

## Cambodian NGO seeks legal advice to force policy change on suspect Singapore sand trade

Jurisdiction : - Asia / Cambodia / Singapore / South East Asia

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### IN BRIEF

Environmental group Mother Nature has instructed a Singapore law firm to provide advice in relation to the suspected complicity of Singaporean entities in a Cambodian sand mining scam. The NGO wants policy changes in Singapore that make the continuation of imports of sand from Cambodia under current arrangements impossible, Mother Nature executive director Alex González-Davidson said.

Environmental group Mother Nature has instructed a Singapore law firm to provide advice in relation to the alleged complicity of Singaporean entities in the sand mining scam.

"We are seeking advice from Singapore firm Eugene Thuraisingam in relation to what legal options are available to us in relation to sand imports," Mother Nature executive director Alex González-Davidson told MLex.

Ultimately, he said he wanted to force a discussion within Singapore society about the impacts, social and environmental, caused by the imports of Cambodian sand. He also said he wanted policy changes in Singapore that would make the continuation of imports of sand from Cambodia under current arrangements impossible.

The Singapore press and international media outlets have been reluctant to wade into the issue, which is rapidly gaining traction in Cambodia.

If a claim is successfully brought before Singapore's courts, it would be the first time that victims of an environmental disaster in Asia have taken action against perpetrators in Asia – in this case, companies and/or statutory bodies in Singapore – according to several recent reports.

A similar course of action was pursued in 2013, when Cambodian farmers grouped together to sue UK sugar company Tate & Lyle in the English courts for purchasing sugar from Cambodian companies complicit in illegal land grabs.

MLex understands that Tate & Lyle has unsuccessfully sought to try to have the claim settled out of court.

In October 2016, the UN-backed International Criminal Court announced a

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change in its case selection and prioritization, and it will now seek to give priority to crimes that are committed by means of, or result in, "the destruction of the environment, the illegal exploitation of natural resources, or the illegal dispossession of land." (see [here](#))

The ICC's announcement came about as a result of a 2014 filing by public interest legal advisory firm Global Diligence, which asked the court to investigate mass crimes associated with the land grabbing that has plagued Cambodia for the past two decades. The filing was submitted by lawyer Richard Rogers, a partner at Global Diligence.

A consequence of the policy change would be that businesses now face an even greater risk of being sued in civil courts in other countries, Rogers told MLex at the time.

"The real change is that the types of crimes committed by individual businesspeople – rather than warlords – have come into focus," he said. "It is more likely that such individuals could be investigated and indicted, so businesses should be cautious if they are to avoid legal liability and reputational damage."

According to the States Times Review, the Singapore government has never lost a court case in one of its own courts.

The government of Cambodia is expected soon to resume exports of coastal sand on the understanding that the sector has been cleaned up and that there are now proper mechanisms in place.

"In reality, we do not expect any changes," González-Davidson said. "Not as long as the same people who have been in charge continue to be involved."

González-Davidson said he sought a complete ban on exports of coastal sand, which is currently used for both construction and land reclamation in Singapore, the world's largest importer of sand.

"The reason is simple: the social and environmental impacts have been too great, and the country has received nothing in return," González-Davidson said.

The Cambodian parliament's anticorruption commission is expected to write to Singapore's ambassador in Cambodia seeking answers about Cambodia's sand trade with Singapore after reports surfaced that UN data showed a \$750 million discrepancy between volumes of sand exported from Cambodia and imported into Singapore. (see [here](#))

The Singapore government has yet to respond to the allegations.

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