

Cambodia: Indigenous Peoples' Rights to Land, Territories and Resources



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Overview of Indigenous Peoples in the World




- ❑ There is no defined the term “indigenous peoples”.
- ❑ IPs population is 370 millions and live in over 70 countries in the world. In Asia alone, IPs is about 70% of overall 370 million people
- ❑ They are have common uniqueness:
 - ❑ Having distinct of social, political, cultural systems from the nominants systems
 - ❑ Pre-existance in their ancestral territories and land before any invasion or encroachment from colonizers or outsider





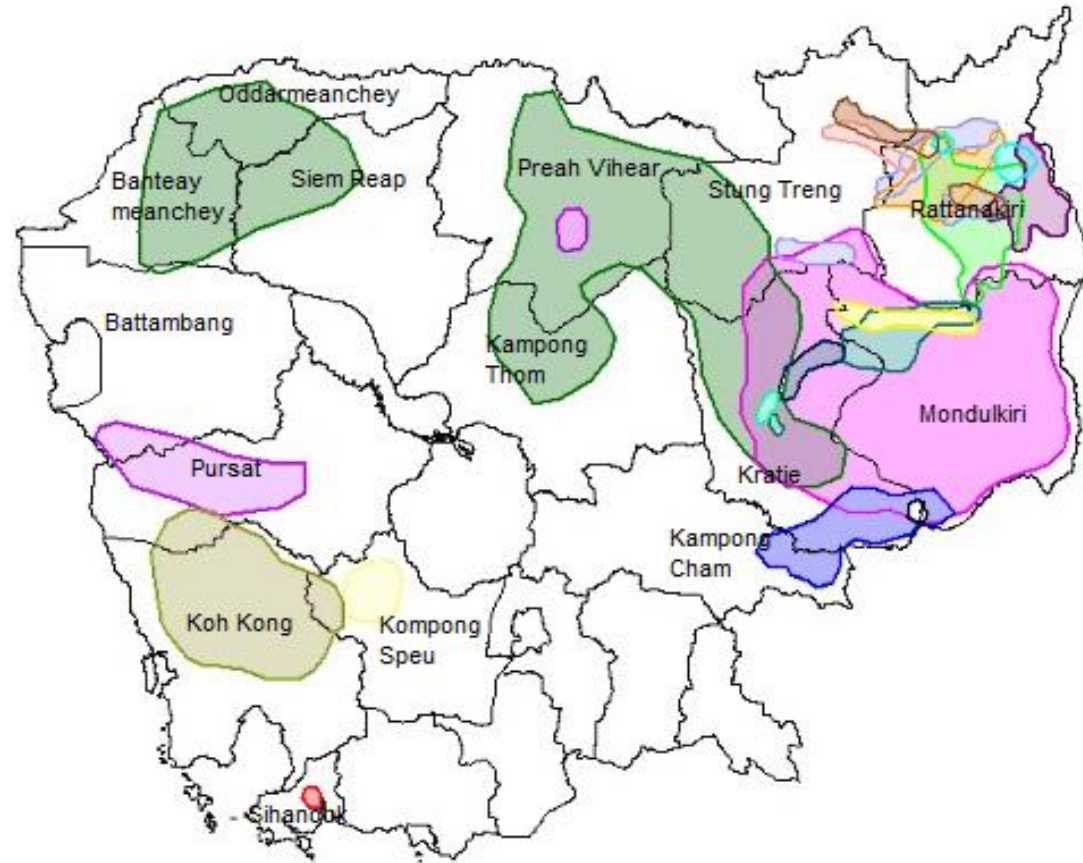
Overview of Indigenous Peoples in the World

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- ❖ “Indigenous Peoples” is very recognized internationally. However in some place they are recognized as tribal peoples, aboriginal peoples,
 - ❖ They face the similar situation – lack of participations in national politics, severe poverty, vulnerable to economic and social development and less access to public service (healthcare, education, ...)
 - ❖ They face the same issues such as human rights violation, non-recognition of their identities and livelihood, discrimination, rights to land, territories and resources

Indigenous Peoples in Cambodia

- The 1998 Cambodian Population Census identified 17 different indigenous groups (19 – 24 group).

- Population estimates for indigenous peoples range from 101,000 to 190,000 or 1.4 percent of Cambodia's population in 15 provinces, about 503 communities that is about approximately 4 million hectares of Cambodia's land, forest and ecosystems



The Indigenous Peoples' Geographic Locations in the Map of Cambodia



Indigenous Peoples in Cambodia

- ❑ Basically throughout 24 groups of indigenous peoples they have similar culture and practices.
- ❑ Their livelihoods are based on animal husbandry and rotational (shifting) cultivation. Collection of non-timber forest products from the natural forest and weaving are the main sources of income.
- ❑ Indigenous peoples depend on forest products for their livelihoods, without destroying the land and forest that have been preserved by their ancestors **FOR GENERATIONS**.
- ❑ They have strong unity and respect for their customary law, practices and religious belief that bring blessings.



Challenges and Issues of IP Rights' to Land, Territories and Resources



- ❑ **Constitution of Kingdom of Cambodia:** under article 44 ***“All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land.”***
- ❑ **Land Law:** Paragraph 2 of article 23 of Law on Land states that ***“Prior to their legal status being determined under a law on communities, the groups actually existing at present shall continue to manage their community and immovable property according to their traditional customs and shall be subject to the provisions of this law.”*** In addition, article 28 of this Law denotes that ***“No authority outside the community may acquire any rights to immovable properties belonging to an indigenous community.”*** Additionally, there are also treaties, conventions, covenants, and national laws and policies which protect and support indigenous peoples.

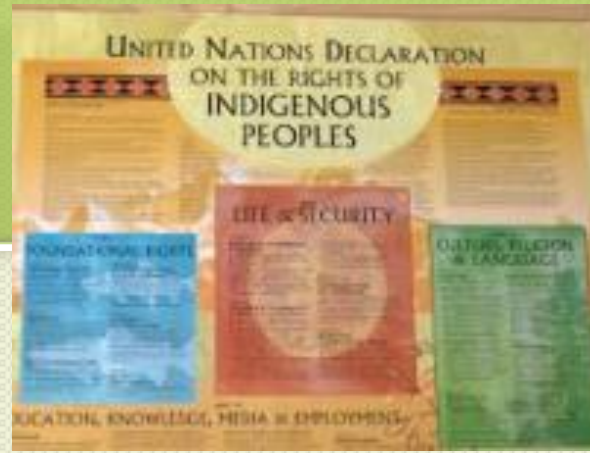
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Challenges and Issues of IP Rights' to Land, Territories and Resources

■ **UN Declaration on the Rights of Indigenous Peoples:**

Indigenous People have the right to traditional and sustainable management over land, forest, and natural resources, in which Cambodia has been a signatory state. Article 3 of the declaration expresses that indigenous peoples have the right to self-determination. Based on the spirit of these rights, indigenous peoples have the right to free decision-making in their economic, social, and cultural development.



Challenges and Issues of IP Rights' to Land, Territories and Resources

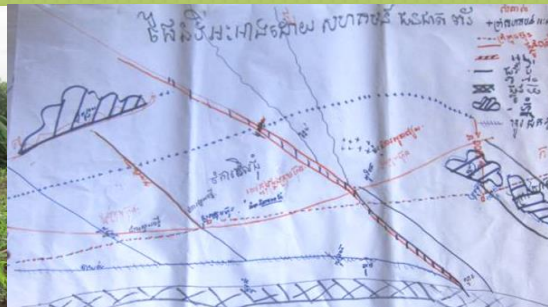
- ❑ The land and forest issues that have been severely affecting our indigenous community resulting from granting Economic Land Concessions (ELCs), Social Land Concession (SLC), Mining concessions, Hydroelectricity dam construction, deforestation, destruction of ancient temples that cause the impacts on our loss of culture, disunity of the indigenous community, loss of ownership on the traditional land use and tenure and enjoyment of the rights in accordance with national and international laws and our indigenous traditions. The details of our issues impacting us -



Challenges and Issues of IP Rights' to Land, Territories and Resources

Economic Impact:

- The companies have been demolishing our farming lands, residential timbers, and agricultural land in the areas, aiming at ruining the evidence of land abuse, and furthermore, blocking the roads to farming fields preventing a few families from cultivating.
- Reserved land and sacred sites/forest for the generation's cultivation are being cleared.
- Bulldozing the forest and burial ground in the area, numerous affecting the cattle tending fields, habitat to animals, NTFPs, resin collection, and natural foods for sustaining the community livelihood.
- Affecting and destructing rice and water sources indigenous villagers in the ELCs areas
- Loss of sources of traditional herbs in the forest;
- Loss of incomes of our community and neighboring communities;



Challenges and Issues of IP Rights' to Land, Territories and Resources

Environmental Impact:

- ❑ Destruction of animal habitats, water systems, sources of fodder, and fishes in Stung Sen River flowing into the Tonle Sap Lake. The area also faces drought, storm, warming, degradation and flood eroding community crops, houses, property, etc.

Cultural Impact:

- ❑ Destroying the ancient village, spiritual forests, ancient temples, and sacred lake, sacred sites which are part of the cultural heritage of the country results in a loss of traditions, worship places, and identity of the indigenous peoples and the nation.
- ❑ Causes mental problems and selfishness and loss of national territory and consciousness.



Challenges and Issues of IP Rights' to Land, Territories and Resources

Social Impact:

- ❑ Affects the system of traditional livelihood, community unity, and results in migration;
- ❑ Children and young people quit pursuing their studies because they need to participate in protest activities, generating incomes and concerns over land loss and for their future livelihood;

Local community and neighboring impact:

- ❑ Local communities depending upon forests and water resources as well as natural fertilizers in the area will face a loss of jobs such as cultivation, fishing, tending fields, gathering NTFPs, residential timber logging.
- ❑ The neighboring communities' health or people or animal that use the water from the rivers/stream in the area being affected by chemical substances used for insecticide in plantations.
- ❑ Encourages conflict among communities.



Recommendations

So far, the indigenous peoples have been striving to seek peaceful remedies with provincial authorities, the Office of the Council of Ministers, the Cabinet of the Prime Minister and National Assembly. However, our community was not provided with acceptable solutions.

The indigenous peoples have been disappointed with the authorities of not solving the land issues. Furthermore, most often indigenous peoples have been accused of opposing the government's development policies.

Therefore, indigenous peoples strongly and urgently request the governments, UN agencies, local and international development partners/donors, NGOs and civil society, as well as private sectors to join the solving land issues of indigenous peoples:



Recommendations

To request that:

- Authorities shall take urgent action to stop the abuse of the laws on land rights of indigenous communities, to cancel the license;
- Authorities shall take legal measures into effect pursuant with forestry, land , and criminal laws as well as relevant officials who breach laws and ruin heritage and state properties through ELC granting on our land;
- Authorities shall not grant any additional ELCs, SLC, mining and dam Construction on indigenous community land because it is contrary to the essence of the laws. The government must speed up the CLT.
- All authorities shall strictly monitor and follow up on law enforcement regarding the sub-decree on ELCs, and punish the offenders;
- Cambodian workers not work for these companies that violate the rights of indigenous peoples as citizens of Cambodia;



Recommendations

- ❑ Authorities shall stop threatening to arrest the indigenous peoples' rights defenders/activists who have always working to promote and protect the rights and collective interests of the indigenous community, and to protect the cultural heritage of the nation;
- ❑ Authorities shall enforce strongly and urgently on the illegal logging and deforestation in the indigenous peoples' land and forest;
- ❑ Government shall eliminate all of forms of discrimination on indigenous peoples particularly children and women and ensure full access of public service in their communities particularly education and healthcare;
- ❑ Authorities shall stop accusing indigenous peoples of baseless crimes;
- ❑ *If there is no appropriate solution offered, we, the indigenous community, will stop at nothing to protest legally and peacefully in demanding the cancellation of the ELCs, SLC, mining, dam construction according to indigenous community decision-making and wishes pursuant to the laws; otherwise, we fear that Cambodia's reputation for respecting the rights of Indigenous Peoples will decline.*



THANK YOU

