin of the fisherman has bad sores on it after they go fishing. They say that this has only happened since the mine began working.

Local people report many health problems from consuming the local water supplies. Bloated and irritated stomach, headaches and diarrhea are common symptoms. It is difficult for the local people to boil the water regularly, because they are poor and do not have facilities to do this easily. Before this, people did not need to boil water.
Animals have also suffered from consuming the water. Villagers reported that a cow got very sick after eating in a field where this polluted water was. The cow later died and had blood coming from its hooves, mouth, nose and ears. Other cattle are reported to have suffered in similar ways.

Local villagers also reported difficulty in growing rice after the change in water quality. They reported that the rice was often fruitless and stale. Villagers say that previously when there was a flood, they could grow rice a few days later, but now after flooding, all their rice dies within 7 days.

**Testing**
The villagers were given assistance in testing the water in several places. The tests showed that the acidity of the water was very high in many places. Mercury levels were also reportedly high (mercury is a very toxic chemical often used in gold mining). Testing also showed that the water was discolored.

**Information Gathering**
Armed guards of the company have refused entry to people, so they have been unable to collect information about the mine. Village chiefs, local NGO workers, two District Governors and a UN delegation have all been refused entry into the mine site. Only the Ministry of Agriculture has been given permission to enter from the company.

In some cases where people were refused entry, a person from the Ministry of Information has telephoned them and said there is no need to do any investigation on this company because they have a legal license to conduct exploration. This is despite all the impacts that the affected communities have been experiencing.

### 4.2. NEGATIVE IMPACTS ON PEOPLE

1. **Labor** – Often companies promise that they will employ local people however, they do not always keep their promises. Modern mining techniques have resulted in a need for less and less employees. Often mining companies will employ outsiders or foreigners with more experience than local people, and they do not train locals to do more skilled types of work. The time when companies will most likely need local people is during the construction of the mine. After this stage is finished, local builders are no longer needed, meaning the work is often short-term. Also, conditions are sometimes poor for company workers, who may face serious health and safety problems from dangerous work.

2. **Impacts on women** – Impacts from mining can be especially severe for women. Women are often much less likely to be consulted about the mining operation, or about the amount or type of compensation they are entitled to by the company.

   Jobs offered to the community are rarely given to women. This means only men are paid, so the men control the family’s income. This can also cause problems as there are often places close to mine operations where men can spend money on alcohol and sex workers. Men that do visit sex workers are more likely to pass diseases such as HIV/AIDS to their wives. Increased consumption of alcohol can result in increased incidents of violence, including domestic violence towards women.
In many rural areas it is often the family responsibility of females to prepare food and collect water for cooking and washing. Therefore, environmental pollution from mining can seriously impact women. Women and children may also have to travel further to find clean water sources. This can increase stress on women.

3. **Encroachment** – It is reported that some mining concessions in Cambodia have encroached on the land of other people. This can impact on the livelihoods of farmers, and if they lose farmland, or land that their animals graze on, it can make it difficult for them to continue to support themselves. Many people fear that they may lose land or even be displaced from their homes by concessions, and have to move to a new area.

4. **Displacement** – People may have their land taken because it is overlapped by a mining concession, or they may be forced to leave because they can no longer access forests or fisheries, or because water supplies have dried up. Displacement caused by mining is a problem faced by communities all over the world.

5. **Access** – Some mining operations have blocked people’s access to the roads, paths and rivers that they need to use in their daily lives. Some people have lost access to the forest products that they depend on for their livelihood and to practice their religious customs. This may be because the forests are cut or because security staff, and sometimes soldiers, protecting the concession area block the way for locals.
6. Indigenous people – Much of Cambodia’s mineral deposits are in areas where indigenous people live. If concessions are granted in these areas, communities are likely to lose sacred land, burial grounds and spirit forests. Indigenous people are especially vulnerable if they lose access to forest products and the lands they have traditionally used for agriculture.

7. Loss of income – People become poorer when they lose their farmland, access to forests and fisheries, and when they are displaced. They lose their source of income and often go into debt. If people cannot survive on their land, or if they do not have enough land to farm, they often have to move to the town or city to find work. Their living conditions can worsen and they often fall into deeper poverty.

8. Violence and intimidation – There are stories from around the world of people living close to mining sites being intimidated, threatened or abused by security forces and company staff. In some countries, private companies use military and armed security to block access into mining concession areas. Some guards have closed roads, restricted movement between communities and prevented access to forest resources and artisanal mining sites. This military presence is often very intimidating for local people and can sometimes lead to violent confrontations.

9. Breakdown of communities – When combined, the above impacts can lead to the break-up of communities. People may have to leave their land to find work elsewhere, and increasing debts and poor health put a lot of pressure on families, which can lead to domestic violence, alcoholism and other negative impacts.

10. Lack of transparency – The mining sector in many countries is not transparent. This means that it is not open, and access to information is poor. When there is a lack of transparency, the way that mining deals are agreed and the way that mines are managed could result in increased corruption as people will not be able to monitor what money is being paid, and where it is going.
GROUPS DISCUSS CASE STUDY AND IDENTIFY IMPACTS:

- Explain to the participants that they will now look at a real case study from Banteay Meanchey.

- Read out the case study slowly to the group (or ask a participant if they would like to read). Ask the group to write down the impacts they hear in the case study in Banteay Meanchey. Stop occasionally to ask if the participants understand what they have heard.

- The case study is also set out in Handout 3. If you like, you can make copies of this handout for participants to read along with you.

- Explain to the participants that this case study focuses on some environmental impacts of mining. After each paragraph, ask the group if they can identify any environmental impacts.

- When you reach the end of the case study, summarize the main environmental impacts and ask the group if they can think of any social impacts that may be caused by the pollution of the area.

DEBRIEF:

- Ask the groups to think carefully about the different impacts they have discussed in this lesson. Ask them to think about how one impact can lead to another. For example:

  - Pollution can poison rivers, and this kills fish. This means local communities lose access to an important food source and also lose their livelihoods. If a fishing community can no longer make a living from fishing, they may be forced to move elsewhere in search of different work, causing the break-up of the community.

  - Pollution can also cause health problems in local people, which means they are unable to work or go to school. This can cause people to become poorer.

  - Deforestation can prevent people from accessing forest products that they depend on for their livelihood, or harm areas that have spiritual importance for indigenous people.

- Ask if participants can think of any more examples.

- Explain to the participants that although it may be worrying to look at the impacts of mining in this way, it is important to try and see the full picture. If you have a better understanding of the impacts, they will be able to document and present information about these in a more powerful way when conducting advocacy.
CASE STUDY: MINING COMPANY POLLUTION
IN BANTEAY MEANCHEY

In 2000, a Korean company set up a gold mining operation in Banteay Meanchey Province. Soon after the company began operating, community members started to notice some serious impacts.

**Impacts**
The biggest impacts were from pollution of the water supplies. Local fishermen have noticed a big reduction in the size of catches, and fish can often be seen dead and floating on the top of the water. The skin of the fisherman has bad sores on it after they go fishing. They say that this has only happened since the mine began working.

Local people report many health problems from consuming the local water supplies. Bloated and irritated stomach, headaches and diarrhea are common symptoms. It is difficult for the local people to boil the water regularly, because they are poor and do not have facilities to do this easily. Before this, people did not need to boil water.

Animals have also suffered from consuming the water. Villagers reported that a cow got very sick after eating in a field where this polluted water was. The cow later died and had blood coming from its hooves, mouth, nose and ears. Other cattle are reported to have suffered in similar ways.

Local villagers also reported difficulty growing rice after they noticed a change in the water quality. They report that often the rice is fruitless and stale. Villagers say that previously when there was a flood they could grow rice a few days later, but now after flooding all their rice dies within 7 days.

**Testing**
The villagers were given assistance in testing the water in several places. The tests showed that the acidity of the water was very high in many places. Mercury levels were also reportedly high (mercury is a very toxic chemical often used in gold mining). Testing also showed that the water was discolored.

**Information Gathering**
Armed guards of the company refuse entry to people. Local chiefs, local NGO workers, two District Governors and a UN delegation have all been refused entry into the mine site. Only the Ministry of Agriculture has been given permission by the company to enter.

In some cases where people are refused entry, a person from the Ministry of Information telephoned them and said there is no need to do any investigation on this company because they have a legal license to conduct exploration. This is despite all the impacts that the affected communities have been experiencing up to this day.
OPTIONAL LESSON: DISCUSSING THE IMPACTS OF MINING

AIM: Participants will think about the positive and negative impacts they discussed in the previous two lessons and create a role-play involving two groups – one that supports a mining project and one that is against a mining project.

MATERIALS: Whiteboard/flipchart, markers.

METHOD(S) USED: Role-play.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Time Frame (in minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 - Groups prepare role-play</td>
<td>20</td>
</tr>
<tr>
<td>Step 2 - Groups perform role-play</td>
<td>30</td>
</tr>
<tr>
<td>Step 3 - Debrief</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>60</strong></td>
</tr>
</tbody>
</table>
PARTICIPANTS PREPARE ROLE-PLAY:

- Explain to the participants that they are going to create a role-play that shows a dialogue between a group that supports a mining project and a community that does not.

- It is up to the participants to decide which characters will be in the role-play. For example, one group could be a community that is going to lose land because of a mining project, or a community that is going to lose access to forest or water resources. The other group could be local authorities and/or company staff.

- The two groups should go to different parts of the room and prepare their arguments. After 20 minutes they will come together and role-play a discussion where the two groups debate their ideas about the new mine.

- You should act as a mediator in the discussion, and make sure that everyone has a chance to speak.

- The group that supports the mining concession should explain to the community why a concession would be a good thing, and what positive impacts it will have.

- The community group should listen and try to respond as strongly as possible. There should be no physical conflict between the two groups – if they disagree with each other they must try and persuade the other group why their group is correct using only words!

GROUPS PERFORM ROLE-PLAYS AND DISCUSS:

- After 20 minutes bring the groups back together to perform the role-plays for 30 minutes.

DEBRIEF:

- To debrief the lesson, ask participants which side of the debate had the strongest arguments.

- Before ending the lesson, ask the participants who had to defend the mining project what they thought about playing this role.

- Explain that it is useful to improve their understanding of the position that other groups may take. This exercise will help them to prepare how to respond to those who support a mining project that they may oppose.
LESSON 5: ENVIRONMENTAL IMPACT ASSESSMENTS

AIM: Participants will know what an Environmental Impact Assessment is, and what should go into it.

MATERIALS: Whiteboard/flipchart, markers.

METHOD(S) USED: Brainstorm, open discussion.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Time Frame (in minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 - Introduce information: <strong>5. Environmental Impact Assessments</strong></td>
<td>10</td>
</tr>
<tr>
<td>Step 2 - Introduce information: <strong>5.1 What is an Environmental Impact Assessment?</strong></td>
<td>20</td>
</tr>
<tr>
<td>Step 3 - Brainstorm what should go in an EIA</td>
<td>20</td>
</tr>
<tr>
<td>Step 4 - Introduce information: <strong>5.2 What should be included in an EIA?</strong></td>
<td>20</td>
</tr>
<tr>
<td>Step 5 - Debrief</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>80</strong></td>
</tr>
</tbody>
</table>
5. ENVIRONMENTAL IMPACT ASSESSMENTS

INTRODUCE INFORMATION: ENVIRONMENTAL IMPACT ASSESSMENTS

Introduce the following information. It is important that participants understand:

- According to the law, mining licenses cannot be granted until an EIA has been conducted.
- At which stage in the mining process an EIA is usually conducted.

Notes:
Before the lesson starts, make sure you have a copy of the diagram you used in Lesson 2 (the diagram is shown again below).

To start the lesson, explain to participants that the next topic will be on Environmental Impact Assessments.

Ask the participants if they can remember the different stages in the mining process that they learned in Lesson 2. Show the participants the diagram from Lesson 2 that shows the steps of the mining process. Ask the participants if they know at which stage of the process the EIA takes place. Remind them that the EIA takes place toward the end of the Feasibility Study stage. An EIA will usually happen if the mining company is certain that they want to build the mine. They must first conduct an EIA before applying for an Industrial Mining License.

Mining companies are required by law to undertake an EIA before any exploration activities take place. However, in practice, the Ministry of Mines Industry and Energy (MIME) only requires that mining companies conduct an EIA before they consider giving the company an Industrial Mining License. A company will usually conduct an EIA towards the end of, or after, the feasibility study step in the mining process.

5.1. WHAT IS AN ENVIRONMENTAL IMPACT ASSESSMENT?

**INTRODUCE INFORMATION: WHAT IS AN ENVIRONMENTAL IMPACT ASSESSMENT?**

Introduce the following information. It is important that participants understand:

- What an EIA is.
- The stages of the EIA process.
If a company would like to open a mine it must first conduct an Environmental Impact Assessment (EIA) and record the results into a report. EIAs should outline all the possible positive and negative impacts of the mining project. If negative impacts are identified, the company must make plans to avoid or reduce those impacts. This plan is called an Environmental Management Plan. Potentially affected people must be consulted and should have access to information about the EIA and its results.

If the results of the feasibility study are positive, the company may decide they want to develop the mine. In this case they need to complete an EIA before applying for an Industrial Mining License. The basic steps of the EIA process are:

1. Results of the mining company’s feasibility study are positive.
2. Mining company decides to do an EIA.
3. Mining company employs an EIA consultant company to conduct the EIA.
4. The EIA company begins investigating potential social and environmental impacts of the mine. This stage involves the EIA company coming to the villages to discuss the mining operation and record the views of the potentially impacted communities.
5. EIA company finishes investigations and produces an EIA report for the mining company.
6. The mining company gives the EIA to the Ministry of Environment (MoE).
7. MoE provides recommendations about the EIA and may send the recommendations back to the company requesting more detail or requesting that they conduct more studies.
8. When the MoE is happy with the content of the report they will approve.
9. After EIA approval, the mining company can apply for an Industrial Mining License.
10. MIME must consider the findings of the EIA and the recommendations from MoE and decide whether or not to approve the company’s application for the license.3

---

There are guidelines set out by the Ministry of Environment which state that the following sections should be in a full EIA report:

1. **Introduction** – A basic introduction to the project, the EIA objectives and the EIA process.

2. **Legal framework** – A description of the laws, rules and regulations that may apply to the proposed project.

3. **Project description** – A description of the project, including a breakdown of the main project activities, timeline for these activities, the company’s experience with these types of projects and the exact location of the project site.

4. **Description of environment** – A description of the local environment, including a list of all possible aspects of the environment that may be affected by the project. This includes air quality, soil, weather, water, forests, habitats, biodiversity, wetlands, ecology, and so on.

---

There should also be a description of local communities, including the number of people, their social background, occupations, means of livelihood, presence of cultural/religious heritage sites, water/land/energy use, education, public health and any other important information, such as whether indigenous people are present in the area.

5. Public consultation—A record of all consultations held with stakeholders, including relevant authorities, NGOs and local people. Local people should insist that their concerns are recorded in this section.

6. Environmental/social impacts and mitigation strategies—A description of all predicted effects on the environment, the local communities and strategies for reducing those effects.

7. Environmental Management Plan (EMP)—The EMP is a detailed plan for:
   - avoiding or minimizing harm to the environment;
   - dealing with any resettlement and compensation issues;
   - restoring the livelihoods of affected people; and
   - restoring the environment after the mine closes, during the decommissioning phase.

8. Economic analysis and environmental value—Description of the benefits of the projects compared to the impacts of the project.

9. Conclusions and recommendations—Conclusions about the project and recommendations made that relevant ministries (e.g. MIME) should consider when deciding whether or not to approve the project.

DEBRIEF:

- Briefly ask the participants to summarize:
  - what an EIA is;
  - when it should be conducted;
  - what information should go into an EIA; and
  - why an EIA is important.

- To debrief the lesson, tell the participants that the EIA is designed to document all the impacts of a mining project and should include a plan for how to manage these problems.

- Tell the participants the public participation part of the EIA process is the one official opportunity for the affected people to voice their concerns and have them officially recorded in the EIA document.

- Tell the participants that this is what will be discussed in Lesson 6.

- Use the whiteboard to write down the answers.
LESSON 6: PUBLIC PARTICIPATION AND THE EIA PROCESS

**AIM:** Participants will know that a key part of assessing impacts is consulting with the public. They will understand what real participation is and why it is important.

**MATERIALS:** Whiteboard/flipchart, markers.

**METHOD(S) USED:** Open discussion.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Time Frame (in minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 - Introduce information: <strong>6. Public Participation in the EIA Process</strong></td>
<td>25</td>
</tr>
<tr>
<td>Step 2 - Open Discussion</td>
<td>25</td>
</tr>
<tr>
<td>Step 3 - Debrief</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>60</strong></td>
</tr>
</tbody>
</table>
6. PUBLIC PARTICIPATION IN THE EIA PROCESS

INTRODUCE INFORMATION: PUBLIC PARTICIPATION IN THE EIA PROCESS

Introduce the following information. It is important that participants understand:

- The meaning of public consultation.
- A key part of conducting an EIA is public consultation.
- It is important to consult with affected people in order to fully understand the environmental and social impacts of a project.
- It is not enough just to let people speak – they must also be listened to.
- People should be involved in the decisions that affect them.

The EIA process must be transparent. According to the law there should be public participation in the EIA process.\(^5\) In the last section we discussed the guidelines for what should be in an EIA – this includes ‘public participation’. Without this, an EIA will not show a clear picture of the impacts that local people may experience. The Forestry Law also says that all EIA documents for projects that affect forests should be available to the public.\(^6\)

EIAs must be done before a project is approved, and be fully completed and approved before the project starts. Sometimes companies conduct an EIA after the approval has already been given for a project, or even after their project activities begin. This is a problem as the purpose of an EIA is to help all stakeholders decide whether it is worth proceeding with the project before it is approved. Conducting an EIA after the project has started defeats this purpose.

Public participation is a key part of the EIA process. Public participation means that, before the project is approved, potentially affected people:

- are fully informed about the planned project;
- have access to information and documents such as draft project plans and draft EIAs, and the final documents;
- have enough time to review any available information and an opportunity to share their concerns and opinions; and
- have their concerns documented in the final EIA.

---

\(^6\) Law on Forestry 2002, Article 4.
6.1. PARTICIPATION MEANS PEOPLE ARE HEARD AND LISTENED TO

The public consultation stage of the EIA is the most important opportunity for the community to have their concerns officially recorded into the EIA. This is very important because if concerns are officially recorded there is a better chance that plans will be put in place to reduce possible negative impacts. Having concerns officially recorded can also be useful for advocacy purposes (which are discussed in more detail in later lessons).

However, public participation does not just mean holding one or two public meetings. Only listening to local people once, without properly considering their views in the decision making process, is just a simple consultation. Effective public participation means that the concerns of people are listened to, and they are able to influence whether or not the project is approved. This way they are able to participate in and contribute to important decisions made throughout the entire period that the project exists.

It is not enough that people only have a chance to speak. Serious concerns that are raised should be listened to and considered carefully by the Government when it makes the decision about whether or not to grant approval for any project.

Specific plans for all of these public consultation activities should be included in the EIA.
OPEN DISCUSSION:

- Explain that the idea of ‘public participation’ is becoming more accepted by governments and project developers around the world. However, it is rare that communities are properly consulted, and even rarer that they have the chance to influence whether a development project is approved or not, or how the development project is designed and developed.

- Public participation is a very important right in a democratic society, and because of this, many communities around the world that are affected by development projects are demanding that they be allowed to participate in decisions that affect them.

- Explain to participants that now they will join an open discussion on what public participation means to them.

- Ask all the participants to sit in a circle (if they are not already), and share their ideas about how they would like to be consulted, and how they would like to participate in any decision to approve a development project in their community.

- Explain that this type of discussion should be held by any community that is likely to be affected by a mining operation. If community members have discussed this type of issue amongst themselves, they will be able to go to the company and authorities with a strong position and a clear idea of how exactly they wish to be consulted.

- This session should be free and relaxed, and everyone should be encouraged to join in. If a lively discussion happens, you may decide to extend the session if you have time.

- This section of the lesson could even be led by one of the participants, especially if there is someone who is well-respected or a strong community leader. (If you do this you should still provide support and help them facilitate the discussion, ensuring less confident participants are included in the discussion).
DEBRIEF:

- Explain to the participants that this lesson covered public participation in the EIA process because it is very important that the public is involved in the process of impact assessment.

- To debrief the lesson, ask the group the following questions:

  - Why is it necessary to conduct an EIA before granting a mining license?

    Suggested answer: Firstly, the law makes this a requirement. EIAs need to be conducted to assess if the project is going to have serious impacts on the environment and/or people. The EIA should be considered when the authorities decide whether or not to approve the mine, not after they have already granted permission.

    If the possible impacts are very serious, the authorities should seriously consider whether or not to approve the project before it starts. In some cases it may be possible to adjust the project, or put in place measures to minimize the negative impacts and make sure that affected people can benefit from the project.

  - Why is it important that the public is consulted during the process?

    Suggested answer: Only the local communities, including indigenous peoples, know the full details about local conditions, local needs and local values.

  - What is public consultation and what is public participation?

    Suggested answer: Public consultation is when the public is told about a proposed project and given an opportunity to share their opinions, ask questions and request information.

    Public participation is when the public is actually involved in making the decisions that affect them. For example, this can be done by sharing information and holding open consultations about a proposed project, and listening to the views and opinions of people. These views should be considered when making a decision whether or not to approve the project, or how the project should be implemented.
MINING AND COMMUNITIES
DIFFICULT TERMS
DIFFICULT TERMS

1. **Artisanal mining**: Small-scale mining that is usually done by hand, using basic instruments and by individuals or small groups of people. Millions of people across the world make a living as artisanal miners.

2. **Consultant**: A company or individual hired to do a specific job for a company, organization or institution. Companies often hire consultants to conduct EIA reports for their proposed projects.

3. **Contractors**: Often a mining company will hire other companies to do work for the project. For example, a mining company may hire a local construction company to help build roads. This company is called a contractor.

4. **Cyanide**: A very toxic chemical often used in the mining process.

5. **Decommissioning**: Decommissioning means closing the mine and cleaning up the surrounding area so it is safe. Before a company receives approval from the Government to mine, there should be a plan for decommissioning. Decommissioning can include removing chemicals and other waste products, replacing soil and earth, filling in pits, planting vegetation and cleaning water.

6. **Dredging**: Taking sand or sediment from the beds of rivers, lakes or the sea.

7. **Environmental Impact Assessment (EIA)**: A document that shows all possible impacts of a proposed project on the environment and on people and communities. If negative impacts are identified, the EIA should have a plan on how to minimize these impacts on people and on the environment.

8. **Environmental Management Plan (EMP)**: Contained within an EIA, the EMP is a detailed plan for: avoiding or minimizing harm to the environment; dealing with any resettlement and compensation issues; restoring the livelihoods of affected people; and, for how to restore the environment after the mine closes, during the decommissioning phase.

9. **Exploitation**: The process of taking minerals from the ground to sell.

10. **Exploration**: The process of taking samples from the ground to test for signs of minerals.

11. **Feasibility study**: A study of whether or not a mining project is practical and likely to make a good profit. A feasibility study will consider the economic value of the mineral deposits as well as how much it will cost to mine the minerals, and how stable the country is politically and economically.

12. **Industrial Mining License**: If a company wants to mine, it must get the necessary approval and licenses from the Government. To mine for precious minerals a company must first get an Industrial Mining License.
13. **Leaching:** When pieces of rock are broken into small pieces and then a chemical is sprayed over them. The chemical dissolves the precious minerals, such as silver or gold, which can then be collected as the chemicals run off.

14. **Mercury:** A very toxic chemical often used in the mining process.

15. **Mining:** The process where people and companies take minerals, rocks and precious stones out of the ground, or from underwater.

16. **Ministry of Environment (MoE):** The ministry responsible for issues related to environmental protection. This includes drafting law, ensuring that laws related to the environment are followed and for assessing EIA reports.

17. **Ministry of Mines, Industry and Energy (MIME):** The ministry responsible for issues related to mining. This includes drafting law, ensuring that laws related to the mining are followed, approving and issuing mining license and monitoring mining operations.

18. **Mountain-top removal:** Using explosives to blast away the tops of mountains to get to the mineral or rock underneath.

19. **Open-pit mining:** This method is used when minerals are found close to the surface. It involves cutting into the earth from the surface, and open pit mines can often cover a very big area.

20. **Prospecting:** This involves taking samples from the ground by digging small pits or trenches and taking soil and water from the surface. These samples are then tested for signs of minerals. This requires an agreement with the Government, but no license.

21. **Public participation:** Public participation is when the public is actually involved in making the decisions that affect them.

22. **Resource curse:** A term that has been used for countries that have many valuable natural resources, but stay poor, or in some cases even become poorer. In countries that have experienced “the resource curse”, corruption has often worsened, and violations of people’s human rights have increased.

23. **Transparency:** Transparency in government and business means that things are done in a way that is open, and free from corruption. For example, for mining to be transparent, it must be clear how much a company must pay for a mining license, and clear how much tax a company has to pay. It must also be clear where the money goes. Access to information is an important part of transparency. People need access to information in order to see that the law is being followed and that companies and Government are respecting their obligations.

24. **Underground mining:** Digging into the ground and making tunnels and shafts for taking out minerals. Sometimes underground mining can happen very deep under the ground.
Every mining sector around the world needs good laws. Laws should help to ensure that negative impacts of mining are avoided or reduced and that the economic and practical benefits are increased. Laws should ensure that not only the company benefits from mining, but also local people and the country as a whole.

Cambodia’s legal framework for mining is incomplete. Some laws are inadequate and need revision. In this module we will look at the Cambodian laws that regulate mining activities and how they protect the rights of affected people.

**OUTCOMES**

After completing this module, participants will:

1. Know and be able to identify the different classifications of land in Cambodia.
2. Understand where mining is allowed.
3. Understand what should happen if someone already has rights on land that is targeted for a mining operation.
4. Understand what the Law on Expropriation says about expropriation of property in the public interest, and how this applies to mining.
5. Understand what a mining license is.
**LESSON 1: CLASSIFICATION OF LAND IN CAMBODIA**

**AIM:** Participants will be able to identify the different classifications of land and understand why they are important. They will understand that the way land is classified impacts on whether it can be privately owned, and what it can be used for.

**MATERIALS:** Whiteboard or flipchart, markers, copies of Handouts 1, 2 and 3.

**METHOD(S) USED:** Quiz, group work, large group discussion.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Time Frame (in minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 - Introduce the information: 1. Classification of Land in Cambodia</td>
<td>25</td>
</tr>
<tr>
<td>Step 2 - Explain the exercise and divide the participants into groups</td>
<td>5</td>
</tr>
<tr>
<td>Step 3 - Small group work</td>
<td>20</td>
</tr>
<tr>
<td>Step 4 - Large group discussion</td>
<td>20</td>
</tr>
<tr>
<td>Step 5 - Debrief</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>80</strong></td>
</tr>
</tbody>
</table>
1. CLASSIFICATION OF LAND IN CAMBODIA

INTRODUCE THE INFORMATION: THE DIFFERENT CLASSIFICATIONS OF LAND IN CAMBODIA

Introduce the following information. It is important that participants understand:

- There are five classifications of land in Cambodia.
- Why it is important to know the different classifications of land.

Note:
It may be useful for the participants if you draw the classification diagram from Section 1 on the board or flipchart. You may also use the pictures of the different types of land as examples (see Handout 1).

During the Pol Pot regime, the Khmer Rouge abolished private ownership of property and destroyed all official land records. During this time, all of the land belonged to the State. There were no private owners. After the Khmer Rouge fell, and for the next ten years, the right to own land was still not recognized and all of the land continued to belong to the State. This began to change around the end of the 1980s, and in 1992 a law was passed that recognized the right of Cambodian people to own and transfer land.

A new Land Law was passed in 2001. Under this law, land in Cambodia is divided into three main classifications:

- State property
- Private property
- Collective property

State property is divided into State public and State private property.

Collective property is divided into monastery and indigenous community property.

![Classification Diagram]

1.1. **STATE PUBLIC PROPERTY**

State public property is property that belongs to the State but is available for the public to use, or that provides a service to the public. The following table describes the types of property that are classified as “State public”:

<table>
<thead>
<tr>
<th>Type of property</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property of natural origin</td>
<td>Forests, riverbanks, seashores, lakes</td>
</tr>
<tr>
<td>Property created for general or public use, or to provide a public service</td>
<td>Roads, public gardens, public parks, railways, airports, public schools, public hospitals, administrative buildings</td>
</tr>
<tr>
<td>Archeological, cultural, historical estates</td>
<td>Angkor Wat, historical sites</td>
</tr>
</tbody>
</table>

If a piece of State public property is no longer used for the public interest, it can become State private property (this type of land will be explained later). For example, if a public hospital is moved to a new building and the old building is left empty, it can become State private property. This is because the building is no longer providing a service to the public. However, the land must be properly reclassified according to the law.

---

2. Land Law 2001, Article 15.  
State public property – a riverbank

State public property – A public high school
1.2. PRIVATE PROPERTY

Private property is property that is owned or possessed by a private individual or company.\(^4\) Private owners and possessors can enter, stay, use, transfer or exclude people from their land as they wish, as long as they do not break any laws.\(^5\)

### LAND THAT IS LEGALLY POSSESSED

Some private land is legally possessed but the owners do not have a land title. This land is still considered private property. Legal possession of land is not as strong as ownership, but it gives the possessor rights to live on the land, transfer the land to others and stop people from entering.

Legal possessors have the right to transfer their possession into legal ownership and receive a land title. There are several rules that must be followed for possession to be legal. These are discussed in the section on possession rights. (We will talk more about possession and ownership later.)

1.3. COLLECTIVE PROPERTY

Collective property is owned by a community, not just one person.\(^6\) There are two types of collective property: monastery property and indigenous community property.

#### 1.3.1 MONASTERY PROPERTY

Monastery property is property within the lands of Buddhist monasteries. It cannot be sold or privately owned or possessed by anyone outside the pagoda. The management of monastery property is the responsibility of the pagoda committee.\(^7\)

---

\(^4\) Land Law 2001, Article 10.  
\(^5\) Land Law 2001, Article 85.  
\(^6\) Land Law 2001, Article 10.  
\(^7\) Land Law 2001, Article 21.
1.3.2. INDIGENOUS COMMUNITY PROPERTY

Indigenous community property is property where indigenous communities have made their homes and where they use traditional methods to farm.8

1.4. STATE PRIVATE PROPERTY

State private property is any property belonging to the State that is not State public property.9 Although this land is the property of the State, it is not made available for the public to use and does not offer a public service. Any property that is not State public, private or collective is State private property.

State private property can be sold and leased by the State, but to do this, the State must follow the appropriate procedures set out in the law.

---

8 Land Law 2001, Article 25.
EXPLAIN THE EXERCISE AND DIVIDE THE PARTICIPANTS INTO GROUPS:

- Divide the participants into groups of four or five.
- Give the participants Handout 2 and explain that the groups should decide how each place should be classified.
- Participants must decide how these places should be classified:
  1. The local public high school
  2. The monks’ classroom located inside the grounds of the local pagoda
  3. The local main road
  4. A public hospital
  5. An empty field between two villages that nobody uses and nobody privately owns or possesses
  6. A forest
  7. A small village in the hills where an indigenous community has lived for many years
  8. A house and land in the town bought by a newly married couple using a legal contract. The couple recently received a title to their land.
  9. Angkor Wat
  10. A house built ten meters from a lake where a family lives. The land is not registered to anyone, but the family has lived there since 1985.

SMALL GROUP WORK:

- Participants should decide how each example should be classified and give reasons for their answer.
- If participants cannot read, you should read out the types of property from the handout.
LARGE GROUP DISCUSSION:

- Write the five classifications of land on the board/chart:

<table>
<thead>
<tr>
<th>State public</th>
<th>State private</th>
<th>Private</th>
<th>Indigenous community</th>
<th>Monastery</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Instead of asking each group to present all of their answers, ask one participant to come to the front of the class and write the first place in the list (local public high school) under the correct classification. Ask the participant for their reasons and ask the others if they agree or disagree. Confirm the correct answer.

- Invite a new participant from a different group to write the next place under the correct classification. Continue with a new participant for each place in the list.

Suggested Answers:

1. State public property – the local public high school is used to provide a public service.

2. Monastery property – the school is located inside the grounds of the pagoda and it is not open to the public, only monks.

3. State public property – the road is used to provide a public service.

4. State public property – the public hospital is used to provide a public service.

5. State private property – the empty field is not private or collective property so it belongs to the State but it has no public use.

6. State public property – the forest is property of natural origin.

7. Indigenous community property – it has been occupied by an indigenous community for a long time.
8. Private property – as long as the couple bought the land using a legal contract and followed the other necessary legal requirements, the house is their private property.

9. State public property – Angkor Wat is an archeological, cultural, and historical estate.

10. Private property – the land is not State public (lakes are State public property, but the land around them is not). The land is not registered, but the family has lived there since 1985, so they are likely to be legal possessors. If they are legal possessors, then the land is private property.

DEBRIEF:

- To debrief the lesson, play a short game. Show the participants Handout 3. Ask them which of the pictures does not belong in the group.

  **Suggested Answer:** The answer is picture 3 – the river. The river is State public property. The other three pictures are all private property if they are legally owned or possessed. If not, they are all State private property.

- If there is time you can make up some more examples and read them out to the class, for example:
  
  - A forest
  - A house on a riverbank
  - A road
  - A house 20 meters from a lake

  **Suggested Answer:** The house near the lake does not belong in this group. The other three are all State public property. The bank of a lake is either private property if it is owned or possessed, and if not, it is considered State private.
HANDOUT 1 – LESSON 1 (CONTINUED)
HANDOUT 2 – LESSON 1

1. The local public high school
2. The monks’ classroom located inside the grounds of the local pagoda
3. The local main road
4. The public hospital
5. An empty field between two villages that nobody uses and nobody privately owns or possesses
6. A forest
7. A small village in the hills where an indigenous community has lived for many years
8. A house and land in town bought by a newly married couple using a legal contract. The couple recently received a title to their land.
9. Angkor Wat
10. A house where a family lives, built ten meters from a lake. The land is not registered to anyone, but the family has lived there since 1985.
HANDOUT 3 - LESSON 1
LESSON 2: WHERE CAN MINING HAPPEN?

AIM: Participants will be aware of where mining is allowed to take place and what restrictions are contained in the law.

MATERIALS: Whiteboard/flipchart, markers.

METHOD(S) USED: Group discussions

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Time Frame (in minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 - Introduce information: 2. Where Can Mining Happen?</td>
<td>20</td>
</tr>
<tr>
<td>Step 2 - Small group discussions</td>
<td>10</td>
</tr>
<tr>
<td>Step 3 - Feedback</td>
<td>30</td>
</tr>
<tr>
<td>Step 4 - Debrief</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>70</strong></td>
</tr>
</tbody>
</table>
2. WHERE CAN MINING HAPPEN?

INTRODUCE INFORMATION: WHERE CAN MINING HAPPEN?

Introduce the following information. It is important that participants understand:

- The law only allows mining activities to occur on some types of land and under certain conditions.

In the next three lessons we will look in more detail at what the law says about mining. The law puts restrictions on where mining can happen, sets out the procedure for granting licenses, and creates obligations for the company and the authorities after the license is granted.

In this section we will look at where mining is allowed.

2.1. WHICH TYPES OF LAND CAN LEGALLY BE MINED?

The law contains some limits on where a company is allowed to mine:

1. **Private property** – If land is privately owned or possessed, a company must first get a written agreement of the landholder before it can mine. The company should compensate the landholder for any inconvenience or damage to their property that is caused by the mining operation.¹⁰

2. **Indigenous community property** – Indigenous land rights are protected by the Land Law. Anyone who stops an indigenous community from managing their traditional lands may be breaking the Land Law.\(^\text{11}\)

3. **State public land** – The Land Law says that State public property cannot be bought and sold, however it can be granted for temporary use or occupation.\(^\text{12}\) This cannot last longer than 15 years.\(^\text{13}\) Some types of State public property have extra restrictions:

a. **Cultural, historical and heritage sites:** The Mining Law states that mining on national cultural, historical and heritage sites is illegal.\(^\text{14}\) This means that any mining activities in areas with temples or archeological sites is not allowed.

b. **Protected areas:** It is legal to mine on State land which is protected, reserved or restricted, such as a national park, but the mining license holder must first get written permission from the authority responsible for managing that area. For example, depending on where the land is located, permission must be granted by the Ministry of Environment (MoE) or the Ministry of Agriculture, Forestry and Fisheries (MAFF).\(^\text{15}\)

c. **Forests** – Under the 2002 Forestry Law, any proposal to start mining in a forest reserve must first be evaluated by MAFF to see if it abides by Forestry Law. The Forestry Law requires that the holder of the mining license avoid causing soil erosion, damage to growing vegetation, and damage to the quality of water. This evaluation must then be approved by the Government before mining can happen.\(^\text{16}\) After the mining project is finished, the company must restore the site to its original state.

---

\(^\text{11}\) Land Law 2001, Article 23.
\(^\text{12}\) Land Law 2001, Article 16.
\(^\text{13}\) Sub-decree on Rules and Procedures on Reclassification of State Public Properties 2006, Article 18.
\(^\text{14}\) Mining Law 2001, Article 8.
\(^\text{15}\) Mining Law 2001, Article 7.
\(^\text{16}\) Law on Forestry 2002, Article 35.
Despite these requirements laid out in the law, mining can be very destructive. In many cases, it may not be possible for a company to avoid causing serious damage or to fully restore the site.

4. **State private land** – Mining can happen on State private land as long as no one else already has rights to that land.

**MINING IN PROTECTED AREAS**

Cambodia has 23 protected areas that were created by Royal Decree in 1993. Many endangered animals and plant species live in these areas. Mining operations have begun in at least 9 of Cambodia’s protected areas, including Phnom Aural (Kampong Speu), the Cardamom Mountains (Pursat), and Virachay National Park (northeast Cambodia).

**VIRACHEY NATIONAL PARK, NORTHEAST CAMBODIA**

Virachey National Park covers more than 3,300km² and stretches from Ratanikiri to Stung Treng province. Many endangered species live there, including elephants, bear and leopards. The area also plays an important role in feeding water into the Sesan and Sekong Rivers, and is home to many indigenous communities who rely on forest products for their livelihoods and daily needs.

In 2009 several international donors, including the World Bank, funded a US$5 million project to help the Government protect this National Park. However, in 2007 the Government granted a mining exploration license for over 1,800km² of Virachey National Park to an Australian company. The license covers more than 50% of the total area of the park. While exploration activities are not nearly as destructive as exploitation activities, there is potential that the company, or another company, may start exploiting in the future.
SMALL GROUP DISCUSSION:

- Explain to the participants that they will work in small groups to discuss one type of land and what they think about mining in that area.

- Divide the participants into six groups and give each group one of the following land types:
  - Private land
  - Indigenous community land
  - State public land (land that belongs to the State, but that has a public interest or a natural origin)
  - Cultural, historical and heritage sites
  - Protected areas
  - Forests

- Explain that each group should think about the type of land they have been given and consider the following:
  - Whether or not mining is allowed in that area under the law.
  - If mining is allowed there, what are the conditions?
  - If they think mining should be allowed in this area.
  - If they do not think mining should be allowed there, why not?
  - If they do think mining should be allowed there, what conditions should be in place?
FEEDBACK:

• After 10 minutes, bring the groups back together to present their answers to the rest of the participants.

• Give each group five minutes to present their answers. Encourage the group to answer questions from the rest of the participants.

DEBRIEF:

• To debrief the lesson, ask the following questions:

  ▪ What are the five different classifications of land in Cambodia?

    Suggested Answer: Private, Indigenous, Monastery, State public and State private.

  ▪ On which types of land is mining not allowed?

    Suggested Answer: Mining activities should not interfere with indigenous communities’ traditional use of their land. No mining should be allowed that negatively impacts the land of indigenous communities. Also, the Mining Law says that any mining in cultural, historical and heritage sites is not allowed.

  ▪ On which type of land is mining allowed, and what are the conditions or restrictions?

    Suggested Answer: Mining is allowed on private land, but the mining company must first get the written agreement of the landholder. The company must also compensate the landholder for any damage to the land.

    Mining is allowed on State public land, but the law says that State public land can only be granted temporarily, and the maximum time is 15 years.

    Protected areas are a type of State public land, and the law states that mining is allowed in these areas, but the company must first get written approval from the authority responsible for that area.

    Forests are another type of State public property, and the Forestry Law states that any proposal to mine in forest areas must first be evaluated by the Ministry of Agriculture.
LESSON 3: LAND RIGHTS

AIM: Participants will know that mining activities cannot occur on land where people already have rights, including owners, legal possessor and indigenous people unless there is a public interest reason.


METHOD(S) USED: Small group discussion of case studies.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Time Frame (in minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 - Introduce information from Section 3</td>
<td>25</td>
</tr>
<tr>
<td>Step 2 - Small groups discuss case studies</td>
<td>20</td>
</tr>
<tr>
<td>Step 3 - Groups share answers</td>
<td>25</td>
</tr>
<tr>
<td>Step 4 - Debrief</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>80</strong></td>
</tr>
</tbody>
</table>
3. LAND RIGHTS

INTRODUCE INFORMATION: LAND RIGHTS

Introduce the following information. It is important that participants understand:

- Mining concessions should not be granted on land that other people already have rights to, unless it is decided that the project is in the public interest according to the Expropriation Law. This applies to owners, possessors and indigenous people.

- Although Cambodian law does not require mining companies to get the consent of non-lawful occupants on the land, international law states that evictions can only occur if there are no possible alternatives and certain procedures must be followed.

As we have learned, there are some types of land where mining is not allowed. In addition, before any mining license is granted, it must be clear that no one else has ownership rights over the land. The Land Law says that before any action is taken that interferes with someone’s peaceful occupation of their land, it must first be determined who has rights to that land. This must follow the legal procedure.17

During the Pol Pot regime, the system of land ownership in Cambodia broke down as the Khmer Rouge abolished all rights to private ownership. As a result, there are still many areas where ownership of the land is not totally clear. Over the last 10 years the Government has been trying to solve this problem, but there are still many people without land titles. Just because you have no land title, however, does not mean you have no rights to your land. Below we will look at the legality of mining on the land of:

- owners;
- legal possessors;
- indigenous peoples;
- non-legal occupants.

---

3.1. OWNERS

If someone has a legal title to their land, they are an owner. Before any mining can happen on privately owned land, the company must get written permission from the owner. If a mining operation causes harm to land inside or outside the mining area, the company must compensate the owner of that land for any damage or inconvenience caused.

In general, an owner cannot be forced to leave their land without their consent. The company should make them an offer for the land and the owner is free to accept or reject this offer. The only exception is if it is decided that the project is in the public interest. In this case, an owner may be forced to move, but this must be done in a way that follows the law. The person who loses land should be fairly compensated, according to the market price, before the land is taken. This is discussed more in the next lesson.

3.2. LEGAL POSSESSORS

Under the Land Law, even if you do not have a legal land title you may have rights as a legal possessor. As long as you have lived on your land since 2001, before the Land Law was passed, and you occupied the land peacefully, openly, and with the knowledge of the people in your community, you may be considered a legal possessor.

Legal possessors have similar rights to owners, including the rights to use and manage their land and stop others from coming on to it. Unfortunately, in practice, the authorities do not always recognize these possession rights. However, as we will see later, if possessors are to have their land taken away because it is in the public interest, the Expropriation Law says that they should be treated in the same way owners are treated. Like owners, possessors should only have their land expropriated after fair and just compensation has been paid in advance.

---

19 Mining Law 2001, Article 25.
3.3. LANDS OF INDIGENOUS PEOPLES

Indigenous people in Cambodia have the right to register their land as collective property. 22 Until they get the opportunity to actually do this, the Land Law protects their right to continue to manage their land according to traditional custom. 23 This includes residential land and agricultural land. 24 The Forestry Law also protects the rights of indigenous people to continue to use forests in line with their traditional customs, beliefs and religion. 25

Any mining operation that is on the traditional residential or agricultural lands of indigenous communities may violate the communities’ rights to manage and register land, as protected by article 23 of the Land Law. It may be a violation of the Forestry Law if mining work blocks access to or destroys forests that indigenous people have traditionally used to collect non-timber forest products.

Cambodia has also voted in support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This is a declaration of the world’s governments that recognizes the rights of indigenous people. It states that indigenous peoples have the right to their traditional lands.

---

As indigenous communities are often especially vulnerable to loss of land and livelihood, it is very important that no mining project is approved unless the affected communities are fully consulted, able to participate in the decision making process, and give their consent for the project to go ahead.
3.4. NON-LAWFUL OCCUPANTS

There may be cases in which there are non-lawful occupants on the land. A non-lawful occupant is someone who does not have any rights to possess the land they live on or use because they are not an owner, legal possessor, or a member of an indigenous community.

Everyone, including non-lawful occupants, has a right to adequate housing. Cambodia has signed onto an international law called the International Covenant on Economic, Social and Cultural Rights, which recognizes this human right. This means that forced evictions are only allowed under very limited circumstances. In some situations, when it is absolutely necessary and there is no suitable alternative, evictions can occur, but only after consultation with the affected people. No one should be made homeless after an eviction, even if they are a non-legal occupant. This can be avoided by providing adequate compensation and/or housing, and ensuring that there are livelihood opportunities made available to the occupant after relocation.

<table>
<thead>
<tr>
<th>COMPENSATION AND ADEQUATE HOUSING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation is very important in making sure that the government respects your human right to adequate housing. If you lose your house or land in an eviction, the government has a duty under international law and the Cambodian Constitution to make sure you have access to adequate housing somewhere else. This duty is owed to all people in Cambodia who are evicted, including owners, legal possessors, occupiers and renters.</td>
</tr>
<tr>
<td>One way for the government to meet this duty is to make sure that you get enough compensation. This could be money to buy an adequate house, or an actual house and plot of land to replace what was taken from you. Having an adequate house means that you have access to all basic facilities such as water, sanitation, schools and hospitals and that you have livelihood opportunities, such as access to jobs or farmland after you move.</td>
</tr>
</tbody>
</table>

\(^{26}\) International Covenant on Economic, Social and Cultural Rights, Article 11; Committee on Economic, Social and Cultural Rights, General Comment 7, 1997.
SMALL GROUPS DISCUSS CASE STUDIES:

- Participants will work in small groups and discuss some fictional cases of mining projects. Participants should discuss the legal issues with the case. In particular ask the groups to think about what legal rights the communities in the cases have. The groups should think about the points that were taught in the lesson to develop their answers.

- The groups will then come together to share their answers.

- Divide the participants into four groups and give each group copies of the case studies from Handout 4.

- If there is time, each group can look at all the case studies, but if not, you can give one case study to each group.

CASE STUDIES

Case A
A company has been granted a license for mining in Battambang province. The mining area includes five villages, and local officials have told people that the company is still exploring in the area, but if it decides to mine, people will have to leave. The affected people have not been consulted about this, even though they all have full legal land titles.

Case B
A mining license has just been granted to a company to mine for gold in Stung Treng province. The mining area overlaps with the land of a community that has lived and farmed there for over 20 years. They are being told that they must move, and will get no compensation.

Case C
A Cambodian and an Australian company have been granted a license for a joint project to conduct mining in an area of Ratanikiri that has been classified as State private land. There are no legal owners or possessors on the land, but there are some people who live there and have grown crops on the land since 2008. These people are non-lawful occupants, as they started using the land after the Land Law was passed.

The company is aware that these people use the land, and although they are not owners or possessors, the company has consulted with them and has put in place a plan to find alternative land for them to farm and live on.

Case D
A new mining license has been granted to a Cambodian company to mine in Mondulkiri. The mining concession is in an area where there are many indigenous communities, and some of the planned mining area covers very old forest. Indigenous people in the area are worried that they will lose sacred sites and also lose access to forest products such as the resin trees that they depend on for their livelihood.
GROUPS SHARE ANSWERS:

- After 20 minutes, bring the groups back together to discuss their answers.

- Work through the four cases, and ask a different group to start the discussion for each. For example, Group 1 can start by explaining their answer to Case A. The other groups can then add their ideas. Group 2 can then introduce Case B, and so on.

Suggested answers:

**Case A**
All of the affected households have full legal land titles. This means that the only time that the occupants can be forced to leave their land is if it is in the public interest. If there is no public interest justification, the only way that the company can take the land is if the current owners agree to sell the land.

**Case B**
This mining license affects a group of people who have lived on and used their land for over 20 years. If these people meet the requirements of legal possession as described in the Land Law, they have possession rights, which are very similar to ownership rights. Legal possessors should not be forced to move unless it is in the public interest and they have received compensation at the market price in advance.

**Case C**
If the affected people in this case are non-legal possessors, under Cambodian law they may be legally moved from the land against their will. However, according to international law, this should only be done if it is absolutely necessary and there are no alternatives. The affected people must be consulted and they have a right to alternative adequate housing, including livelihood opportunities if they are evicted.

In this case the company has consulted with the affected people and has put in place a plan for relocation. As long as the conditions of the compensation and relocation are adequate, it may be lawful for these people to be moved, even if it is against their will. If they are consulted properly it is more likely that they will be willing to move.

**Case D**
This mining project is likely to affect indigenous people. In this case it may lead to the destruction of sacred forests or access to forests where people collect products like resin.

According to Cambodian law, it is illegal to stop indigenous communities from managing their traditional land according to their custom. It is also illegal to cut trees used by local communities for collecting resin. The rights of indigenous people to collect forest products are protected by the Forestry Law.
Mining should not be allowed in indigenous areas unless the affected communities are fully consulted during the decision making process, and have given their consent for the project to go ahead.

DEBRIEF:

- To debrief the lesson, ask the participants to summarize what they have learned about mining and land rights.

- Make sure that they mention:

  - If there is no public interest reason, owners cannot be forced to move.

  - Legal possessors have similar rights to owners and should not be forced to leave their land either unless it is in the public interest.

  - Mining should not prevent indigenous communities from continuing to manage their land according to their custom, or interfere with traditional indigenous land uses, such as collecting forest products.

  - If mining causes any relocation of non-lawful occupants, the relocation must follow the standards set out in international law.
**HANDOUT 4 - LESSON 3**

**CASE STUDIES**

**Case A**
A company has been granted a license for mining in Battambang province. The mining area includes five villages, and local officials have told people that the company is still exploring in the area, but if it decides to mine, people will have to leave. The affected people have not been consulted about this, even though they all have full legal land titles.

**Case B**
A mining license has just been granted to a company to mine for gold in Stung Treng province. The mining area overlaps with the land of a community that has lived and farmed there for over 20 years. They are being told that they must move, and will get no compensation.

**Case C**
A Cambodian and an Australian company have been granted a license for a joint project to conduct mining in an area of Ratanikiri that has been classified as State private land. There are no legal owners or possessors on the land, but there are some people who live there and have grown crops on the land since 2008. These people are non-lawful occupants, as they started using the land after the Land Law was passed.

The company is aware that these people use the land, and although they are not owners or possessors, the company has consulted with them and has put in place a plan to find alternative land for them to farm and live on.

**Case D**
A new mining license has been granted to a Cambodian company to mine in Mondulkiri. The mining concession is in an area where there are many indigenous communities, and some of the planned mining area covers very old forest. Indigenous people in the area are worried that they will lose sacred sites and also lose access to forest products such as the resin trees that they depend on for their livelihood.
LESSON 4: EXPROPRIATION AND THE PUBLIC INTEREST

AIM: Participants will understand what the law says about expropriation in the public interest and how this affects mining.

MATERIALS: Flipchart/whiteboard, markers.

METHOD(S) USED: Group discussion, voting.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Time Frame (in minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 - Introduce the topic</td>
<td>10</td>
</tr>
<tr>
<td>Step 2 - Group discusses meaning of “public interest”</td>
<td>20</td>
</tr>
<tr>
<td>Step 3 - Introduce information: 4. Expropriation and the Public Interest</td>
<td>30</td>
</tr>
<tr>
<td>Step 4 - Review process of expropriation</td>
<td>20</td>
</tr>
<tr>
<td>Step 5 - Debrief</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>
According to the Cambodian Constitution, no one should have his or her property taken away unless it is in the public interest. If this happens, fair and just compensation must be paid to the affected people first. This process is called expropriation.

The Constitution of the Kingdom of Cambodia

Article 44: Legal private ownership shall be protected by law. The right to confiscate properties from any person shall be exercised only in the public interest as provided for under the law and shall require fair and just compensation in advance.

A new law was passed in 2010 that set the rules for when the State can take land from its citizens. The Law on Expropriation sets the conditions for expropriation and compensation. It also makes clear that the law applies to legal possessors and all other persons with legal rights to the land, not just legal owners (people holding a full land title).

GROUP DISCUSSION OF THE MEANING OF “PUBLIC INTEREST”:

- Write on the board “public interest”. Ask the participants if they can define this term.

- After a few minutes, explain that if a development project is in the public interest, it is something that should provide an important benefit to the general society, not just a few people who benefit financially.

- Ask participants to think of some examples of development projects that may be in the public interest. Ask them if they think a mining project may be in the public interest.

- After 20 minutes, explain that the group will now look at what the law says about expropriation.
4.1. WHAT IS THE PUBLIC INTEREST?

INTRODUCE INFORMATION: WHAT IS THE PUBLIC INTEREST?

Introduce the following information. It is important that participants understand:

- The meaning of public interest.
- The State can expropriate land if it is in the public interest.
- The State can only expropriate land after paying fair and just compensation.
- The basic process of expropriation as set out in the Law on Expropriation

According to the law, no one should have his or her land taken unless it is in the public interest. Public interest can be hard to define, but one definition could be: something that helps many members of the society to improve their lives, or which provides a benefit to many members of society. The Expropriation Law sets out a number of public infrastructure projects that may be classified as public interest.

The Law on Expropriation lists a number of projects that, according to the law, serve the public interest, and for which land can be expropriated. These include construction or expansion of:

- railroads, roads, bridges, airports, and ports;
- power stations and lines for transmission and distribution of electricity;
- vehicle parking lots, markets, parks, and public squares;
- irrigation systems, clean water supply systems, sewage systems, and public interest spaces;
- buildings for education, training, science, culture, health care, social security, and stadiums for performances to public audiences;
- buildings and equipment for research and exploiting mines and other natural resources; and
- gas systems, fuel pipes, oil refineries, oil rigs, and other systems.

\[\text{Law on Expropriation 2010, Article 5.}\]
As you can see, the law states that researching and exploiting mines can be a public interest reason for expropriating land.

The Government may also expropriate land if it is in the national interest. This is when the Government needs to use the land to protect the security and territory of the country. For example, this could include building or expanding military buildings.\(^30\)

### 4.2. THE LEGAL PROCESS FOR EXPROPRIATION

At the time of writing, the Expropriation Law has still not been implemented, so it is not clear how it will work in practice. Below is a summary of what the law says about the procedure the State should follow when expropriating land.

Only the State can expropriate land for the public interest, not a private person or a company.\(^31\) If land is expropriated for a public interest reason, it must be used for that specific reason. It should not be left unused or transferred to a third party for a private interest purpose.\(^32\) The following procedures should be followed for expropriation:

\(^30\) Law on Expropriation 2010, Article 4.
\(^31\) Law on Expropriation 2010, Article 7.
\(^32\) Law on Expropriation 2010, Article 9.
1. **Public survey** – The Expropriation Committee must first do a public survey of all legal land holders (owners and possessors) who will be affected before formally proposing an expropriation. The surveying should include proper public consultation to give clear information and listen to people’s opinions.33

2. **Proposal for expropriation** – A ministry or institution may propose that land be expropriated, and a proposal should be prepared by the Expropriation Committee. This proposal should then be sent to the Government for approval.34

3. **Declaration of expropriation** – If the Government approves the proposal, the Committee should make a declaration of expropriation to any legal land holders that may be affected. This should clearly set out:
   
   a. the reason for the expropriation;
   b. the location and schedule;
   c. the amount of compensation; and
   d. the deadline for complaints.

   This declaration should be given to all affected people and publicized in the media.35

4. **Complaints** – Affected people may complain and ask for an investigation into the expropriation. This should be dealt with by the Complaint Resolution Committee. The Committee must respond with a report to the Government within 30 days.36

5. **Fair and just compensation in advance** – Expropriation can only happen after fair and just compensation has been paid.37

### 4.3. WHAT IS FAIR AND JUST COMPENSATION?

According to the Expropriation Law, fair and just compensation should be based on the market value of the land or on the cost of replacement land.38 Compensation should be in cash or property, according to agreement between the land holder and Expropriation Committee.39

Renters are also entitled to compensation. While they cannot be compensated for the land, they should receive compensation for the disruption caused by having to relocate.

If someone runs a business on the site, they should also receive compensation for any impacts the expropriation will have on the business and for money they have invested in the business.

---

33 Law on Expropriation 2010, Article 16.
34 Law on Expropriation 2010, Article 15.
35 Law on Expropriation 2010, Article 17.
36 Law on Expropriation 2010, Article 18.
38 Law on Expropriation 2010, Article 22.
Renters are also entitled to compensation. While they cannot be compensated for the land, they should receive compensation for the disruption caused by having to relocate.

If someone runs a business on the site, they should also receive compensation for any impacts the expropriation will have on the business and for money they have invested in the business.  

### 4.4. DISPUTE RESOLUTION

The Expropriation Committee and the Complaint Resolution Committee should review and resolve complaints. If the person complaining is not happy with the response, they may then complain to the courts.

### 4.5. PENALTIES

If the authorities do not respect this law they should be punished according to the law. The law states that if any individual blocks the implementation of an expropriation order, they may be imprisoned or fined.

**REVIEW PROCESS OF EXPROPRIATION:**

- Ask for six participants to volunteer and come to the front of the room. Give each volunteer a piece of paper with a different stage of the expropriation process written on it:
  - Proposal for expropriation
  - Public survey
  - Declaration of expropriation
  - Complaints
  - Fair and just compensation in advance
  - Expropriation of land.

- Ask the volunteers to stand at the front of the room holding their paper, and ask them to get themselves into the correct order. The other participants can help if necessary.

- After the volunteers are in order, ask the other participants to explain each different stage of the expropriation process. If they miss any important information you can add to their answers.

---

40 Law on Expropriation 2010, Article 29.
41 Law on Expropriation 2010, Article 32.
42 Law on Expropriation 2010, Article 35.
43 Law on Expropriation 2010, Article 36.
DEBRIEF:

- Explain to the participants that you will conduct a survey to ask people which kinds of projects may be in the public interest. Tell the participants that you will read out a type of development and they should raise their hand if they think it is a public interest development according to the Expropriation Law.

- Read out the following projects one by one and give participants a chance to vote:
  - Construction of a new road
  - A large rubber plantation owned by a private company
  - Upgrading the railway system
  - Construction of a new shopping mall
  - Construction of a large bauxite mine
  - Construction of a new airport
  - Rebuilding a river bank that is at risk of collapsing
  - Construction of a new garment factory

- Below are the answers to the projects mentioned above. Give the participants an opportunity to think about each one and you can tell them afterwards whether they answered correctly.

Answers
  - Construction of a new road – Public interest
  - A large rubber plantation owned by a private company – NOT public interest
  - Upgrading the railway system – Public interest
  - Construction of a new shopping mall – NOT Public Interest
  - Construction of a large bauxite mine by a private company – NOT Public Interest
  - Construction of a new airport – Public interest
  - Rebuilding a river bank that is at risk of collapsing – Public interest
  - Construction of a new garment factory – NOT Public interest

- Make sure that you explain that this law has not yet been implemented, and it is not clear how it will apply to mining, but it is still very important to be aware of the law.
LESSON 5: MINING LICENSES

AIM: Participants will understand what a mining license is, that different types of licenses apply to different types of mining and what conditions govern the use of mining licenses.

MATERIALS: Flipchart/whiteboard, markers.

METHOD(S) USED: Large group discussion, matching exercise.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Time Frame (in minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 - Group discussion</td>
<td>10</td>
</tr>
<tr>
<td>Step 2 - Introduce information: 5. Mining Licenses</td>
<td>30</td>
</tr>
<tr>
<td>Step 3 - Matching exercise</td>
<td>20</td>
</tr>
<tr>
<td>Step 4 - Review answers</td>
<td>20</td>
</tr>
<tr>
<td>Step 5 – Debrief</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>90</strong></td>
</tr>
</tbody>
</table>
GROUP DISCUSSION:

- Before teaching from the text in Section 5, facilitate a short group discussion. To do this, ask the question: “What is a license?” Ask different participants for a definition of what a license is.

- A simple answer to this is “A license is something that gives you official permission to do something.”

- Once you are sure that everyone knows what a license is, ask for some examples. Examples of licenses include: a driving license, a license to do business, a license to build a new building, and so on.

- After 10 minutes, explain that if someone wants to mine in Cambodia they also need a license. In this lesson, participants will look in more detail at what a mining license is.

5. MINING LICENSES

INTRODUCE INFORMATION: MINING LICENSES

Introduce the following information. It is important that participants understand:

- Before anyone can legally mine, they must first get a license.
- Different types of licenses apply to different kinds of mining.
- If a license holder violates the terms of their license or Cambodian law, they may have their license suspended or cancelled.

Before anyone can start to legally explore or mine for minerals in Cambodia, they must first get a license from the Ministry of Industry Mines and Energy (MIME). If a company does mining activities without a license, it may be fined and the people responsible may be sent to prison.44

According to the Mining Law, only MIME can issue mining licenses. MIME is responsible for managing and inspecting all mining operations and making sure that the Mining Law is respected.45 The ministry is also required to keep a register of all mining licenses issued.46

---

44 Mining Law 2001, Articles 5 & 33.
45 Mining Law 2001, Article 15.
46 Mining Law 2001, Article 10.
Here we will look at several different types of mining licenses:

- Artisanal Mining Licenses;
- Pit and Quarry Licenses and Gem Licenses;
- Exploration Licenses and Industrial Mining Licenses.

If a license holder breaks the terms of the license, or breaks any part of the Mining or Environment law, the license can be suspended or cancelled.

5.1. ARTISANAL MINING LICENSE

Artisanal Mining Licenses are licenses granted to small-scale miners who work for themselves and their family. According to the Mining Law, there are several restrictions on the issuance of Artisanal Mining Licenses. These include:

- Only persons of Khmer nationality may be granted a license;
- Only locally available common instruments may be used;
- Artisanal miners must use their own labor, or their family’s labor (maximum 7 people); and
- Artisanal mining may only take place over an area no more than 1 hectare and to a maximum depth of 5 meters.

Applications for this type of license should be submitted to the local department of MIME in the area where the mining operation is located.47

At the present time, most small-scale mining is done illegally, because small-scale miners in Cambodia generally do not have Artisanal Mining Licenses. This is becoming a problem because small-scale mining can cause environmental damage when it is unregulated. Unregistered small scale miners are also starting to come into conflict with holders of mining licenses who come to develop large mines in areas traditionally mined by artisanal miners.

---

5.2. PIT AND QUARRY LICENSE & GEMSTONE LICENSE

A Pit and Quarry License gives a company the rights to mine for construction materials from pits and quarries. These materials include sand, gravel, crushed stone, laterite, cement, clay, limestone, and marble. Permission to do sand-dredging from rivers and the sea is also granted through a Pit and Quarry License.

A Gemstone License gives a company the right to mine for gems such as diamonds, rubies and sapphires.

The law requires that an Environmental Impact Assessment (EIA) be conducted before these types of mining occur.

5.3. EXPLORATION & INDUSTRIAL MINING LICENSES

If a company wants to mine valuable minerals in Cambodia, such as gold or bauxite, there are two main licenses that need to be granted:

- Exploration License; and
- Industrial Mining License.

48 Mining Law 2001, Article 11(1)
If mineral deposits have not yet been found in a particular area, the company will first explore for minerals. Before a company can explore, it must apply for an Exploration License. This only gives a company the right to explore for minerals. As mentioned earlier, this involves investigating the area, drilling deep holes and taking samples from the ground for testing.

The license holder can take samples but they cannot yet mine any minerals or process them for sale. If the company finds minerals while exploring, it must apply for an Industrial Mining License before it starts commercially mining in the area. An EIA must be done before an Industrial Mining License is granted.

An Industrial Mining License gives a company the right to conduct commercial mining for precious minerals. A company that wishes to mine must first apply to the Council for Development of Cambodia (CDC). The CDC is responsible for reviewing and approving major development projects in Cambodia. If the CDC approves the application, MIME will issue the license.

According to the Mining Law, Industrial Mining Licenses can only be granted if an Exploration License has already been granted in that area, and the mining area must be within the original exploration area. The company must also show that it is technically and financially able to implement the project. This means they should be able to show that they have the money and the experience to implement the project well.\textsuperscript{50}

The applicant must also:\textsuperscript{51}

- Conduct a feasibility study;
- Prepare a plan for decommissioning the mine and restoring the area after the mine closes;
- Complete an EIA;
- Create a plan for protecting the health and safety of workers; and
- Create a plan for education, training and employment of Cambodian citizens.

\textsuperscript{50} Mining Law 2001, Article 11(6).
\textsuperscript{51} Mining Law 2001, Article 21.
License holders must pay tax, land rental and royalties (a percentage of profits) to the Government for all minerals that they take from the ground. 52

The license holder also has the obligation to follow the laws and regulations regarding environmental protection. 53 This includes managing solid waste products, 54 water waste, 55 and air pollution. 56 The license holder must also safeguard the health and safety of workers and those living around the land that the license covers, known as the concession area. 57

### REVOKING LICENSES

If a license holder breaks the terms of the license, or breaks any part of the mining or environment law, it can have its license taken away and also face penalties. 58 This includes fines or prison sentences for those who, for example, mine without a valid license, or those who mine on private land without permission of the owner.

MIME issued a Circular on revoking licenses that includes a list of reasons why a license may be cancelled. This list includes: 59

- Failing to begin operations within 6 months from the date the license is given;
- Conducting activities outside the license area;
- Exploiting minerals with an Exploration License (rather than an Industrial Mining License);
- Failing to take proper steps to protect the environment, and polluting the environment on the surface, under the ground, or in its waters;
- Failing to compensate land owners in and outside the license area for any damages caused by mining operations;
- Failing to protect the health and safety of workers and the public within the area of the mining operation, or disturbing the livelihood of the people residing in the area surrounding the site.

It is important to remember that if a company has a license to explore or mine in an area, this does not mean they have ownership over that area. They have the right to do only what the license says they are allowed to do, such as explore or exploit. Similarly, a mining license does not allow the license holder to do anything other than conduct activities related to mining. So, for example, a mining license holder cannot remove any more trees from the area than is necessary to conduct mining.

52 Mining Law 2001, Articles 27, 28 & 32.
53 Mining Law 2001, Article 11(2).
54 Sub-decree No36 on Managing Solid Waste Products 1999.
55 Sub-decree No27 on Water Pollution Control 1999.
56 Sub-decree No42 on Air Pollution Control and Noise Disturbance 2000.
57 Mining Law 2001, Article 21(3).
58 Mining Law 2001, Chapter VIII.
MINING LICENSE REGISTER

The Mining Law says that MIME must record all mining licenses on a register. In 2008, the government committed to create a public logbook of all mining licenses, economic land concessions and other concessions in Cambodia. This means the information needs to be published across the country in Khmer language and kept up to date. However, there is still no comprehensive publicly available information logbook of mining concessions.

MATCHING EXERCISE:

- Make sure that the participants are clear about the difference between the different types of mining licenses. Then explain that in this exercise, participants will work in teams to match different statements to the correct license.

- Divide the participants into four groups and give each group four pieces of paper with the following types of licenses written on them:
  - Artisanal License
  - Pit and Quarry License
  - Exploration License
  - Industrial Mining License

- Explain that the participants are going to play a game where you read out a statement about one type of license, and they must match it to the correct license.

- You will read out one statement from the table below, and the group should decide which license it applies to. When the group has decided, it should hold up the correct sign.

- The first team to answer correctly gets a point.

  Show an example to the participants so that they understand the game. Take the first statement “Granted to small scale miners”, and explain that in this case the answer is Artisanal License so the group should hold up the piece of paper with ‘Artisanal License’ written on it.

- The first group to answer correctly gets a point. The team with the most points at the end wins the game.

- The different statements are all contained in the table below.
<table>
<thead>
<tr>
<th>Artisanal Mining License</th>
<th>Pit and Quarry License</th>
<th>Exploration License</th>
<th>Industrial Mining Licenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Granted to small scale miners</td>
<td>Gives a company the right to mine for construction materials from pits and quarries.</td>
<td>Issued to companies who want to explore for minerals in a specific area</td>
<td>Gives a company the right to do commercial mining for precious minerals</td>
</tr>
<tr>
<td>Can only be issued to persons of Khmer nationality</td>
<td>This includes sand, gravel, crushed stone, laterite, cement, clay, limestone, and marble.</td>
<td>Involves investigating the area, drilling deep holes and taking samples from the ground for testing</td>
<td>Must apply to the Council for Development of Cambodia (CDC). If the CDC approves the application, MIME will issue the license.</td>
</tr>
<tr>
<td>Mining using locally available common instruments</td>
<td>Permission to do sand-dredging from rivers and the sea is also granted through this kind of license.</td>
<td>The license holder can only take samples but they cannot yet mine any minerals and process them for sale.</td>
<td>The company must conduct a feasibility study</td>
</tr>
<tr>
<td>Using their own labor or with help of family (maximum 7 people)</td>
<td>This type of license covers both exploration and exploitation of construction materials.</td>
<td>According to the law, an EIA must be done before this type of license is granted.</td>
<td>The company must complete an EIA before receiving this license</td>
</tr>
<tr>
<td>Over an area no more than 1 hectare</td>
<td>The company must conduct an EIA before receiving this license</td>
<td></td>
<td>The company must create a plan for protecting the health and safety of workers and for the education, training and employment of Cambodian citizens.</td>
</tr>
<tr>
<td>To a maximum depth of 5 meters</td>
<td>License holders must pay tax, land rental and royalties (a percentage of profits) for all minerals that they take from the ground.</td>
<td></td>
<td>License holders must prepare a plan for decommissioning the mine and restoring the area after the mine closes</td>
</tr>
</tbody>
</table>
REVIEW ANSWERS:

- After the exercise, count which team scored the most points, and declare them the winner.

- Now you should take some time to review the answers. Focus especially on any statements that confused the participants, or that no one provided the correct answer for.

DEBRIEF:

- Review the types of licenses with the participants by asking some basic questions about the different types of licenses.

- Explain again that if any license holder breaks the Mining Law, or laws and regulations related to the environment, they may have their license suspended or taken away completely.
MINING AND THE LAW
DIFFICULT TERMS
1. **Artisanal Mining License**: Licenses granted to small-scale miners who work for themselves and their family.

2. **Collective property**: If land is collectively owned, it belongs to a group of people instead of one person. For example, indigenous community property belongs to all the members of the indigenous community living there.

3. **Complaint Resolution Committee**: The committee, established under the Expropriation Law, responsible for dealing with complaints from people affected by expropriation. After receiving a complaint, the Committee must respond with a report to the government within 30 days.

4. **Council for Development of Cambodia (CDC)**: The body that coordinates aid and large investments coming into Cambodia. The CDC must approve all large development projects, including large mines.

5. **Cultural, historical and heritage sites**: The mining law does not give a clear definition for these types of sites, but it could include ancient temples and other sacred sites, areas important to indigenous people, and other places that have a high historical value.

6. **Environmental Impact Assessment (EIA)**: A document that shows all possible impacts of a proposed project on the environment and on people and communities. If negative impacts are identified, the EIA should have a plan on how to minimize these impacts on people and on the environment.

7. **Exploration License**: A license to explore for precious minerals. This involves investigating the area, drilling deep holes and taking samples from the ground for testing. A company cannot mine minerals for sale with this type of license.

8. **Expropriation**: When the State takes privately held land in the public interest. If this happens, fair and just compensation must be paid in advance.

9. **Expropriation Committee**: If a ministry or State institution proposes that an area of land be expropriated, the Expropriation Committee must prepare a report and send it to the government.

10. **Gemstone License**: Gives a company the right to mine for gems such as diamonds, rubies and sapphires.

11. **Indigenous community property**: A group of people in Cambodia who share ethnic, social, cultural and economic unity. They practice a traditional lifestyle and have distinct customs and practices.

12. **Industrial Mining License**: Gives a company the right to do commercial mining for precious minerals.
13. **International Covenant on Economic, Social and Cultural Rights**: One of the most important international human rights laws. It protects human rights, such as peoples right to education, healthcare and adequate housing.

14. **Law on Expropriation**: The law passed in 2010 that sets the rules for how expropriation of private property in the public interest may be conducted.

15. **Monastery property**: Land and buildings within the grounds of Buddhist pagodas.

16. **National interest**: When the government needs to use the land in order to protect the security and territory of the country.

17. **Non-lawful occupants**: People who live on or use a piece of land but have no legal rights to that land.

18. **Owner**: Someone with a legal title for his or her land.

19. **Ownership**: Ownership gives a person full rights to a piece of property. Ownership is the strongest right anyone can have over land. It allows the owner to use their land in any way they want, as long they do not break any laws.

20. **Pit and Quarry License**: Gives a company the right to mine for construction materials from pits and quarries. This includes sand, gravel, crushed stone, laterite, cement, clay, limestone, and marble.

21. **Possession rights**: Possession rights belong to someone who does not have legal title but who has lived on, used or occupied a piece of land before 2001, when the Land Law was passed, or bought the land from someone who did. The possession of property must meet a number of other conditions. Legal possessors have rights similar to those of an owner. They also have the right to apply for title.

22. **Private property**: Property that is owned or legally possessed by a private individual or company.

23. **Public interest**: Something that will benefit the Cambodian people by helping them improve their standard of living, providing an important service, or keeping them safe. The Expropriation Law describes a number of public infrastructure projects that may be classified as in the public interest.

24. **Royalties**: All companies must pay the Government a percentage of the value of all minerals that are taken from the ground. This is called a royalty.

25. **State private property**: Property that belongs to the State but is not considered State public property because it is not available for the public to use or does not provide a service to the public. If State public property loses its public interest use, it can be changed to State private property.
26. **State public property**: Property that belongs to the State but is available for the public to use or provides a service to the public. This may be property of natural origin (e.g. lakes and forests), property for public use or service (e.g. railways, roads and public parks), and archeological and historical sites.

27. **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**: The Declaration recognizes the right of all indigenous peoples to be free from discrimination, to practice their religious traditions, manage their land according to their customs, and to be involved in the decisions that affect their lives. Although the Declaration is not a law, it is an important international document, agreed upon by most nations, that recognizes the rights of indigenous peoples.”
POST TEST

Note: Please tick (✓) the answer you think is correct. Please, only tick one box for each question.

Part 1: Mining and Communities

Lesson 1: Participants’ Experiences

1. What is mining?
   - Mining is a process whereby people and companies take minerals, rocks and precious stones out of the ground or from under the water.
   - Mining is predicted to become a huge industry in Cambodia using modern machinery.
   - Mining is when land is sold for profit.
   - I do not know.

2. Please choose the activity below that is NOT an example of mining.
   - Rubber plantation.
   - Pumping sand.
   - Gold and iron extraction.
   - I do not know.

Lesson 2: The stages of the mining process

3. Why should we know about mining?
   - It is useless to know about mining.
   - It is important to know the impact it has on the environment and on people, because mining companies do not always act responsibly.
   - It’s not necessary to know about mining because it is only the government’s responsibility to monitor it.
   - I do not know.

4. Which is the first stage of mining?
   - Exploration.
   - Feasibility study.
   - Prospecting.
   - I do not know.

5. When must a mining company obtain a license from the government?
   - During the feasibility study.
   - Before the exploration phase.
   - During prospecting.
   - I do not know.

Lesson 3: What are the potential benefits of mining?
6. What are the potential benefits of mining?
- There are no potential benefits.
- Mining can create jobs, skills and improve infrastructure.
- The people who live in mining areas get to use the materials for free.
- I do not know.

Lesson 4: What are the impacts of mining?

7. What are the negative impacts of mining?
- Mining can create more jobs.
- There are no negative impacts from mining.
- There can be many negative impacts from mining including: environmental impacts, water pollution from chemicals, destroyed forests, and it can encroach on people’s lands.
- I do not know.

Lesson 5: Environmental impacts assessment

8. What is an EIA?
- A process by which all environmental and social impacts of a proposed project are evaluated.
- Documents that talk about how to reduce the negative impacts on people.
- Documents that talk about how to reduce the negative impact on environment.
- I do not know.

9. What is an Environmental Management Plan?
- A plan for managing water resources.
- A plan for avoiding or minimizing the negative environmental impacts caused by a mining project.
- The plans for a mining project.
- I do not know.

Lesson 6: Public participation and environmental impact evaluation process

10. What does public participation mean?
- Communities are involved in decision-making but they can not express their concern in the meeting.
- Allowing communities to express their opinions about the project and participate in the decision-making processes.
- Public participation is not allowed, only the government can make a decisions.
- I do not know.

11. At which stage in the mining process should an EIA be conducted?
- Before the company applies for a full mining license.
- Before a company does any activity.
- Before the company conducts exploration.
- I do not know.
Part 2: Mining and the Law

Lesson 1: Classification of land

1. Why is it important to know about the classification of land?
   - The classification of land determines if the land can be owned and how it can be used.
   - The classification of land is not important.
   - Cambodian people have no right to know the classification of land.
   - I do not know.

2. What are the five classifications of land?
   - The King’s land, private land, development land, monastery land and collective land.
   - I do not know.

Lesson 2: Where is it permissible to mine?

3. Which type of land can be legally mined?
   - Indigenous land.
   - Only State public land.
   - State private land, private land and state public land, but only if the process follows the law and legal regulations.
   - I do not know.

4. Is it important to know on what kind of land mining is permissible?
   - No, it is not important.
   - Yes, it is important because we have to know how the land is classified by the law and under what conditions mining can be allowed.
   - It is up to the company to decide, so I do not need to know.
   - I do not know.

Lesson 3: Land Rights

5. When can the government legally expropriate the privately held land of its citizens?
   - When the government wants to give that land to the private company.
   - When taking the land serves a public interest or national interest.
   - The government can legally expropriate the privately held land of its citizens at any time.
   - I do not know.

6. What kind of land cannot be legally mined?
   - State Private Property.
   - Private property or indigenous community property, if the owners of the property do not consent to mining taking place there. Unless the land is expropriated.
   - State Public Property.
   - I do not know.
Lesson 4: Expropriation of land and public interest

7. What is expropriation?
   - To take property away from the owner or citizen to serve the public interest by following the expropriation law.
   - To take property away from the owner or citizen and provide fair and just compensation to the affected people before doing so.
   - Both above answers are correct.
   - I do not know.

8. What is the public interest?
   - Something that benefits the country’s leaders.
   - Something that helps many people in a society to improve their lives, and provides other benefits.
   - Both answers above are wrong.
   - I do not know.

Lesson 5: Mining Licenses

9. What is required to legally mine in Cambodia?
   - If a company is mining for precious metals and stones it is legal for them to mine in Cambodia.
   - Any mining that has the approval of a commune is legal.
   - A license from the Ministry of Industry Mines and Energy (MIME) is required to legally mine in Cambodia.
   - I do not know.

10. If any companies violate the Mining Law when doing mining exploitation, what punishments do they face?
    - The Company must pay a penalty fee of $20,000 to the State.
    - The licenses can be confiscated, suspended, or canceled by the relevant authority and the company can face a criminal penalty.
    - There is no punishment for a company who violates the Mining Law.
    - I do not know.
Lesson 1: Participants’ Experiences

1. What is mining?
   Mining is a process whereby people and companies take minerals, rocks and precious stones out of the ground or from under the water.

2. Please choose the activity below that is NOT an example of mining.
   Rubber plantation.

Lesson 2: The stages of the mining process

3. Why should we know about mining?
   It is important to know the impact it has on the environment and on people, because mining companies do not always act responsibly.

4. Which is the first stage of mining?
   Prospecting.

5. When must a mining company obtain a license from the government?
   Before the exploration phase.

Lesson 3: What are the potential benefits of mining?

6. What are the potential benefits of mining?
   Mining can create jobs, skills and improve infrastructure.

Lesson 4: What are the impacts of mining?

7. What are the negative impacts of mining?
   There can be many negative impacts from mining including: environmental impacts, water pollution from chemicals, destroyed forests, and it can encroach on people’s lands.
Lesson 5: Environmental impacts assessment

8. What is an EIA?

A process by which all environmental and social impacts of a proposed project are evaluated.

9. What is an Environmental Management Plan?

A plan for avoiding or minimizing the negative environmental impacts caused by a mining project.

Lesson 6: Public participation and environmental impact evaluation process

10. What does public participation mean?

Allowing communities to express their opinions about the project and participate in the decision-making processes.

11. At which stage in the mining process should an EIA be conducted?

Before the company applies for a full mining license.
Part 2: Mining and the Law

Lesson 1: Classification of land

1. Why is it important to know about the classification of land?

   The classification of land determines if the land can be owned and how it can be used.

2. What are the five classifications of land?


Lesson 2: Where is it permissible to mine?

3. Which type of land can be legally mined?

   State private land, private land and state public land, but only if the process follows the law and legal regulations.

4. Is it important to know on what kind of land mining is permissible?

   Yes, it is important because we have to know how the land is classified by the law and under what conditions mining can be allowed.

Lesson 3: Land Rights

5. When can the government legally expropriate the privately held land of its citizens?

   When taking the land serves a public interest or national interest.

6. What kind of land cannot be legally mined?

   Private property or indigenous community property, if the owners of the property do not consent to mining taking place there, unless the land is expropriated.

Lesson 4: Expropriation of land and public interest

7. What is expropriation?

   Both above answers are correct.

8. What is the public interest?

   Something that helps many people in a society to improve their lives, and provides other benefits.
Lesson 5: Mining Licenses

9. What is required to legally mine in Cambodia?

A license from the Ministry of Industry Mines and Energy (MIME) is required to legally mine in Cambodia.

10. If any companies violate the Mining Law when doing mining exploitation, what punishments do they face?

The licenses can be confiscated, suspended, or canceled by the relevant authority and the company can face a criminal penalty.