

# The situation of the Indigenous Peoples in Cambodia

## A. Cambodia Indigenous Peoples Alliance (CIPA):

- Cambodia Indigenous Peoples Organization (CIPO)
- Organization the Promotion of the Kui Culture (OPKC)
- Highlander Association (HA)
- Agriculture Indigenous Development in Cambodia (AIDC)
- Cambodia Indigenous Language Conservation (CIPL)
- Cambodia Indigenous Youth Association (CIYA)
- Cambodia Indigenous Women Association (CIWA)
- Indigenous Legal Team
- Indigenous Rights Active Member (IRAM)
- 16 Language Based Networks

## B. Asia Indigenous Peoples Pact

## C. Indigenous Rights International

Mr.Lorang YUN, Secretariat coordinator CIPA and

Mrs. Nhum Thuk, executive director of IADC

# Issue 1. Land rights and natural resources

## Implementation of the previous recommendation

- Numerous recommendations have been made related to the protection of land rights and natural resources
- To ensure the fair resolution of land grabs

## New developments

- On 24 June 2021, the Ministry of Land Management, Urban Planning and Construction (MLMUPC) started a project of Land Allocation for Social and Economic Development Project III (LASED III). This project affected to at least *19 communities*. 10 communities ignored by the Ministry of Environment to register communal land.
- 2023, the government did revision three laws including the Protected Area, Forestry Law and Forestry law and the adopted a Environmental and Natural Resources Code. The government failed to implement the FPIC on the process of the four laws revision. The Law on Forestry, the Law on Protected Areas, and the Environmental and Natural Resource Code attempt to revoke rights from one article to the next, in addition to articles that recognize and guarantee the right to manage, use, and enjoy traditionally, which weaken these rights
- The new draft land law 2001 revision, 2 articles which support the rights of IPs has been revoked.
- 42 out of the 540 communities got communal land title.

# Recommendations on the laws revision

- Develop a consolidated land law that recognizes collective land ownership which protects Indigenous Peoples right to self-government, culture, freedom of belief, and practice of traditional occupation.
- Develop protective measures to ensure Indigenous Peoples' lands are free from illegal encroachment while in the process of collective land registration.
- All formulations and amendments to state laws and legal standards must consult with Indigenous Peoples' systems or mechanisms in conformity with Indigenous FPIC in the process of providing inputs and must accept Indigenous Peoples' inputs into law and legal standards.
- Develop laws that provide for specific mechanisms for addressing Indigenous Peoples' issues and concerns in a respectful and consistent manner with the collective traditional settlement mechanism.
- Insist on the inclusion or provision of the words “**Indigenous Peoples and Indigenous Communities**” in the Environment and Natural Resources Code, as well as other regulations established to implement the Code. The State shall not generalize Indigenous peoples which are defined or provided for as Local communities.

- Insist on the inclusion or provision of the “Free, Prior, and Informed Consent” principle in all stages of drafting or revising this Code or other laws and regulations, as well as other procedures, in accordance with collective mechanisms of indigenous peoples.
- Request that the phrase “The issuance of a certificate of identification of an immovable property owner or a land use permit in this area requires prior approval from the Ministry in charge of Environment and Natural Resources” be repealed, which is provided for in the second paragraph of the Community Areas Section of Article 364 of the Environment and Natural Resources Code to expedite and resolve the deadlock in the registration of indigenous communities’ land and the registration of cultural heritage of indigenous communities based on the actual situation. And insist that this code is not an obstacle to the process of indigenous community land registration based on the request and actual situation of each community.
- Request that the state enact a provision in the law and issue a certificate on the location or traditional sites, identity, cultural heritage, archeological sites, religious beliefs, rotational agricultural regions, and NTFP areas.

# Issue 2: Criminalization of Indigenous Peoples human rights defenders

## Implementation of the previous recommendation

- Recommendations have been made to adopt measures to guarantee the rights of human rights defenders
- to implement measures to protect the rights of land and environmental activists and human rights defenders

## New developments

- There are 111 Indigenous Peoples, of who are 20 women and 21 youths of 4 IPs groups.

## Recommendation

- End the criminalization of Indigenous Peoples who are defending their rights should, the persons detained should be freed from prisons and the charges against them dropped, both through the courts, through the authorities, and through the legislature.
- End restrictions on peaceful assemblies, rallies, and expressions and stop all forms of intimidation to Indigenous Peoples in the practice of traditional occupations, and protect their rights to land and natural resources.