



Left: A cluster bomb is marked by a danger sign at a plantation. Right: A Cambodian Mine Action Centre worker marks any sightings to an adult.

# Plantation explosions



## The surge in casualties and safety regulations

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**A**NNYONG swats flies away from his charred flesh. He arrived to work at the cassava plantation in Kratie a few days before the accident. The 25-year-old stood around a fire, cooking dinner after a long day in the fields, with four members of his extended family when flames suddenly engulfed the group. The explosion was caused when the heat detonated an explosive remnant of war (ERW). All five people were injured and needed medical treatment.

With improved access to Cambodia's eastern provinces comes increased economic interest in utilising the land. In Cambodia, companies and landowners can choose whether or not to clear areas used for commercial purposes such as agriculture, mining or ecotourism.

Cassava, rubber and cashew nut plantations are among the commercial ventures that reveal the need for safety regulations on clearance of old bombs and landmines. Ann Yong sits next to his uncle, Ron Run, at Kien Kleng National Rehabilitation Centre as they speak about the March 17 incident. The group travelled from Prey Vieng to start working and living at the plantation in Kratie's Snuol district. Run's wife, Von Tha, and his brother Kith Ol were the closest to the fire when the ERW detonated. They were critically injured. Run and his two nephews, Ann Yong and Et En, were standing further back, but were still badly

burnt and their skin shredded by shrapnel.

Cambodian Mine/ERW Victim Information System data shows that last year the main places accidents occurred were orchards and plantations, with 14 explosive remnants and 18 landmine incidents recorded on them last year, up from zero accidents listed under "orchard/plantation" in 2005.

Jan Erik Stoa, Norwegian People's Aid Program Manager Mine Action Cambodia, said that regulations should be implemented to protect people from working on hazardous sites. Currently, developers can decide if and how land will be cleared, which presents a dangerous situation for workers in Cambodia. The ever-present threat posed by subsurface bombs is underscored when people till the soil or simply light a fire to make a meal after work.

"There is no legal obligation for the landowners to do anything. What happens is that people start working and if there is an accident, there is no one to take responsibility. This is best addressed if you have a national law, like a law to use a helmet or to have registration on your vehicle."

Stoa recommended placing regulations on clearance activities in known contaminated areas. When land is being used for commercial purposes, it should be mandatory to conduct clearance using an approved operator, he said. Then, if there is an accident, the land owner or developer responsible for the clearance would have to compensate workplace ERW





Province in eastern Cambodia, where explosive remnants of war are scattered throughout the region. Centre: CMAC's Keo Sarath warns children in Svay Rieng to stay away from explosive remnants they discover in nearby fields and to report. Below: Ann Yong and his uncle Ron Run speak about the accident in March that seriously injured five members of their family. PHOTOS: GEMIMA HARVEY

## Casualties at plantations from explosive remnants of war shows the need for laws to protect workers from being sent to contaminated sites, experts say

victims. At the moment, there is no protection for workers or a policy to ensure that they are paid damages.

At the rehabilitation clinic one of the most seriously injured in the Kratie explosion, Von Tha, lay unconscious after a skin-grafting operation. Her husband, Run, was unaware that the site was contaminated by ERW. He estimated the plantation to be 30 hectares with 20 people working there. The survivor added that a friend who accompanied them to the hospital in Phnom Penh and did not intend continuing work at the cassava farm allegedly got a call from one of the plantation owners. Run said this individual encouraged his friend to return to work, saying that it was safe and that there was nothing to fear.

In fact, bombing data of Snuol, where the accident took place, shows a saturation of ordnance and cluster bomb strikes.

Run mentioned that the owners paid for a car to transport them for medical care and called once to check on their welfare, but otherwise have made no offer of financial assistance. There is no legal obligation to pay compensation despite the loss of livelihood for these subsistence farmers. Run and Tha were making a combined

total of US\$7.50 each day at the plantation. Their initial medical expenses were \$300. The cost of one bed per night was almost as much as their daily combined income. At the national rehabilitation centre, where they were transferred 12 days after the accident, most of their expenses are covered, but they must buy certain types of medicines. Not only does this family have to cope with serious personal loss and physical trauma, but they are put in debt at precisely the time they have no income.

In January 2012, three casualties occurred in Ban Lung, Ratanakiri province, when an anti-vehicle mine detonated from the pressure of a tractor in a plantation. This is another incident that stresses the importance of companies and individuals being bound by standards when clearing land for commercial purposes.

The national highway to Laos was rebuilt in 2008 and the road to Vietnam was improved in 2003 making the journey between countries and provinces simpler. Land pressure for enterprise in eastern Cambodia is causing people to push into areas that have never been surveyed or cleared. East of the Mekong the explosive legacy is largely left over from the Vietnam War. From 1965 to 1973 the US dropped 2,756,941 tonnes

of bombs over central and eastern regions in an attempt to cut the Ho Chi Minh Trail, more than was unleashed by the Allies in all of World War II. Another significant element of Cambodia's explosive legacy is landmines. These are mainly concentrated in western Cambodia, but landmines also litter other regions; a result of decades of civil war that presents a hazardous situation for today's workers.

Heng Ratana, director general of the Cambodian Mine Action Centre, said that companies may try to demine themselves but do not do it thoroughly, only dealing with explosive remnants at surface level, or contract a third party to undertake clearance work. "Owing to the economic cost, companies less worried about being professional are more likely to use cheap ways of demining or use their own excavators until one day there is an accident. There is no enforcement due to limited resources and inadequate legal grounds to hold landowners to account," he said. He stressed that safety regulations should be required for companies and that strong enforcement needs to be effectively and actively pursued by all relevant sectors before the land can be extensively used. Otherwise workers will not

know whether or not they are working on contaminated land.

One example of the way land is cleared to create farming areas is hiring someone with an excavator. Mung Long does this kind of work. Most of his contracts have been along the road from Kampong Cham to Kratie where he regularly unearths cluster bombs and other explosive remnants. "When I find them, I put them in a pile and put more earth on them. In the 10 years that I have been doing this, I have found a lot of things and I always report the findings to the village chief," he said.

Safety regulations to protect workers from unwittingly entering contaminated sites would be a positive step forward. NPA's Støa noted such laws exist in Vietnam. Anyone who wants to build or use land for agricultural purposes must get a certificate from the provincial authority to say that the land is free from ERW. "You could have a similar system in Cambodia. This should be initiated by the Cambodian Mine Action and Victim Assistance Authority, which is the national authority and it should be supervised ... by police," he said.

Støa said that instead of requiring a clearance certificate for every plot of

land, like in Vietnam, the results of the Baseline Survey (due for completion in December 2012) could be used to flag suspected hazardous areas. He suggested that any commercial activity within known dangerous areas could then be assessed. "You could easily implement a system by January 2013 that regulates the development of land for any purpose by requiring people to contact CMAA [the Cambodian Mine Action and Victim Assistance Authority]. If the land is known to be dangerous, then clearance action should be obliged and if it's outside of hazardous areas then people could go ahead with their activities," he said.

CMAA deputy secretary general Prum Sophakmonkol fully supports the need for better protection of workers. He said that CMAA should start this process by drafting regulations and mentioned the possibility of contacting the Ministry of Labour and Health to discuss the issue. "If a law was passed, then an inclusion to Cambodian Mine Action Standards could be written stating that no land shall be released for commercial purposes until such time that a legal certificate of clearance is obtained by the developer after clearance has taken place," he said. While

approving of the need to create regulations, he raised an important point about the people who could be negatively impacted by tighter controls on clearance. "One thing to be considered is that private landowners might not have the funds to pay for commercial clearance. Thus creating a situation where landowners cannot use their own land. I am referring to the poorer people here and not rich landowners," he said.

Despite the potential effect on small-scale developers and landowners, if a system such as the one described above was introduced then there would be protection in place for people like Yong, Run and the rest of their family. This would effectively give victims the right to seek compensation. If the developer or landowner, by law, was supposed to certify clearance of ERW and then there was an accident, a new level of accountability would be created.

Yong was wrapped in bandages at the hospital and didn't know when he would be well-enough to go home. Without a hint of hostility he said, "Now I cannot work until I get better and I don't want to go back to the place where the bomb was. We should have laws to protect people being hurt while working the land." 