

ISSUES AFFECTING INDIGENOUS PEOPLES OF CAMBODIA



**Submission by Indigenous People of Cambodia
to the Asia preparatory meeting for the United Nations Permanent
Forum on Indigenous Issues held in Nepal on 25-26 February 2008**

Indigenous People in Cambodia

Indigenous people are estimated to be the traditional managers of size about 22% 4 million hectares of Cambodia's forest lands and ecosystems, and have been responsible for preserving stable environmental conditions for many other parts of the country (forest conservation supporting flood mitigation for example).

The 1998 Cambodian Population Census identified 17 different indigenous groups. Population estimates for indigenous peoples range from 101,000 to 190,000 or 1.4 percent of Cambodia's population.

However, traditional management of land and natural

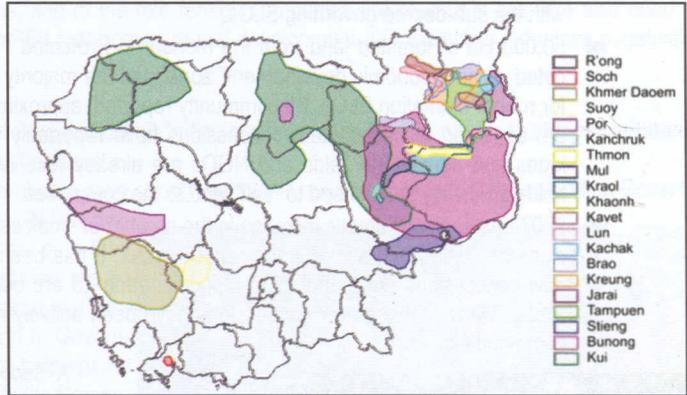
resources has begun to rapidly change, due to increasing external pressures. Communities are losing control over the natural resources we traditionally used as a result of land grabbing and questionable acquisition of land and resources by outsiders. These problems are being confounded by national plans which are prioritising large-scale infrastructure developments in the areas where indigenous peoples have traditionally lived.

Whilst indigenous peoples welcome development opportunities in our communities, this rapid change is occurring in an environment where many indigenous people are functionally illiterate in the national language (Khmer), and where weak local governance and transparency are significant barriers to indigenous peoples participating in decision-making processes. In this environment it is important that community solidarity and cohesion remain strong for protection of indigenous peoples' lands and territories.

This Publication:

This report was prepared by IRAM (Indigenous Rights Active Members), a network of indigenous representatives from the 15 provinces with indigenous peoples in Cambodia. It was compiled as a country report on indigenous peoples' situation in Cambodia for the Asia preparatory meeting for the United Nations Permanent Forum on Indigenous Issues (UNPFII) held annually in New York. As such it is a common statement by indigenous peoples of Cambodia about the situation we see within our own country and makes recommendations for change or support to agencies of the United Nations and other development stakeholders.

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Cambodian IPs need a statement of condemnation from the UNPFII about the lack of progress made by the responsible Government Agencies to finalize the legal framework protecting IP land rights, despite escalating land and resource alienation.

4. Land grabbing and selling

Powerful people are taking away our land more and more. This is happening all over the country but is most severe in the northeast. When we try to deal with these problems, the courts and authorities usually side with the powerful land grabbers. At the beginning of 2007, Jarai people from Gong Yu village in Ratanakiri province filed a case in court against a group of powerful people who illegally bought some of their land. This case is still not resolved. In relation to point 1 above, we are also being pressurised to “sell” our ancestral agricultural land to ELC Companies for a value well below the market price. We therefore call for UN Agencies to investigate two specific cases



Cambodian IPs call for a UN investigation into the Gong Yu land case and the allegations of land grabbing in Preah Vihear province.

5. Militarization of IP areas

A significant change which we have seen during 2007 is the increasing number of ELC and mining companies which are using armed soldiers to provide protection as guards to the concession areas and equipment. As a result, indigenous areas are becoming increasingly militarized, there is increasing fear amongst indigenous activists trying to protect their ancestral lands.

We need a statement of condemnation of this trend and call for a UN investigation into this issue.



6. Intimidation and threats

Many indigenous activists have been arrested while trying to help our communities protect our lands from rich and powerful people and companies. For example, since the Gong Yu case in Ratanakiri began in February this year, the villagers and our lawyers have been threatened many times, and NGOs who help the community have been accused of incitement by government authorities. Local communities who have tried to protect their land in Mondulakiri have also been threatened; sometimes they are prevented by local authorities from travelling across the country or joining workshops and meetings.



Cambodian IPs need a statement of condemnation of these arrests and other acts of intimidation. We also need all of the UN agencies to do more to legitimize our activists and provide us protection.

7. Lack of consultation of IPs in government development planning

There has been no involvement of indigenous peoples in the Cambodian Government's development planning, and no prior consultation or informed consent. This is one reason why ELCs and mining concessions continue to be granted on our lands.

Cambodian IPs need a strong statement from the UNPFII calling for respect for the principle of free, prior, and informed consent. This would also be a first step to the implementation of the UN Declaration on Indigenous Peoples Rights in Cambodia.



8. Role of international agencies

The ILO is involved in supporting the efforts of indigenous communities and local NGOs to make communal land claims. Indigenous Peoples need the ILO to more strongly state that we have inherent rights to our lands and that these rights are not given through the legal titling process – that process is one of formal recognition of our inherent rights.

The ADB has pushed the Cambodian government to draft a Sub-Decree on Land and Property Acquisition and Addressing the Socio-Economic Impacts by the State's Development Projects that would legalize the taking away of our lands for development projects that is already occurring. We call on the ADB to ensure that such a sub-decree is not approved until it provides protection in accordance with national laws and Cambodia's obligations under international human rights norms.

Currently, the UNDP in Cambodia has just one small project Rights Indigenous People Project (RIPP) addressing the concerns of IPs; otherwise UNDP has been quite silent on issues affecting indigenous peoples.

Cambodia's Indigenous Peoples need all UN agencies to mainstream their specific issues, concerns and vulnerabilities in their work. The UN need to provide an IP issues sensitization program for all UN staff working in Cambodia. We also need all UN agencies to help to disseminate the Declaration on the Rights of Indigenous Peoples (but understand it themselves first).









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