

Country Technical Note on  
Indigenous Peoples' Issues

# Kingdom of Cambodia



Investing in rural people



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# **Country Technical Note on Indigenous Peoples' Issues – Kingdom of Cambodia**

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## **Abbreviations**

ADHOC	Cambodian Human Rights and Development Association
AIMS	Accelerating Inclusive Markets for Smallholders
AIPP	Asia Indigenous Peoples Pact
ASPIRE	Agricultural Services Programme for Innovation, Resilience and Extension
CBD	Convention on Biological Diversity
CCHR	Cambodian Center for Human Rights
CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CIPA	Cambodia Indigenous Peoples' Alliance
CIPL	Conserve Indigenous Peoples Language Organization
CIPO	Cambodia Indigenous Peoples Organization
CIWA	Cambodia Indigenous Women Association
CIYA	Cambodia Indigenous Youth Association
CIWWG	Cambodia Indigenous Women Working Group
CLT	Communal Land Titles
CRC	Convention on the Rights of the Child
EC	Equitable Cambodia
ELC	Economic Land Concessions
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
FAO	Food and Agriculture Organisation
FPIC	Free, Prior and Informed Consent
GFW	Global Forest Watch
HA	Highland Association
HAGL	Hoang Anh Gia Lai
IADC	Indigenous Peoples for Agricultural Development in Cambodia
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
ICLT	Indigenous Community Land Titling
IDI	Inclusive Development International
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
IP	Indigenous Peoples
IPCC	Intergovernmental Panel on Climate Change
IPO	Indigenous Peoples Organization
IRAM	Indigenous Rights Active Member
IWGIA	International Work Group for Indigenous Affairs
LANGO	The Law on Associations and Nongovernmental Organizations 2015
LASED	Land Allocation for Social and Economic Development Project
LIDHACO	Cambodian League for the Promotion and Defence of Human Rights
MAFF	Ministry of Agriculture, Forestry and Fisheries

MoCFA	Ministry of Culture and Fine Art
MLMUPC	Ministry of Land Management, Urban Planning & Construction
MRD	Ministry of Rural Development
MoE	Ministry of Environment
MoI	Ministry of Interior
MoP	Ministry of Planning
MPI	Multidimensional Poverty Index
NIS	Cambodian National Institute of statistics
NSDP	National Strategic Development Plan
NTFP	Non-timber Forest Products
OHCHR	Office of the UN High Commissioner for Human Rights
OPKC	Organization to Kuy Culture
PA	Protected Areas
PLCN	Prey Lang Community Network
RGC	Royal Government of Cambodia
SAAMBAT	The Sustainable Assets for Agriculture Markets, Business and Trade project
SDGs	Sustainable Development Goals
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change
UNFPA	United Nations Population Fund

## Summary

Indigenous Peoples of Cambodia represent 24 different groups, who reside mainly in the upland forests, plains, and mountains of the northern and north-eastern provinces. Indigenous Peoples sustain distinct cultural identities, traditions, religion, and language, from those of the dominant Khmer culture. The livelihoods, spirituality and culture of Indigenous Peoples is strongly tied to their ancestral land and natural resources. The majority of Indigenous Peoples depend on forest resources, rotational agriculture, and animal husbandry for their livelihoods. Customary laws and Indigenous ecological knowledge are a key part of the sustainable natural resource management practices, which have kept ecosystems of the forests healthy for centuries.

The immediate challenge faced by Indigenous Peoples in Cambodia, is land dispossession due to elite capture and natural resource exploitation, predominantly by the granting of Economic Land Concessions for agribusiness development, Social Land Concession, Hydro Power Dam, and Mining concession as well as for the Eco-Tourism done by external actors. Secure land and resource tenure is one of the most basic human rights for Indigenous Peoples and it is a key feature of the international recognition of their human rights. The Land Law of 2001, which legally recognizes communal land tenure rights of Indigenous Peoples, is among the legislations and policies that impact Indigenous Peoples the most. While the Land Law provides for some protection of land rights of Indigenous communities, it also gives the state the power to grant Economic Land Concessions to private companies. Cambodia's national laws and legal implementation of international laws that protect the rights of Indigenous Peoples, have been largely insufficient to protect the rights of Indigenous Peoples. The impacts of the vast surge in land encroachments throughout Indigenous lands is severely taking its toll on Indigenous Peoples' daily lives and entire traditions. Indigenous women are particularly at risk, as the shifts in resource access and control change Indigenous Women's role as managers of resources, food producers, repositories of knowledge and practices, and promoters of community cohesion and identity.

As deforestation and agribusiness development continue, the impacts of climate change are increasingly starting to emerge in Cambodia. The dry season is prolonged, and incidents of flooding are rising.

In Cambodia, there are several Indigenous Peoples' organizations and networks that work tirelessly to improve the situation of Indigenous Peoples. Among other topics, they work to improve land rights, rights of Indigenous women, access to education, health care and decent employment, as well as to share information in Indigenous languages and, celebrate identity, culture, and tradition. A great part of this work is done in collaboration with national and international organizations.

The IFAD Country strategy for Cambodia is committed to mainstreaming social, environmental and climate change solutions in project design and implementation. A unique feature of IFAD is to foster partnerships, between civil society organizations, specifically, farmer organizations and Indigenous Peoples' organizations. Recently, IFAD has strengthened the partnership with Indigenous Peoples' organizations. Such linkage materialized because of IFAD's corporate initiative: the Indigenous Peoples Assistance Facility and the Indigenous Peoples' Forum. For the first time, their representatives were invited to the annual country programme review workshop in January 2017. Furthermore, IFAD fielded a focus mission, composed of an external consultant (specialist in Indigenous Peoples' issues) and a representative from the Cambodia Indigenous Peoples' Alliance (CIPA), to develop an entry strategy to incorporate Indigenous Peoples' issues more effectively in the programmes.

Three recent IFAD projects target the poor and rural population, which include Indigenous Peoples living in the targeted provinces, these include The Sustainable Assets for Agriculture Markets, Business and Trade project (SAAMBAT) (2019-2025), The Agricultural Services Programme for Innovation, Resilience and Extension (ASPIRE) (2014-2022) and the Accelerating Inclusive Markets for Smallholders (AIMS) (2017-2023).

As Indigenous Peoples present a small fraction of the Cambodian population, actions to “leave no one behind” – the central promise of the Sustainable Development Goals (SDGs) – will need particular prioritization to include Indigenous Peoples.

## **1. Indigenous Peoples, culture, religion, and political characteristics**

### **1.1. Demography**

The Kingdom of Cambodia is a multi-ethnic society located in the Indochinese Peninsula of Southeast Asia. According to the United Nations Population Fund (UNFPA) the population of Cambodia totalled 16.9 million people in 2021.<sup>1</sup> The ethnic Khmer represent the majority of the population at approximately 90%, the remaining 10% represent the Cham (Khmer-Islam), foreign immigrants (mainly Vietnamese, Chinese, Lao and Thai), and Indigenous Peoples (IP).<sup>2</sup> The censuses does not indicate specific numbers of the Indigenous population. In general, disaggregated data on Indigenous Peoples vary considerable between surveys. In 2008, the Cambodian National Institute of statistics (NIS) estimated that 383,273 people spoke a minority language in Cambodia, these numbers included the Cham (approx. 54%).<sup>3</sup> The National Report on the Demographic and Socio-economic Situation of Indigenous Peoples, estimated that in 2008 Indigenous Peoples represented a population of 171,193, and in 2013 the figure was 183,831, equivalent to 1.25% of the total Cambodian population.<sup>4</sup> The Committee on the Elimination of Racial Discrimination (CERD), recorded a total of 221,953 Indigenous Peoples in Cambodia, in 2018 (app. 1).<sup>5</sup> If the former numbers are compared with the annual growth rate of IPs (approx. 0.51%), numbers may possibly be higher. Furthermore, numbers are likely to be ambiguous as a result of a contemporary

stigmatization of Indigenous Peoples in the Khmer society, as well as a legacy of fear of the devastating regime of the Khmer-Rouge, thus some Indigenous Peoples are unwilling to identify themselves to authorities as members of Indigenous communities, out of fear of repercussions.<sup>6</sup>

In 2021, the National Report on Demographic and Socio-economic Situation of Indigenous Peoples in Cambodia was published as the first of its kind with official disaggregated data on IPs. The report is produced as a joint achievement between the Ministry of Planning (MoP) and the Ministry of Rural Development with support from UNFPA and UN Department of Economic and Social Affairs, and Cambodia Indigenous People Association (CIPA). The themes covered in the report are the demographic situation, the socio-economic situation (education, employment and economy, health, and hygiene), and the situation on housing, land, and collective ownership. The report is based on existing government data from 2008 and 2013.<sup>7</sup> CIPA is currently working with the MoP to update the report based on a 2019 census. Consequently, updated statistics on IPs within Cambodia are yet to be confirmed.

Nevertheless, Cambodia is home to the lowest absolute and proportional population of Indigenous Peoples of any country in Southeast Asia. Representing a minor percentage of the population significantly influence their political position and their ability to collectively address the development challenges they face. As a result, Indigenous communities are particularly exposed to economic and social marginalisation, as well as assimilation into the majority Khmer culture.<sup>8</sup>

## 1.2. Language, Culture, Society, and Livelihoods

There are **24 different Indigenous Peoples** in Cambodia, distinctions from the dominant **Khmer** norm involve characteristic religious, linguistic, ethnic, economic, and cultural identity, as well as distinct livelihood practices, traditions, and forms of social organisation.<sup>9</sup> Diverse spelling of the different IP groups often occurs. Indigenous Peoples in Cambodia include the **Brao** (Broa, Brou, Prov, Prev), **Bunong** (Phnorng, Pnong, Phnong, Punong), **Chong** (Chorng), **Jarai** (Charay), **Kreung** (Kroeung), **Kavet** (Kravet), **Khe** (Kel), **Khonh** (Koang, Khaonh), **Krorl** (Krol, Kroal, Kraol), **Kuy** (Kouy, Kui), **Kachork** (Kachak), **La-ern** (La'Eun), **Lun, Mel** (Mil), **Por** (Poar), **Rade** (Radei, Roder, Raadear, Rhade), **Ro'Ang** (R'ong, Raong, Raang), **Spung** (Spong) and **Samre** (Sam Rei), **Saouch** (Saauch, Soch, Saoch, Sa'Ouch), **Souy** (Suy, Suoy), **Steang** (Stieng), **Tumpoun** (Tampuan, Tumpoung, Tampuon), **Thmoun** (Thrmorn, Thmaun).<sup>10,11,12</sup> Nineteen different languages are spoken by IP, they broadly fall into two linguistic families: the Môn-Khmer which includes the Brao, Khe, Kavet, Kreung, Krorl, Lun, Mel, Bunong, Por, Ro'Ang, Saouch, Steang, Suoy, Kuy, Tumpoun, and Thmoun, and the Malayo-Polynesian branch of the Austronesian language family which include the Jarai and Rade.<sup>13</sup> Some languages are purely oral, including the Souy.<sup>14</sup> Several dialects exist, e.g. within the Kuy language, including Kuy Ntua, Kuy Mla and Kuy Ntra.<sup>15</sup>

The culture, traditions, spirituality, and identity of IP are closely tied to land and natural resources. The majority of IP rely on land to support their livelihood. Land has traditionally been used as home gardens, for rotational/shifting agriculture, for collecting non-timber forest products (NTFPs), as spirit forests and burial forests, as well as other various social, spiritual, and cultural uses. Sacred burial forests are used to bury the deceased. These spiritual lands also serve a purpose as a physical, localised history of the community's ancestors and traditional ways of life.<sup>16</sup> In general, most Indigenous Peoples in Cambodia are reliant on the biodiverse forests<sup>17</sup> and they specialize in different natural resource use and management. The extraction of liquid or solid oleoresins from Dipterocarp trees is an important income component, especially for forest-adjacent households.<sup>18</sup> From common forests, many gather forest products as rattan, mushrooms, honey, bee wax, edible and medicinal plants, and dammars, as well as wood for firewood and construction.<sup>19,20</sup> The majority cultivate rotational agriculture called *chamkar* within the forest.<sup>21,22</sup> Moreover,

Indigenous Peoples hunt, graze animals, and fish from nearby streams. Forest vegetables, leaves, and tubers are important in the subsistence diet, wild tubers have been particularly important during times of war when cultivation was difficult, and in years of poor rice harvest. Many forest fruits, such as *phniev*, *kampingreach*, *pring*, *kuoy*, *makprang*, *role* or *kulen prey*, complement the diet, especially in the dry season. In Ratanakiri and Mondulakiri, villagers collect malva nuts (*samrong*), bamboo shoots, and yams, and sell them at local markets.<sup>23</sup>

Weaving of textiles and baskets by hand, woodcarving, pottery, and handicraft production are part of the rich cultural heritage of Cambodia's many Indigenous groups. Many techniques have been preserved and passed down through generations.<sup>24</sup> Weaving is an important cultural identity marker, e.g., for the Tumpoun, as their knowledge and beliefs are depicted and promoted in weaving designs and styles. Indigenous weaving groups, including men and women, produce *sampots* (traditional dress), scarves, purses, and blankets as well as other handicraft products such as *kapha* (hand weaved basket backpack), crossbow, *smok* (rice bowl), and *rolout* (rice steaming pot).<sup>25</sup> The Kui and Samre produce the *krous*, a woven container used to carry water often made from bamboo, today the *krous* is being replaced by plastic containers, consequently the bamboo *krous* is disappearing from the region. The Kavet people produce the L-ei Kavet, a basket for storing rice or vegetables, made from bamboo, with patterns that combine flowers and leaves found in the community.<sup>26</sup> Dance is also of cultural importance, as traditional dance present, among other the Kuy identity and way of living, a unique way of connecting with the forest and the earth.<sup>27</sup>

### 1.3. Indigenous spirituality and religion

Cambodia's Indigenous Peoples have traditionally been adherents to spiritual religious systems, often referred to as animist religions (*anima* is Latin for spirit, soul). Animism covers a range of traditional spiritual systems in which the material and spiritual world are strongly linked, in a combination of belief, ritual and behaviour. The belief is that all objects in the natural world, including animals, plants, rocks, mountain, forest, and streams, possess spirits thus, spirits are key elements in the geography of Indigenous land. Characteristically, spirits are believed to be present in forests, thus spirit forests are afforded much respect as severe consequences potentially occur if powerful spirits that reside there are offended. Further, spirit beings play a focal role in both the practical and cultural life of animist communities, in such influencing the agricultural cycle, livelihood activities, and village festivals, which build solidarity and unify communities. Through ceremonies and sacrifices, the relationship between the living and the spirits is perpetuated and solidified.<sup>28</sup> Male spirits are called *neakta* or *lok ta*, and the female spirit *yeay* in Khmer and *yeak* in Kuy. The names of the *neakta* and *yeak* change according to the community. Spirit trees are tabooed, and villagers must ask permission from the spirit if they wish to cut them. In some areas, people make offerings to spirits and pray to the forest-spirit sacred sites and in spirit houses before entering the forest.<sup>29</sup> It is believed that the *neakta* that reside in the spirit forest will retaliate if someone breaks borders or enters their territory without permission. Sickness or hardship that befalls a community are attributed to the *neakta*. Sacrifices and ceremonies of the agriculture cycle are performed for the *neakta* prior to clearing and burning fallowed land, while planting, and at harvest. Along with local Indigenous knowledge, rules of resource management and access are partially decided by forest spirits.<sup>30</sup> Such spiritually based customary laws, have been a significant part of protecting the forest and upholding a sustainable management of resources for centuries.<sup>31</sup>

Animist traditions are widely misunderstood and are rarely recognized as legitimate spiritual systems outside of local contexts. This is in part because animist religions are mainly practiced by communities living in some of the world's most socially and economically marginalized regions, as is the case with Cambodia's Indigenous communities. Some Indigenous groups have over time merged Buddhist influence with animism, e.g., the Kuy.<sup>32</sup> Historically the Kuy have been situated between the Mekong River and Tonle Sap, therefore the Kuy have long been in closer proximity to Khmer societies and socio-economic systems than their Indigenous counterparts from the uplands, as a result Kuy Indigenous have considerable cultural overlays with Khmer culture.<sup>33</sup>

## 1.4. Geographic location of Indigenous Peoples

While Indigenous communities can be found in sixteen of Cambodia's twenty-five provinces, the majority of the IP reside in the upland forests, plains and mountains of the northern and north-eastern provinces of Ratanakiri (mainly Tampuan, Jarai, Kreung, Brao, Lun, Kravet, Kachac), Mondulkiri (Bunong, Stieng, Kraol, Ro'Ang, Rade), Kratie (Stieng, Kraol, Mel, Phnong, Kuoy, Thmaun), Stung Treng (Kuy, Bunong, Kravet, Kreung, Khmer Khe, Lun, Brao), Kampong Thom (Kuy), and Preah Vihear (Kuy).<sup>34</sup> Here they constitute approximately 450–600 communities.<sup>35</sup> Although IP are known as a 'minority', they make up the majority of the population of Ratanakiri<sup>36</sup> and Mondulkiri province, approx. 57%<sup>37</sup> and 58%<sup>38</sup> respectively, whereas in other provinces, the numbers of Indigenous Peoples range from a few hundred to approximately 4,000.<sup>39</sup>



Source: Open Development Cambodia, Ethnic minorities, and indigenous people profiles<sup>40</sup>

## 1.5. Poverty among Indigenous Peoples

The official poverty rate of Cambodians was 13.5% in 2014,<sup>41</sup> of which a disproportional part are estimated to be Indigenous Peoples.<sup>42</sup> In 2020, UNDP predicted that the poverty rate would increase to 17.6%, as a result of the COVID-19 pandemic.<sup>43</sup> Most recent survey data from the Multidimensional Poverty Index (MPI), which is the measurement UNDP uses to estimate a person's overlapping deprivations in three equally weighted dimensions; health, education and standard of living, estimates that 37.2% of the Cambodian population is classified as multidimensionally poor, while an additional 21.2% is classified as vulnerable to multidimensional poverty.<sup>44</sup> Disaggregated data on poverty data of IP is not available, however, the provinces with the highest rates of Indigenous Peoples are correlated with high rates of poverty. The percentages of the population with the highest incidence of poverty are Kratie (59.1%), Mondulkiri and Ratanakiri (71%), Stung Treng and Preah Vihear (71.2%), and the highest rates of severe poverty are Kratie (29.3%), Mondulkiri and Ratanakiri (43.9%), Stung Treng, and Preah Vihear (39.1%).<sup>45</sup>

In 2019, the Special Rapporteur on Human Rights observed that Mondulkiri and Ratanakiri provinces, were behind on several socioeconomic indicators, reflecting limited enjoyment of the rights to health, education and an adequate standard of living.<sup>46</sup>

### **1.6. Employment and economy**

Indigenous Peoples are mainly dependent on natural resources for both subsistence and income, as forests provide vital elements as food, medicine, materials for construction, furniture and utilities.<sup>47</sup> According to the National census, the vast majority of Indigenous Peoples aged 15 and over are employed in agriculture (93.3% of the population, 90.6% of men, and 95.9% of women), a few in the industry sector (total 1.6%, men 1.8%, and women 1.4%), and in the services sector (total 5.1%, men 7.6%, and women 2.8%). However, 57.3% of Indigenous Peoples work without pay and are self-employed (38%), especially, the majority of women work without pay (78.4%).<sup>48</sup> A limited but growing number of Indigenous women study at universities, and work as e.g., lawyers, and teachers.<sup>49</sup>

### **1.7. Education**

The formal educational attainment and literacy rate among Indigenous Peoples is substantially lower than among the Khmer majority.<sup>50</sup> Approximately 49.03% of Indigenous children attend school among the 6–13 age group and 43.56% among the 6–18 age group. School dropouts are highest in the age group of 16–18, especially among girls. Among the Indigenous population aged 15 and over, almost 66% did not attend a school or complete an educational degree. The causes behind school drop-out and low enrolment rates include poverty, out-migration, seasonality for farming, poor infrastructure, and distance to school.<sup>51</sup> Discrimination is another barrier that prevents especially Indigenous girls and women from attending school at all levels, including primary, secondary, and tertiary. This includes prevailing social norms pertaining to gender roles in their own communities as well as perceptions and ethnic discrimination occurring in the wider national system of education.<sup>52</sup>

Language planning and literacy in Cambodia have been conceptualised and implemented in relation to the national language even though the cultures and languages of the Indigenous groups are distinct from mainstream Khmer culture and language. Many women and children in remote provinces do not speak or understand the national language, and the majority of men have only limited Khmer language skills. Barriers to improve access to basic education include a shortage of proficient bilingual teachers, and a curriculum which is responsive and appropriate in bicultural and bilingual settings.<sup>53</sup> As a response, a multilingual education plan of action was launched by the Royal Government of Cambodia (RGC) in 2016, with an objective to build a bilingual education for Indigenous and ethnic minority children.<sup>54</sup> While there is progress with the rolling out of the multilingual education plan of action, the Special Rapporteur on the situation of human rights highlighted in 2018 ongoing concerns with the situation of children from Indigenous and ethnic minority groups, who still suffer disadvantages, including in relation to the availability, accessibility, acceptability and adaptability of education.<sup>55</sup>

## **2. International treaties, Conventions, and declarations**

Cambodia has not ratified the ILO Convention No. 169 on Indigenous and Tribal Peoples but voted for the adoption of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) by the United Nations General Assembly in 2007. While Cambodia has no explicit law with regard to Indigenous Peoples in its Constitution, the Cambodia's obligations to respect, protect and fulfil the rights of Indigenous Peoples arises under several international human rights treaties to which it is

a party. This includes the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). To oversee domestic protection of human rights Cambodia has had a UN country Special Rapporteur since 1993. Furthermore, Cambodia has signed the International Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention on Biological Diversity (CBD) all of which contain a number of provisions related to the protection of the rights of Indigenous Peoples.

### **3. National legislation, policies and laws related to Indigenous Peoples**

#### **3.1. Recognition by the Government**

Prior to the late 1990s, Indigenous Peoples were referred collectively to as *Khmer Loeu* (hill tribes, upland Khmer) or *Khmer Daom* (original Khmer).<sup>56</sup> The term *Khmer Loeu* originates from the independence in 1950s, where Prince Norodom Sihanouk as part of an attempted to build a Khmer nation, tried to bring upland peoples into the Khmer nation by classifying them as *Khmer Leur*, as such establishing a “Khmerization” campaign, which forced people to move to lower areas of the mountains and establish villages with people of different ethnic backgrounds.<sup>57</sup> In 2001, with the Land Law, the RGC officially recognized the collective existence of Indigenous Peoples as distinct ethnic groups from the majority Khmer, by the use of the term *chuncheat daem pheak tech* which translates into “original minority ethnicity”. According to the Land Law, Article 23 “An indigenous community is a group of people that resides in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to customary rules of collective use.”<sup>58</sup>

#### **3.2. The Constitution of the Kingdom of Cambodia**

There is no specific reference to Indigenous Peoples in the Constitution of the Kingdom of Cambodia, however Article 31 of the Constitution of 1993 guarantees that “Every Khmer citizen shall be equal before the law, enjoying the same rights and freedom and obligations regardless of race, color, sex, language, religious beliefs, political tendency, national origin, social status, wealth or other status”.<sup>59</sup> In the debate on the Constitution in the National Assembly, the representatives discussed the definition of Khmer citizens. It was agreed that the term included some Cambodian ethnic minorities, such as the hill-tribe people known as Khmer Leu and the Khmer Islam.<sup>60</sup> In relation to international declarations, the Constitution Article 31, provides that “The Kingdom of Cambodia shall recognize and respect the human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women’s and children’s rights.”

#### **3.3. National Strategic Development Plan**

Under the motto “Nation-Religion-King” the **National Strategic Development Plan (NSDP) 2019-2023**, is the overarching policy instrument of the RGC, which summarizes key government policies, including economic development, education, health, agriculture, land planning, and environment policies. Indigenous Peoples are included in several plans or objectives, e.g., the Ministry of Women's Affairs are to develop and implement a Gender Equality Policy through mainstreaming gender and the implementation of the Convention on the Prevention of All Forms of Discrimination Against Women (CEDAW) to reduce poverty and vulnerability of women, especially Indigenous women minorities. The Ministry of Culture and Fine Art (MoCFA) include plans to preserve and promote the protection of Indigenous culture, and the Ministry of Rural

Development (MRD) include objectives to “developing indigenous peoples' lives to move away from starvation and extreme poverty”. Further, the NSDP aim to improve the health of Indigenous People and provide at least 9-year basic education in accordance with the needs and the geography of each ethnic group. The National Committee for Disaster Management includes activities to formulate guidelines for local risk assessments and their use in local development planning, with a complement of traditional, Indigenous, and local knowledge and practices. The Ministry of Land Management, Urban Planning & Construction (MLMUPC) includes registering the land of 10 Indigenous communities with collective ownership per year.<sup>61</sup>

### 3.4. The Rectangular Strategy

The **Rectangular Strategy Phase IV (2018)** is the guiding policy document in Cambodia, with a framework for Growth, Employment, Equity and Efficiency, which formulates the NSDP. The policy focuses on a transition to become an upper middle-income country. The Rectangular Strategy has no direct references to Indigenous Peoples however, a focus on strengthening the management of economic land concessions is mentioned, moreover the strategy aims to continue to promote forest and wildlife preservation, and to prevent forest encroachment and clearing for private ownership purpose, and to promote the contribution of communities in forests, as well as combatting forest crime and wildlife trafficking. The report declares that forest cover will be maintained at around 60% of the country land area.<sup>62</sup> According to data from the World Bank, the total forest area (including plantations) account for 59.9% of Cambodia’s total land area in 2010, however, in 2020, the total forested area had decreased to 45.7% of total land area.<sup>63</sup>

### 3.5. The Land Law 2001

During the Khmer Rouge of 1975–1979, the majority of property ownership regimes were destroyed. The Land Law 2001 was to resolve this, by generating a structure of land security to both the civilian population as well as to foreign investors.<sup>64</sup> As such, the Land Law annulled all past claims to land, declaring that “any regime of ownership of immovable property prior to 1979 shall not be recognized” (Art. 7).<sup>65</sup> Implicitly, this rule effectively invalidated the Indigenous land tenure systems and ancestral rights that existed pre-Khmer Rouge. By 2001, land governance was entirely positioned in the hands of the state.<sup>66</sup>

The Land Law was the first law that legally recognised the right of Indigenous communities to collective ownership of land. According to Article 23, the Land Law recognizes Indigenous communities’ right to continue to manage and use the land according to their customary rules of collective use. Article 25 state that “The lands of indigenous communities include not only lands actually cultivated but also includes reserved necessary for the shifting of cultivation which is required by the agricultural methods they currently practice, and which are recognized by the administrative authorities.” Article 26 ratifies IP right to collective ownership of land and states that Indigenous groups can register their traditional land as collective land. Further, collective ownership includes all the rights and protections of ownership as are enjoyed by private owners. Article 28 establishes that “no authority outside the community may acquire any rights to immovable properties belonging to an indigenous community”.<sup>67</sup>

The law also provides definitions of tenure rights and recognizes private ownership rights for residential and agricultural land. Further, the law authorizes the granting of **economic land concessions (ELC)** on state private land. ELC include plantations (e.g., rubber) and agro-industrial production of food crops (e.g., palm oil), with a maximum area of 10,000 hectares for use up to 99 years. ELCs are the most widespread form of land acquisition granted to domestic and foreign investors with the purpose of economic development.<sup>68</sup> The Ministry of Agriculture, Forestry and Fisheries (MAFF) is the authority responsible for granting ELCs and ensuring that law is followed.

The MoE is responsible for assessing the environmental impact of ELC, and to ensure that environmental regulations are followed.<sup>69</sup>

**While the Land law legally recognizes Indigenous Peoples and their right to community land, in practice, the law has proven insufficient and even contra productive to protect the rights of Indigenous Peoples.**<sup>70, 71</sup> The areas granted for ELC often involve the territories and resources of Indigenous Peoples.<sup>72</sup> Indigenous land is often considered ‘available’ or ‘unused’, thus targeted as ELCs.<sup>73</sup> In some cases ELCs have been granted on land where people held legitimate tenure rights.<sup>74</sup> While natural resource extraction, industrial and development projects continue relentlessly,<sup>75</sup> for IP, the process of gaining a title over communal land is complex, expensive and can take years (see next section). In contrast, ELCs have been strenuously promoted by the RGC, as long-term leasing of land to attract investors and encourage development under the pretext of improving local economies and establishing a thriving agroindustry.<sup>76</sup> In 2015, estimates suggest that almost 4.5 million ha of land were granted to ELC, which is approx. 25% of Cambodia’s total territory.<sup>77</sup> ELC are most often processed without free, prior, and informed consent with the affected IP.<sup>78</sup>

**For Indigenous Peoples, the social and environmental impacts of the Land law, in particular the granting of ELC has been devastating.**<sup>79</sup> **In 2012, approximately 700,000 farmers (Khmer and IP) had already been displaced or dispossessed from their lands due to ELC expansions.**<sup>80</sup> Vast areas of land – most of it which used to be managed by Indigenous Peoples – are now under the control of well-connected private firms, who convert the biodiverse forests into monoculture plantations.<sup>81</sup> As a consequence, land right violations are surging in Indigenous territories.<sup>82</sup> Land disputes have triggered incidences of coercion, intimidation and even killings of Indigenous Peoples.<sup>83,84</sup> Land conflicts often end up with IP being threatened or forced to accept unjust compensation for their land – or receive nothing.<sup>85,86</sup> Meanwhile, reports indicate that incidents of land encroachments are taking place with impunity, as concessions are often owned by powerful interests of the political elite, business tycoons, local patrons and foreign investors with close ties with to the governing Cambodian People’s Party.<sup>87, 88</sup>

As Indigenous livelihoods, ancient sites, spirit forests and graveyards are being uprooted by ELCs and land encroachments, part of the Indigenous foundation, wellbeing, dignity, cultural heritage, and identity is being destroyed.<sup>89,90</sup> In communities, the traditional role of elders is shrinking, as local authorities and concession owners undermine the traditional authority structures. Furthermore, land conflicts generate fragmentation within and between communities, consequently, solidarity and trust are eroded. Communities often find themselves powerless when their lands are taken away from them.<sup>91</sup>

Beside exercising their right to bring their complaints to the national and regional court systems, Indigenous communities have begun using international accountability mechanisms for resolution of land disputes, as in the case of land dispute by a Vietnamese rubber company, Hoang Anh Gia Lai (HAGL), where Indigenous Kroeung, Kachok, Tompoun, and Jarai from Ratanakiri have taken their land dispute to the Compliance Advisor Ombudsperson (CAO) (see Joshi 2020). However, the process has been painful and exhausting, with marginal progress for the involved communities.<sup>92</sup>

The Land Law has been widely criticized, and UN mechanisms have called for the RGC to allow Indigenous Peoples to gain recognition and claim their land, and to protect Indigenous Peoples from attacks and intimidation by government agents and private companies, as they seek to exercise rights related to their communal lands, in accordance with international standards.<sup>93</sup> Further, to expedite the settling of land disputes and take measures to prevent the displacement of IP.<sup>94</sup>

### ***3.5.1. Collective land titling***

For Indigenous communities the recognition of the **collective land titles (CLTs)** requires three principal, sequential stages: first Indigenous communities are required to prove a legal status to their indigeneity in order to secure communal land title, they must be recognized by the Ministry of Rural Development (MRD) as Indigenous communities; recognized communities must then develop community bylaws and a management committee, and then be registered with the Ministry of the Interior (MoI) as legal entities; and subsequently registered communities must apply to the Ministry of Land for registration of their communal land title. Each step entails the preparation of supportive documentation, e.g., determining the extent of land claims, which include preliminary maps with GPS coordinates and internal rule on the land used and management. The process is complicated and expensive, in total a registration process that can cost as much as US\$ 70,000 for a community.<sup>95</sup> Eventually, it is the Ministry of Rural Development that ultimately determines if a community is Indigenous or not.<sup>96</sup>

In fact, these requirements have meant that most, if not all Indigenous communities in Cambodia find themselves entirely dependent on development organisations to be able to apply for CLTs. In particular, the preparation of the preliminary map requires significant technical skills, equipment, and funds to complete. Since 2009, 160 indigenous communities have been officially recognized as Indigenous, which is the first step in the process. Another 152 Indigenous communities have progressed to the second step of the process, by being registered as a legal entity.<sup>97</sup> While the first two steps of the CLT application process are, in some degree, supported by the responsible ministries, the preliminary mapping is not substantively or financially supported by any Government agency. Indigenous communities are therefore often left in an institutional vacuum due to the most complex aspects of the collective land titling process. This is of particular concern as supporting non-governmental organisations often lack both the financial and technical capacity to produce maps of the level of detailed required. The submission of maps with insufficient details is the main reason for applications for CLT registration are being rejected.<sup>98</sup>

The procedure needed to register collective land is further elaborated in the Sub-Decree No. 83, issued in 2009. The Sub-Degree defines the procedure, types of land, and which state agencies are involved with CLTs. Article 6 outlines the five types of land that can be allowed for CLTs, namely (i) residential land, (ii) spiritual forest land, (iii) burial forest land, (iv) actual farming land, and (v) the land reserved for shifting cultivation. Furthermore, the Sub-Degree determines the maximal size of land allowed for spiritual and burial land, which should be no larger than 7 hectares per community. The Sub-Degree does not include forested areas where Indigenous Peoples gather e.g., NTFP, or waterbodies where they fish or collect water, to be entitled as CLTs. Thus, if communities gain a CLT, they cede all claims over their surrounding land. The arbitrary limitation of size on the spiritual forests and burial sites have been blasted by IP, as several Indigenous land use categories are not included, and given that the limitations on the size of land restrict Indigenous traditions and livelihoods. Indigenous Peoples continue to advocate for the CLTs to respect all customary land – particularly with attention to adequate land size to accommodate Indigenous land use traditions.<sup>99</sup>

Between 2011 to August 2021, CLTs were granted to Indigenous communities representing 7.2 % of all Indigenous communities in Cambodia. The CLTs cover 33,899 hectares of communal lands on which 3,235 indigenous families live.<sup>100</sup> Despite the commitment made by the RGC 2017 to accelerate land registration for IP and grant CLTs to 10 Indigenous communities per year, which would total 54 CLTs by 2021,<sup>101</sup> as of 2021 only 33 Indigenous communities had gained CLTs.<sup>102</sup> Consequently, the slow process of gaining CLTs have diminished common land of Indigenous Peoples and spurred land grabbing by ELCs, local elites and in-migrants.<sup>103</sup>

UN Mandates, the Special Rapporteur on the Rights of Indigenous Peoples and Special Rapporteur on the Situation of Human Rights in Cambodia and various human rights organisations have

expressed concern, of the complexity and financial cost of the registration procedure. The slow and bureaucratic process has been criticized as it impedes Indigenous groups from being able to efficiently register their collective land. Numerous stakeholders have encouraged a simplification of the process.<sup>104, 105, 106, 107, 108, 109</sup> Furthermore, the law does not contain any provisions for establishing a mechanism for the interim protection of Indigenous Peoples' lands until they have been titled.<sup>110</sup> Consequently, Indigenous communities are increasingly at risk of losing their ancestral lands and resources.<sup>111</sup>

While there are currently various Indigenous communities in the CLT registration process, the Ministry of Land Management, Urban Planning and Construction has not granted any CLTs to Indigenous communities since December 2020.<sup>112</sup> As of 2018, 141 Indigenous communities have been officially recognized as Indigenous, another 128 Indigenous communities have progressed to the second step of the process, by being registered as a legal entity.<sup>113</sup> In a response to the recommendations made by the Special Rapporteur on the situation of Human Rights in 2018 – which involved a recommendation for the RGC to speed up the process of CLTs – the MLMUPC rejected the statement that “the right of indigenous peoples to register their traditional residential land remains largely unrealized” and promoted that the RGC had provided 24 IP communities with CLTs. Further, the RGC stated that a lesser number of submissions had been received from Indigenous communities, therefore the Ministry planned to reduce the registration to total five CLT per year instead of 10.<sup>114</sup>

### **3.5.2. Directive O1BB**

In 2012, the RGC launched the Directive O1BB, known as the leopard-skin policy or Order 01. The Order 01 had the purpose of accelerating land titling especially for people living near or inside ELCs areas. Two thousand students were deployed to measure land used by local people of up to five hectares per family.<sup>115</sup> Initially, Order 01 included a directive for granting collective property titles to Indigenous communities, but this part was halted as it was considered too costly and time-consuming. Therefore, only individual private titles could be obtained.<sup>116</sup> In Indigenous communities, land registration under Order 01 was done only if the respective household signed a declaration that they ‘leave the community’ and give up their claims to all customary land.<sup>117</sup> In communities that had applied for CLTs, community members had to withdraw from the collective claim and their land had to be excluded from the land for which the communal title was applied for. This led to divisions within the communities and fragmentation of land ownership of Indigenous communities.<sup>118</sup> During the implementation of Order 01, pressure was put on families to accept individual titling, presenting them the choice of either having individual land rights recognized or not getting any land rights at all.<sup>119</sup> Therefore, some communal land was registered under a private person's name.<sup>120</sup> The importance of fallow land in shifting agriculture, was not recognized by the individual titles issued, therefore Indigenous villagers could not register those lands. Likewise, spirit forests and burial forests could not be covered under Order 01.<sup>121</sup> Villagers in some areas said that access to the forest had become more restricted since Order 01.<sup>122</sup> As a result the Order 01 have caused loss of communal land.<sup>123</sup> In Indigenous Kachok communities, land inheritance have for generations been matrilineal, as land was transferred from mother to daughter. With the arrival of the Order 01, many Kachok women have lost this traditional right to land, since the land is now registered under both the wife and husbands name, which could potentially place women at a disadvantage in case of divorce.<sup>124</sup>

### **3.6. Law on Associations and Nongovernmental Organizations**

The Law on Associations and Non-governmental Organizations 2015 (LANGO) requires domestic and international associations or NGOs, including Indigenous Peoples Organisations (IPO), to register under the MoI. To establish a domestic association or NGO at least three founding members who are at least 18 years of age and have Khmer nationality are required. Domestic associations and NGOs are also required to submit necessary documents including application forms, address, profiles of founding members and statutes (Article 6). The MoI has the power to accept or deny the

registration of associations and NGOs if they are considered to “endanger the security, stability and public order or jeopardize national security, national union, culture, traditions, and customs of Cambodian national society” (Article 8). The law fails to elaborate on specific kinds of activities that constitute endangering national security as such.<sup>125</sup>

In its concluding observations in 2019, CERD regretted the reportedly difficult and complex registration procedures for civil society organizations, namely those working on the rights of ethnic minorities and Indigenous Peoples, which lacks procedural safeguards to challenge the denial of registration further, CERD was concerned about the advance notification required by civil society organizations for certain activities. The Committee recommended that the RGC ensure an open space for the operation of civil society organizations and remove complex registration procedures and limitations on their ability to operate, with a view to facilitating the work of human rights defenders.<sup>126</sup>

The law has been criticized by various Indigenous and community networks<sup>127</sup> as well as international organizations.<sup>128, 129</sup> They argued that LANGO has been used to repress independent civil society and grassroots activism. On several occasions, the law has been used against Kuy Indigenous from the Prey Lang Community Network (PLCN), to prevent them from conducting tree blessing ceremonies and entering their ancestral forests to report forest crimes. The tree blessing ceremony, which combines Buddhist spirituality with the traditions of the Indigenous Kuy, has been held for several years across the Prey Lang Wildlife Sanctuary in north-eastern Cambodia, to raise awareness of the ongoing illegal forest destruction,<sup>130</sup> and to pray for the forest.<sup>131</sup> Blessed Buddhist saffron robes are wrapped around trees, with a hope to stir respect and restraint within loggers with the intent to cut down trees.<sup>132</sup> According to the MoE, the tree blessing ceremonies have been prohibited and a subsequent ban on entering the forests has been issued, given that the network is not registered with the Ministry of Interior in accordance with LANGO.<sup>133</sup> According to human rights lawyers the law could be used to restrict the right to freedom of association and selectively target human rights defenders.<sup>134, 135</sup> According to the ICCPR, which Cambodia is a State Party to, the exercise of the right to freedom of association in principle does not require associations to seek prior authorisation from public authorities.<sup>136</sup> A compulsory registration regime is neither advocated nor considered best practice regarding the exercise of the right to freedom of association. The mandatory registration regime may contravene the objectives of Article 22(2) of the ICCPR in which registered and non-registered associations are equally protected against arbitrary requirement of registration. Criminalisation and punishment of non-registered or de facto associations further undermines the essence of the right to freedom of association under Article 22 of the ICCPR.<sup>137</sup> LANGO upholds critical ambiguities which could undermine the essence of the right to freedom of association of human rights defenders and in general under the ICCPR and the Constitution. The main purpose of the right to freedom of association is to allow all individuals and associations in society to exercise and maintain their civic space. Nonetheless, LANGO imposes undue control and oversight by the authority on civil societies. Such supervision provides little or no room for the exercise of civic space necessary and may undermine the essence of the right to freedom of association itself. Unless the legislation concerning the right to freedom of association is revisited in an inclusive and constructive manner, the full enjoyment of the right to freedom of association remains a concern for human rights defenders as agents of change in Cambodia.<sup>138</sup>

### **3.7. Law on Forestry**

The Law on Forestry of 2002 contains several articles which relate to Indigenous Peoples. Article 11 stipulates that the classification, registration and setting of boundaries for all forests within the Permanent Forest Estates are to be coordinate with concerned local communities and concerned authorities in order to assist in registration of land property of Indigenous community and

preparation of the national land use map. Article 15 state that concessionaires shall have the right to manage and conduct Forest Products & By-products harvesting operations within their concession, while ensuring that the operation does not interfere with the following: 1) Customary user rights taking place on land property of indigenous community that is registered with the state consistent with the Land law; and 2) Customary access and user rights practiced by communities residing within, or adjacent to forest concessions. Article 44 addresses customary user rights of forest products and by-products for local communities operating under a Community Forest Agreement and provides a legal basis for Indigenous communities, to use and manage forests through community forestry. Article 45 recognizes the religious forest of local communities, living within or near the forest, as serving religious, cultural or conservation purposes. Furthermore, it is prohibited to harvest any spirit trees, thus they may be specially marked and shall be identified in a Community Forest Management Plan. Article 76 stipulates that forest offences are criminal offences.<sup>139</sup>

### **3.8. The Protected Areas Law of 2008**

The Protected Areas Law of 2008 deals with forests set aside for conservation such as national parks, wildlife sanctuaries, natural heritage sites etc., in which development is prohibited or limited for ecological or cultural conservation. Specific protected area zones include 1) Core zones of high conservation value, access to the core zone is prohibited except for officials and researchers with prior permission; 2) Conservation zone which are management areas of high conservation value, in this zone small-scale community uses of NTFPs to support local ethnic minorities' livelihood may be allowed under strict control, provided that they do not present serious adverse impacts on biodiversity within the zone; 3) Sustainable use zones, which are management areas of high economic value, including for local communities and Indigenous Peoples livelihood improvement, in this zone development may be permitted by the RGC; 4) Community zones which are management areas for socio-economic development of the local communities and IP and may contain existing residential lands, paddy field and field garden or rotational farming. The law specifically prohibits the felling of trees within protected areas. The law guarantees the rights of IP and the public to participate in the decision-making, on the sustainable management and conservation of biodiversity (Art. 4). The law encourages local and IP communities to participate fully in the provision of the protected area management, conservation, and development (Art. 21). Article 22 state that the RGC recognizes and secures access to traditional uses, local customs, beliefs, and religions of the local communities, and IP residing within and adjacent to the protected areas. Further, the access to traditional uses of natural resource and customary practices of local and Indigenous communities on a family scale may be allowed within sustainable use zone and conservation zone following specific guidelines provided by the MoE.<sup>140</sup>

Despite the legal recognition of Indigenous customary use and access rights, the Special Rapporteur on the situation of human rights, received consistent information that many Indigenous and local communities living within, or adjacent to, environmentally protected areas have restricted access to their traditional land. Local authorities are reported to deny IP this right, which sometimes lead to tensions and criminal action against community leaders or activists.<sup>141</sup> Data from Global Forest Watch shows that between 2001 and 2020, Cambodia lost 779,000ha of tree cover in protected areas, equivalent to a 14% decrease since 2000.<sup>142</sup> As of 2012, MoI had approved 113 ELCs inside protected areas.<sup>143</sup>

#### **4. Indigenous Women in Cambodia**

The majority of Indigenous women in Cambodia share the intersectional burden of marginalization based on their gender, ethnicity, and economic status, which subordinates their position to men in most spheres of life. In addition to their domestic responsibilities, most Indigenous women practice rotational cultivation and animal husbandry, harvest forest resources, and work as labourers, weavers, and handicraft producers.<sup>144</sup> In general, women have lower literacy rates and school attendance possibilities<sup>145</sup> as compared to men.<sup>146</sup> Furthermore, Indigenous women face difficulties in terms of access to health care, participation in cultural life, and exercising rights related to land and natural resources. Many Indigenous women live in poverty as a result of incompatibilities between care work and paid labour.<sup>147</sup> Language barriers and discrimination often prevent Indigenous women from enjoying their rights.<sup>148</sup> As noted by CEDAW in 2019, the persistence of discriminatory stereotypes about the roles of women and men in the family and in society, which are deeply rooted in Cambodian culture and continue to perpetuate gender inequality by normalizing male superiority and promoting women's passivity and compliance, constitute a root cause of the disadvantaged position of women, including in the labour market and in political and public life. Gender stereotypes and traditional codes of conduct for women and men were part of legitimizing gender-based violence against women, with Indigenous women being particularly vulnerable.<sup>149</sup> In addition to the discrimination Indigenous women face in society in general, discrimination also exists within their own communities.<sup>150</sup>

Studies on current trend of land grabs and ELCs in Cambodia indicate that Indigenous women are particularly at risk.<sup>151, 152</sup> The reduction in common natural resources severely affects their access to wild foods, firewood, game, water, and grazing areas. It takes more time to collect fuel wood or NTFPs because forests are rarer and further from homes.<sup>153</sup> This consequently jeopardizes the food security of many Indigenous households.<sup>154</sup> The changes caused by agricultural commercialization and agrarian reforms in Cambodia has contributed to three major changes i.e., a reduced importance of rice as the main self-produced staple;<sup>155</sup> a decline in food collected, hunted and fished from common natural resources; an increase of food purchased in replacement of subsistence agriculture.<sup>156</sup> Consequently, prices of food and agricultural inputs (due to an increased use of chemical fertilizer and pesticides), have a high impact on food security.<sup>157</sup> Among the gender consequences of this transformation are that many Indigenous women have lost autonomy and decision-making in their role that prevailed under traditional farming systems.<sup>158</sup> Since the 1990s, agrarian reforms caused a boom of cash crops with the influx of e.g., cashew and soya into the Indigenous uplands, which placed pressure on shifting cultivation systems.<sup>159</sup> This expansion also transformed gender roles, as men became the money earners and gained more control within systems that were often traditionally based on matrilineal inheritance.<sup>160</sup> The shifts in resource access and control have caused huge changes in Indigenous Women's role as managers of resources, food producers, repositories of knowledge and practices, and promoters of community cohesion and identity.<sup>161</sup>

According to a study by Asia Indigenous Peoples Pact (AIPP), Suoy Indigenous women in Kampong Speu province who have lost their agricultural land and forests, are now employed at a garment factory. The women complained about delayed wage payments and thus being compelled to borrow money to support their families, especially in times of sickness, as there were no health facilities within reach. As a result, some had stopped sending their children to school. For the Suoy women, losing their land is a severe problem as their forests for spiritual rituals are gone along with their source of NTFPs. Yet, they are at the forefront of protest actions, and the men in the community have encouraged and supported them. A comparable situation is taking place for Bunong women in Mondulhiri, where Indigenous forests and lands were declared a ELCs for rubber plantation. The study reports how the women who resisted the takeover of their land were ostracized and belittled by some men of their community, who had already conceded corporate

takeover and viewed the women's opposition as useless. It has even become a source of conflict between women and men as the women are more persistent with their opposition because the impacts of displacement are worse for them and the children of the community. The general political climate in Cambodia has eased conflicts in distressed communities. Organizational activities, such as training for women, can easily be misconstrued as resistance to the ruling party. Despite this, the willingness and enthusiasm of Indigenous women to know their rights and to understand their vital role in the sustainability of their community is growing. Even in remote districts and provinces, where communication technology is limited, Indigenous women have found ways to document their struggles caused by ELCs. While Indigenous women have been silenced by tradition and repressed by state institutions, they are increasingly being outspoken regarding their situation and the threats to their lives, as their lands and their very survival at stake.<sup>162</sup>

In a 2009 study on Indigenous women and political participation, Indigenous women said they were not able to have meaningful participation in governance or political issues. Their roles in traditional leadership were shrinking, and they were not adequately represented in formal authorities, such as commune councils. Indigenous women commune councillors reported that they were marginalized, and their roles limited to gender-issues (e.g., leading the committee for women and children) simply because they were women.<sup>163</sup> According to CIWA, lack of leadership roles for Indigenous women is still a major concern which they are working to change through inter alia capacity building and workshops.<sup>164</sup>

#### **4.1. Gender-based violence**

In the past years, there has been a surge in sexual assault and gender-based violence against Indigenous women. No clear figures exist on the number of these cases as data has not been compiled or disaggregated by ethnicity. According to a report from 2020, on gender-based violence against Indigenous women, gender stereotypes, unequal power relations between men and women in the public and domestic spheres, which is perpetuated by discriminatory social norms, poverty, alcohol abuse, and a dysfunctional and sexist rule of law are the root causes of the surge in gender-based violence. Preventive measures proposed by authorities seem to blame the survivors, by suggesting changes in women's behaviour, rather than perpetrators be held accountable for their actions. The report further states, that the current legal and policy framework in Cambodia that addresses gender-based violence has flaws and needs to be amended to ensure compliance with Cambodia's international human rights obligations. Furthermore, the report addresses the fact that existing laws are not always consistently implemented. Occasionally, cases are settled at the commune or district police posts, despite the judicial police are mandated to forward cases to court and are not legally equipped to resolve cases. A lack of support for survivors and their families who are not able to pursue the filing of a criminal case and go to court without external assistance, both financial and in terms of legal aid, limits the survivors' and families of survivors' access to justice. In some cases, there is a conflict between the rights of the survivor and the cultural rights of Indigenous Peoples, as illustrated by the cases that are resolved by traditional means, where perpetrators pay compensation to end the case, without facing legal consequences for their actions. Traditional resolution measures do not use a survivor-centred approach, instead focusing on what is believed to be for the good of the community. Some racialized stereotypes still exist, which indicate biases and discrimination against Indigenous Peoples based on generalizations, which in turn demonstrate a lack of understanding of Indigenous tradition and culture. While the intentions of non-indigenous authorities may not be malicious, additional understanding of the culture and traditions of Indigenous communities would help them in better assisting these communities.<sup>165</sup>

## **Indigenous Peoples Organizations and Networks**

There are numerous Indigenous Peoples organizations (IPOs) in Cambodia with a potential to become IFAD partners. They include:

**The Cambodia Indigenous Women Working Group (CIWWG)**, formed in 2018 by 37 Indigenous women representatives from different provinces. CIWWG is founded on Indigenous Women's common issues, challenges, and potential solutions. Intersecting challenges include rights to land, forest, and culture as well as climate change, threats as they are human rights and environmental defenders, gender-based violence, access to reproductive rights and health and education. CIWWG was created as a platform to coordinate and facilitate solidarity through a collective workplan, capacity building, and empowerment for substantive participation in decision making. This collective effort aspires to enhance self confidence among women in their advocacy work and to mobilize Indigenous women's leadership in sustaining indigenous identity, knowledge, and development in the context of communities' collective interests over their rights to land, forest, and culture identity.

The **Cambodia Indigenous Women Association (CIWA)** is an association that grew out of a CIWWG decision to design new leadership and management structure from a working group to become an association. CIWA aims to strengthening the solidarities, capacity and powerfully for decision making on the culture, traditional, identity, knowledge conservation and Indigenous economic development. Moreover, CIWA aspires to raise up the strong voice on issues facing and gathering Indigenous women demand to seek intervention with effective resolution and justice.

**The Cambodia Indigenous Peoples' Organisation (CIPO)** was born out of the desire to change the destiny of the Cambodian IP Society to take charge of their culture and tradition and their customary rights to land and natural resources in their community as well as in Cambodia. CIPO is entirely led and managed by Indigenous Peoples. With in-depth understanding and knowledge of the local context, CIPO work effectively with relevant partners and stakeholders to make real and sustainable changes in the Cambodian society.<sup>166</sup>

**The Cambodia Indigenous Peoples' Alliance (CIPA)** is an alliance of Indigenous communities and peoples' organizations, associations, and networks, with the aim to raise the profile of Indigenous Peoples in Cambodia on a larger scale. CIPA serves as a platform for solidarity, cooperation, and coordination of actions for the promotion and assertion of the collective rights of Indigenous Peoples in Cambodia.

**The Indigenous Rights Active Members (IRAM)** is an advocacy network in Cambodia that supports IP in 15 provinces, including by providing legal awareness and facilitating community organization. IRAM works to mobilize communities to advocate for their rights to land and natural resources. IRAM trains community members as well as submit complaints and petitions to relevant stakeholders, requesting intervention.<sup>167</sup>

**The Highlanders Association (HA)** was created in 2011 at the request of the National Assembly of Ratanakiri Province to form an IP association to raise awareness about land rights and to explore opportunities for economic and cultural development. As a women-led association, HA works to combat encroachment on Indigenous lands, the erosion of Indigenous culture and the exploitation of vital natural resources.

**The Prey Lang Community Network (PLCN)** was founded in the early 2000s by an alliance of mainly Kuy Indigenous who lived in or near the Prey Lang Wildlife Sanctuary, from the four provinces of Preah Vihear, Stung Treng, Kampong Thom, and Kratie. The network was founded

in response to a growing concern over the loss of forest, land encroachment, and illegal logging associated with ELC, which frequently operated outside their designated areas.<sup>168</sup> In 2015, the PLCN began to patrol and monitor the forest using a smartphone app with georeferencing technology to record and upload information about illegal logging and transportation of illegal timber. The data is subsequently analysed and validated in collaboration with the University of Copenhagen and published in annual Monitoring Reports.<sup>169</sup> The network seeks to engage civil society, local authorities, NGOs, and research institutions in a peaceful movement for environmental justice and sustainable development. In 2021, the Prey Lang Wildlife Sanctuary became part of the Indigenous and Community Conserved Areas (ICCA) registry, a global online information platform for Indigenous managed forests and case studies. ICCA suggest that environmental conservation is best promoted through the customary laws of the Indigenous or local populations that have traditionally maintained these natural areas for centuries or millennia.<sup>170</sup> The Cambodian government has consistently denied the data on deforestation gathered on ground by PLCN and the satellite data used to authenticate PLCN data, by the University of Copenhagen, Global Forest Watch, and the Joint Research Centre of the European Commission.<sup>171</sup>

**The Cambodia Indigenous Youth Association (CIYA)** works on building capacity of Indigenous youth regarding the relevant international and national laws, human rights documentation and advocacy, peacebuilding, accountability, transparency, and integrity. The members from eight provinces of Cambodia are actively contributing to the Indigenous communities struggles on land rights, particularly to agri-business companies and hydropower projects. It has around 750 members approximately 300 of which are involved in CIYA activities.<sup>172</sup> CIYA was established by a group of young Indigenous students in 2005 and was officially recognized in 2008. CIYA's vision is to develop the capacity of the Indigenous youth who are the upcoming leaders of their own peoples. Many of CIYA's members are working in the community level assisting the defence of their land rights and resources against the growing ELC in Cambodia.<sup>173</sup>

**The Conserve Indigenous Peoples Language Organization (CIPL)** is an Indigenous-led organization established in 2016. One of CIPL key aims is to ensure Indigenous community leadership and ownership of communication and media activities. The priorities and activities of CIPL is shaped and guided by the Indigenous communities that it supports. CIPL works to strengthening IP access to information in remote parts of Cambodia and in their own languages. Further, CIPL works to strengthening Indigenous voices on matters impacting Indigenous rights, livelihoods, and culture: namely the loss of indigenous lands through illegal land grabbing and the Government's granting of ELC on Indigenous lands. One of CIPL missions is to increase Indigenous youths' capacity to produce and use high-quality media with the participation and encouragement of their elders.

**The Cambodia Indigenous Lawyer Group (CILG)** is the 1st group of indigenous lawyers and was initiated by a group of indigenous lawyers and formed in April 2019 as the first and unique of Indigenous Lawyer groups in Cambodia in indigenous history. The first of Cambodia indigenous lawyer group is composed by eight indigenous lawyers (five are female) from four different indigenous ethnicities include Bunong, Kui, Sui and Kreung. They come from five provinces includes Mondulkrir, Ratanakiri, Stung Treng, Phear Vihear and Kompong Speu. The members of the group are 1. Mrs. Yun Mane (Bunong), 2. Mr. Ngach Samin (Bunong), 3. Mr. Neurv Hiep (Bunong), 4. Ms. Chet Eith (Kui), 5. Mr. Lut Sang (Kui), 6. Ms. Srey Monyrath (Bunong), 7. Ms. Nat Sandan (Kreung) and 8. Ms. Loek Sreyneang (Bunong).

**The Indigenous Agriculture Development in Cambodia (IADC)** was established on 18th January 2008 with the objectives of developing and promoting the livelihood of indigenous peoples through agriculture development projects. The mission is to provide capacity building to the

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<sup>a</sup> As agreed by the 9 member of the group in the meeting to form up the group with 1<sup>st</sup> proposal development.

indigenous peoples on agriculture technical skills, and traditional knowledge as well as the finance resources to strengthen the economic system and lead their own economic system with food security, conserve the environment and the culture identity, and owned in self-development.

**The Indigenous Community Support Organisation (ICSO)** is a local Cambodian not-for-profit organization that work to promote Indigenous Economic and cultural rights. Established in 2006, ICSO works with land rights of IP in Ratanakiri. The mission is to empower Indigenous communities to preserve and benefit from their land and resources, secure welfare, decent livelihoods, and celebrate their identity and culture.

**The Organization for the Promotion of Kui Culture (OPKC)** is an Indigenous lead organization that was founded in 2003. OPKC has a vision to see Indigenous women and men gain control over their natural resources, to protect their economic, identity, culture, and traditions. OPKC's mission is to provide capacity development to Indigenous communities and organize/network for them to work together, have ownership and power to promote their rights and demand for their own rights.

**The Indigenous Peoples NGO Network (IPNN)** is a key civil society network of various organisations (e.g., HA, ADHOC, ICSO) that works primarily on land rights of Indigenous Peoples in Cambodia.<sup>174</sup>

**The Indigenous People and Forestry Network (IPFN)** is a network coordinated by the Indigenous People Land Rights Project and the Forestry Rights Project of the Land and Livelihood Program of the NGO Forum on Cambodia. This Network operates in close collaboration with national and international organizations working in the forestry and Indigenous People's land rights sectors in Cambodia<sup>175</sup>

#### **4.2. Support organizations for Indigenous Peoples**

Beside the IPOs described above, numerous Cambodian organizations support and work to strengthen Indigenous communities, including the Cambodian League for the Promotion and Defence of Human Rights (LIDHACO), the Cambodia Human Rights and Development Organization, (ADHOC), the Cambodian Center for Human Rights (CCHR), the Inclusive Development International (IDI), the Open Development Cambodia, the Equitable Cambodia (EC), the NGO Forum on Cambodia and the AIPP.

### **5. IFAD projects and operations in Cambodia**

The IFAD Country strategy for the Kingdom of Cambodia is committed to mainstreaming social, environmental and climate change solutions in project design and implementation. A unique feature of IFAD is to foster partnerships between civil society organizations, specifically, farmer organizations, and Indigenous peoples' organizations. The strategy and approach for partnership-building has evolved and diversified, from seeking opportunities for co-financing and partnering with organizations that could complement IFAD's lack of experience and presence in investment projects, to broader partnerships outside the investment portfolio, such as farmer organizations and Indigenous Peoples' organizations. Recently, IFAD has strengthened the partnership with Indigenous Peoples' organizations. Such linkage materialized because of IFAD's corporate initiative: the Indigenous Peoples Assistance Facility and the Indigenous Peoples' Forum. For the first time, their representatives were invited to the annual country programme review workshop in January 2017. Furthermore, IFAD fielded a focus mission, composed of an external consultant (specialist in Indigenous Peoples' issues) and a representative from the Cambodia Indigenous Peoples' Alliance (CIPA), to develop an entry strategy for ASPIRE to incorporate Indigenous

Peoples' issues more effectively in the programme. Support to and partnership with farmer associations/organisations and IPOs should be continued and strengthened.<sup>176</sup>

Three recent IFAD projects target the poor and rural population, which include Indigenous Peoples living in the provinces involved, these include The Sustainable Assets for Agriculture Markets, Business and Trade project (SAAMBAT) (2019-2025), The Agricultural Services Programme for Innovation, Resilience and Extension (ASPIRE) (2014-2022) and the Accelerating Inclusive Markets for Smallholders (AIMS) (2017-2023).

IFAD projects:

<https://www.ifad.org/en/web/operations/w/country/cambodia>

IPAF projects:

[https://www.ifad.org/documents/38711624/41839851/ipaf\\_asia\\_e.pdf/b5122e37-c7ba-3648-47e3-e3592ba19b42](https://www.ifad.org/documents/38711624/41839851/ipaf_asia_e.pdf/b5122e37-c7ba-3648-47e3-e3592ba19b42)

### **5.1. SAAMBAT - Sustainable Assets for Agriculture Markets, Business and Trade project**

2019-2025, IFAD financing USD 54.39 million

The objective of the Sustainable Assets for Agriculture Markets, Business and Trade project is to improve livelihoods by better connecting rural communities to markets, technical training, and employment opportunities. The project works to build capacities of relevant skills and technologies, and create sustainable inclusive rural infrastructure, which include building roads and marketplaces. In collaboration with the Ministry of Economy and Finance, the Ministry of Rural Development (MRD) and the European Investment Bank, SAAMBAT aims to productively employ at least 4,500 rural youth, develop 500 small and medium businesses and train at 25,000 rural value chain actors to use digital technology. Approximately 650 km of rural roads and 75 market facilities will also be built or rehabilitated. Five thousand rural youth will be trained in vocational skills or entrepreneurship, with about 500 young entrepreneurs assisted to establish businesses. About 5,000 farmers and value chain actors will receive training in digital literacy and assistance to adopt digital technology, while new digital applications for the rural sector will be developed, tested, and launched, reaching 25,000 users by the end of the project.

The primary target groups of SAAMBAT are smallholder farmers with potential to strengthen market-led production; and unemployed/underemployed youth (below 30 years old) from poor rural households who are willing to seek formal employment and enhance their skills accordingly.

The project will support special effort, if necessary, to include representatives of female farmers and entrepreneurs, youth, and Indigenous populations, and create an enabling environment for their informed participation in the process. For all individually targeted activities, SAAMBAT project give priority to candidates from households with ID-Poor cards, women and other disadvantaged groups and will ensure that Indigenous peoples are fully able to benefit.<sup>177</sup>

### **5.2. ASPIRE -The Agricultural Services Program for Innovation, Resilience and Extension**

2014-2022, IFAD financing USD 53.4 million

The ASPIRE project is designed to assist RGC to develop policy and capacity to deliver improved agricultural extension services and to coordinate the extension sector activities of development partners as well as the private sector and civil sector. With an overall objective to reduce poverty

and increase resilience of poor and vulnerable smallholder farmers in Cambodia, the project work to enhance the Cambodian model for agricultural services, in assisting a diversity of smallholder farmers to contribute to broad-based economic growth through three outcomes through profitable and resilient farm businesses. The project aims to implement an updated extension policy that provides smallholder farmers with access to quality information services.

ASPIRE is focusing inter alia on maintaining production of green leafy vegetables and chicken eggs as key components of the local diet. The target beneficiaries of ASPIRE are defined as productive poor and vulnerable smallholders. Farmers in this group produce for the market as well as for subsistence and can invest small amounts in improving production. The project does not include significant ethnic minority populations. However, in any target area with a significant Indigenous ethnic minority population, as in Kratie, Preah Vihear Provinces, project planning activities will take specific consideration of the need and interests of the Indigenous groups. This will include engagement with the preferred leaders and representative of the groups and application of the principle of full and informed consent.<sup>178</sup> ASPIRE operates to advance cooperatives, smallholder groups and IPO representatives to engage with all policy discussion forum and will engage farmer-to-farmer training.<sup>179</sup>

### **5.3. AIMS - Accelerating Inclusive Markets for Smallholders**

2017-2023, IFAD financing USD 36.257 million

Within the framework of the AIMS project, IFAD, together with Green Innovet Cam (GIC), a social development enterprise, support the development of an innovative semi-intensive rural poultry production model that enables smallholder producers, including poor and landless households, to enhance productivity through new sustainable practices. The sustainability of the GIC model will be ensured by identifying the most motivated and interested households as pioneers. These households will be trained to provide peer-to-peer assistance and extension services to other beneficiaries and villagers. The pioneer role has been introduced to promote Indigenous knowledge and exchange alongside the “learning by doing” approach. It is expected that, even after the project comes to an end, farmers will continue to share the knowledge they acquire through technical training workshops, exchange visits and field days. GIC provides technical training to groups of poultry-breeding farmers and Indigenous farmers who are chicken growers, through a knowledge-sharing programme that builds on a farmer-to-farmer knowledge-sharing approach. GIC staff and farmers come together in monthly meetings to share updates and good practices on their poultry farms. Capacity-building activities are also included in the model and selected poultry farmers make their farms available as “demonstration farms”.<sup>180</sup> Primary beneficiaries are 75,000 poor and near-poor smallholder households. Secondary target groups are the other primary and secondary actors in the poultry value chain: farmer organizations, agribusinesses, service enterprises and industry associations.

The project involves Indigenous Peoples through non-timber forest products (NTFPs) value chains, and Indigenous households who are practicing settled agriculture i.e., will involve chicken and cassava value chains. The two project areas that are likely to have a high percentage of Indigenous Peoples are Ratanakiri and Kratie, which both have diverse ethnic groups, all of them poor and marginalised. Specifically for IP the project aims are increased production volumes, incomes, and sustainable production through adoption of improved seed and soil management practices, as well as reduced risk of cassava production.<sup>181</sup> During the COVID-19 pandemic, the AIMS project has been reorienting some of its resources to provide on-farm irrigation assistance to farmers to support their production of vegetables and cash crops.<sup>182</sup>

## **6. International organizations working with Indigenous Peoples**

Numerous international organizations are conducting or have completed projects in partnerships with Indigenous Peoples in Cambodia, they include ILO, OHCHR, Wildlife Conservation Society, UNESCO, FAO, UNDP, IFAD, and Birdlife International.

**ILO:** For several years the ILO has been advocating for Indigenous communities' rights to decent work – work that is productive, delivers a fair income and gives better prospects for personal development and social integration. In Cambodia the ILO projects have supported and advocated for the rights of Indigenous persons to land and economic opportunities, and the Creative Industries Support Programme (CISP) have worked to improve employment opportunities and income generation for Indigenous Peoples. According to ILO, CISP have contributed to the livelihoods of more than 800 Indigenous and Khmer artisans in the central, north, and eastern provinces of Kampong Thom, Preah Vihear, Monduliri, and Ratanakiri.<sup>183</sup>

**OHCHR:** Since 2016, the OHCHR have assisted Indigenous communities in Battambang, Koh Kong, Kratie, Monduliri and Stung Treng in the process of applying for Collective Land Title. The OHCHR is assisting communities in acquiring recognition of their identity as Indigenous communities (Stung Treng), and in being recognized as legal entities (Monduliri). This project is implemented in collaboration with the Ministry of Rural Development, the Ministry of Interior, the Ministry of Land Management, Urban Planning and Construction, the provincial, district and local authorities. The OHCHR has supported multi-stakeholder discussions in Bousra (Monduliri) to help the establishment of a dialogue between representatives from Bunong communities, local authorities, national and international NGOs, and private companies operating in the area to solve existing land disputes. Moreover, the OHCHR has been providing training on the rights of Indigenous Peoples and on the Collective Land Titling process to provincial and local officials in several provinces.<sup>184</sup> In December 2018, an Indigenous community land titling (ICLT) manual was prepared by the Cambodia Office of the High Commissioner for Human Rights (OHCHR) to improve the titling process.

**LASED:** In 2020, the Government initiated the Land Allocation for Social and Economic Development Project (LASED) in Monduliri province, financed by the World Bank. LASED is promoted to "improve land tenure security and access to infrastructure and agricultural and social services for landless and poor smallholders and indigenous communities" with the purpose to register all state land.<sup>185</sup> Land titling for Indigenous communities will support the completion of several ongoing ICLT processes and will also aid communities that have already completed their ICLT processes. According to WB data 1500 households will benefit from the project support, covering an area of 100,000 ha, the project will continue until 2026, as of 2021, no Indigenous communities had yet received CLT as part of the project.<sup>186</sup>

The project has been criticized by IPs for being rushed by the authorities, with inadequate Free, Prior and Informed Consent (FPIC), and as a result, civil society organizations, communities and village authorities has inadequate time to organise or prepare resources for participation. Furthermore, there have been reports of authorities pushing the communities to apply for individual land titles rather than collective land titles, resulting in conflicts among community members. According to CIPO the authorities involved had little experience with the local context, and Indigenous communities were repeatedly meet with the view that they "demanded too much land", thus disregarding essential parts of Indigenous cultures as spiritual mountains, forests, and burial grounds. CIPO has urge the World Bank and authorities to respect FPIC and consult with IP when initiating land demarcation. CIPO stressed how difficult and protracted the process is to gain CLT for Indigenous Peoples, and the LASED have so far not simplified the process.

Meanwhile, the procurement of land by large-scale businesses are less complicated, which CIPO describes is the result of corruption among Cambodian politicians, the military, and police.<sup>187</sup>

According to the Indigenous Peoples Planning Framework (IPPF) prepared for the LASED project, when a World Bank supported project affect Indigenous Peoples the World Bank requires that the project to obtain FPIC by the affected Indigenous Peoples. Regarding the project design, implementation arrangements and expected outcomes related to risks and impacts, e.g., the collective support of affected Indigenous Peoples communities for the project activities that affect them, reached through a culturally appropriate process.<sup>188</sup> In 2020, CIPO sent a letter of complaint to the World Bank country office, wherein CIPO urged the World Bank and the authorities to respect FPIC and consult with IPs when initiating land demarcation. As of 2022, the World Bank had not replied to the complaint<sup>b</sup>. CIPO have stressed how difficult and protracted the process is to gain community land titles for Indigenous Peoples and the LASED has so far not simplified the process. Meanwhile, the procurement of land by large-scale businesses is less complicated, which CIPO describes as the result of corruption among Cambodian politicians, the military, and the police.<sup>189</sup> In 2021, LASED did not result in any CLT for Indigenous Peoples. Negotiations between the MoE and Indigenous communities are still ongoing, but it is a time-consuming process that has been further slowed by the pandemic. Indigenous Peoples are continuously advocating for CLT to respect all customary land. However, the size of Indigenous Peoples' land claims remains very different from what the government wants to grant the communities. The CLT categorizes five different types of land, however, IP have additional categories that are being disregarded by the Law.<sup>190</sup>

**UNESCO:** In 2021-2022, UNESCO launched the project “Building Indigenous Audio-visual Archives through Wiki tools in Cambodia” in collaboration with the Bophana Audio-visual Resource Center. The project aims to use Wikimedia tools and platforms to build an open access Indigenous audio-visual archive to preserve, protect and revitalize Indigenous languages in Cambodia. The project includes a capacity building training program on documentary filmmaking from the theory to the practice for 20 Indigenous youth from different communities in Ratanakiri. The aim is for Indigenous youth to learn the whole process of documentary film production (pre-production, production, and post-production) so that they are able to produce audio-visual materials in their own languages, about the lives and culture of their community.<sup>191</sup>

**UNDP:** Between 2020-2025 United Nations Development Programme (UNDP) in collaboration with MoE and the National Council for Sustainable Development will carry out the project “Integrated Natural Resource Management in the productive, natural and forested landscape of Northern Region of Cambodia”. According to the programme, the objective is to promote integrated management for the sustainable use of biodiversity, natural resources, and ecosystem services. The intent is to generate multiple landscape benefits including effective conservation of threatened species and high conservation forests, improve management of natural resources and ensure the maintenance of ecosystem services. Part of the project area is the home of Kuy and Por communities living in 10 communes. The project aims specifically at improving the management of protected areas and ensuring their financial stability, enhancing the productivity of production and agricultural lands, and improving local livelihoods. The project aims to address the multiple threats of deforestation, including threats to biodiversity and ecosystem services. Part of the output is to build capacity of key agencies and other stakeholders, including Indigenous communities to implement existing and new land use and spatial planning tools, natural resources management and environmental guidelines and practices to mainstream biodiversity and ecosystem services into decision making and planning processes. After the training programs are implemented, the key stakeholders (including IPs) would participate in the design, implementation and planning and

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<sup>b</sup> Personal communication with representative from CIPO, March 16, 2022

monitoring of landscape conservation and management plans. For the Indigenous communities living within the project area, participatory process, and the use of FPIC principles will ensure that local cultural norms and practices are maintained and promoted while protecting natural resources. The project will seek to affirm the significance of local and Indigenous People by facilitating their engagement through building capacity and awareness for implementation of sustainable natural resources and livelihood strategies.<sup>192</sup>

## **7. Lessons Learned of United Nations and International organizations**

### **7.1. Women's empowerment through the promotion of cultural entrepreneurship in Cambodia - UN Agencies (FAO, UNDP, UNESCO, and ILO)**

The Programme focused on cultural preservation and socio-economic development, and due to the nature of the handicraft products being supported, it also worked on natural resource conservation and community development. The Programme's strength was its ability to ensure community participation, by working collectively with community members, sharing knowledge, conducting discussion and feedback sessions.). The effectiveness of the Programme included a joint office, joint meetings and joint missions, joint coordination in each of the target provinces, and a common database for use. This structure allowed for utilization of joint skills in implementing the Programme by the four UN Agencies and four Government Ministries (MIME, MoCFA, MoC, and MAFF). Activities revolved around training to improve the production capacity of local producers, while promoting and preserving traditional handicrafts. The Programme also supported the production and publication of academic research on Indigenous cultures, traditions, and languages. The Programme supported NGOs to continue their activities with Indigenous and ethnic minority producer groups. Communities were encouraged to replant natural resources and register their land, in an effort to protect against land degradation and deforestation. Registration was also encouraged for community enterprises, as two supported producer groups were able to officially register their enterprises with the MoC (e.g., Kuoy Community Handicraft Association in Kampong Thom, Community Resin Business Enterprise in Preah Vihear). Registration, of both land and enterprises, was important as it allowed Indigenous groups and ethnic minorities to take advantage of existing legal frameworks to help protect and preserve land and resources.<sup>193</sup>

### **7.2. Good practices of OHCHR projects**

The engagement of an independent mediation service to resolve land dispute between Bunong Indigenous communities and a foreign company in eastern Cambodia, was an innovative contribution to dispute resolution which holds the promise of wider use in such cases. OHCHR supported the mediation role through a blend of complementary strategies which included engaging a local CSO to empower community participation, promotion of women's leadership and developing the human rights knowledge and understandings of participants. Leveraging the OHCHR facilitation and convening role to promote multi-stakeholder dialogue for example: For parties in dispute – e.g., over land rights where the OHCHR role can be important to ensure that developments are framed by international human rights obligations, help rebalance power relations and ensure communities are capacitated to engage effectively.<sup>194</sup> However, according to CIPA, the mediation process did not include sufficient representation of Indigenous Peoples nor did it build adequate capacities for participation, additionally there was a lack of follow up action by OHCHR, thus the dispute remain unresolved.

### **7.3. Lessons learned from the LASED Project Phase 3**

According to the lessons learned from the LASED project “the IPs had little understanding of the ICLT process, except a handful of Indigenous Peoples Communal Committee members who have

been through some levels of awareness-raising and interactions with government officers and NGO representatives with experience of the process”. The report further states that “since ICLT land cannot be used as collateral for a mortgage or securing loans from banks or MFIs deters IPs from participating in ICLT processes, while they ignore the long-term benefits of land tenure security for their entire community. So, more convincing communication, perhaps by NGOs that have a long exposure to working with IPs, about the ICLT benefits and processes, and the potential pitfalls of adopting private titles should be made available, especially in a language that is suitable to the context.”

It was noted that MoE had maps of the Protected Areas (PA) and corridors, but that the maps were not shared with the MLMUPC. When reviewing ICLTs, MLMUPC must identify the location of the proposed IC land and whether that overlaps with PA and corridors areas, which is a timely affair. To accelerate the process there is a need to set up a coordination mechanism whereby relevant information and data between the Ministries could be shared and discussed – for mutual understanding and support. According to the report, MoE officials were opposed to accept sizeable land areas in protected areas that would enable ICs to continue customary agricultural traditions and the use of forest products due to assumed incompatibility with MoE’s conservation objectives. However, when MoE allocated a smaller piece of protected area land, it was opposed by the Indigenous Communities. So far, the requests for PA land by three Indigenous Communities has been rejected by MoE, but MLMUPC has still sent similar requests from five other Indigenous Communities which are awaiting MoE’s review and approval. While the Protected Area Law defines four different protected area zones - community zone, sustainable use zone, conservation zone, and core zone – with distinct terms of land use and management attributes, and of which the two first would allow for sustainable use and residence by Indigenous Communities. So far MoE has only finished zoning for one national protected area. FAO (2019)<sup>195</sup> also acknowledged that full zoning and land-use planning exercises of all protected areas need to be accelerated. All zones need to be appropriately identified and mapped as stipulated in the Law on Protected Areas. During the ICLT process, NGOs and the ICs have worked together to complete the preliminary mapping stage. This involves manual sketch mapping, and GPS demarcation, and subsequently a digital map. It is a critical step in the ICLT process to produce a proper map, that all relevant parties can agree to before the application for ICLT registration along with the map is submitted to the MLMUPC. However, without the involvement of the cadastral officer the mapping exercise was found to be a challenging task. Although the laws and policies do not explicitly require the involvement of cadastral officers in the mapping process, the World Bank observed that a constructive engagement with them was important since the officers had the technical skills and full information on land use and land rights needed to inform the mapping exercise.<sup>196</sup>

## **8. Climate Change in Cambodia**

According to the Intergovernmental Panel on Climate Change (IPCC), significant warming all over Southeast Asia has intensified the threat to social and economic stability. Forest loss has been linked to an increase in flooding and erosion across the region, which can reduce water storage and impact fishing and agriculture. Rising temperatures will alter rain and dry seasons and cause more intense droughts and more extreme rainfalls. The risk of floods will become more frequent and severe. In Cambodia, rapid forest loss is linked to low groundwater reserves around the Tonle Sap Lake, prolonged drought, and flash floods causing devastating distress in rural areas. In the Mekong River basin, massive and rapid export-oriented hydropower development will have direct implications on regional food security and livelihoods through major negative effect on aquatic ecosystems. Further, rice production in Cambodia can decrease significantly under high emission scenarios. Deforestation caused by agro-environmental changes has led to decrease in forest water supply, increase water demand, and negatively affect cropland stability and productivity.<sup>197</sup>

Since the 1970s, Cambodia has suffered some of the highest deforestation rates (measured as a percentage of forest cover) on a globally level. Global Forest Watch estimated that from 2001 to 2020, Cambodia lost 2.46 million hectares of forests, equivalent to a 28% decrease. The highest loss occurring between 2010 and 2020, where 1.81Mha of tree cover was lost.<sup>198</sup> As a result of forest loss between 2001 and 2020, an average of 72.5Mt CO<sub>2</sub> per year was emitted into the atmosphere in this period.<sup>199</sup> The biodiverse humid forest was hit the hardest, the University of Maryland estimated that 53% of the primary forest was cut down between 2002 and 2020.<sup>200</sup> In 2015, data from FAO shows that Cambodia's primary forest occupies only 1.8% of the country.<sup>201</sup> Deforestation is primarily driven by the large-scale conversion of forest to ELCs for the production of commodities.<sup>202</sup> As a result of economic interests exploiting natural resources, many Indigenous Peoples have been forcibly evicted from their homelands. Impacts of climate change has increased flooding and drought, impacting Indigenous Peoples' rice farming and fishing.<sup>203</sup>

Cambodia became a Party to the United Nations Framework Convention on Climate Change (UNFCCC) in 1996 and is a signatory to the Kyoto protocol (2002) and the Paris Agreement (2017). As part of the latter, each State Party is required to prepare a National Determined Contribution (NDC), which embodies efforts by each country to reduce national emissions and adapt to the impacts of climate change. The Cambodian NDC of 2020, strive to reduce 50 percent of emission by 2030, of which 50% is to be reduced from the forest sector. The activities to reduce deforestation include improved management and monitoring of forest resources and forest land use, to strengthen the implementation of sustainable forest management and to build capacity and engage stakeholders. According to the report, the RGC aim to promote the rights of Indigenous Peoples, especially concerning land ownership, when implementing mitigation measures on the Forest and Land Use Sector.<sup>204</sup> In addition, Cambodia officially recognizes the importance of forests and land resources to IPs in their Biennial Report to the UNFCCC<sup>205</sup> and in their REDD+ programme. Since 2009, the RGC officially endorsed REDD+ as one of its key climate strategies. The national REDD+ Strategy (NRS) goals for the 2017-2026 period include to reduce deforestation and forest degradation by half by 2026, in promoting sustainable management of forests and conservation of natural resources. In the strategy the RGC declare that specific actions will be undertaken to encourage the reallocation of some existing ELCs to communities and Indigenous People "in order to create new forest areas and contribute to livelihood improvements and community development".<sup>206</sup>

Ahead of United Nations Climate Change Conference, known as COP26 in 2021, Amnesty International remarked that Cambodia claimed to be a responsible actor on climate and promoted the country as a suitable market for carbon credits before the COP26, while the Cambodian authorities had unleashed a relentless assault on environmental activists.<sup>207</sup> Correspondingly, a report submitted to Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) on the militarization on Indigenous lands in Cambodia, described how the authorities on numerous occasions have targeted Indigenous Peoples near controversial ELCs and Indigenous land rights defenders who monitor their forests and report forest crimes on their smartphones.<sup>208</sup>

At the COP26 summit in Glasgow, Cambodia declined to sign a global pact to strengthen efforts to conserve forests and other terrestrial ecosystems and accelerate their restoration. More specifically the pact, signed by 141 other Member States, include agreements to facilitate trade and development policies, that do not drive deforestation and land degradation. Moreover, the pact aimed to reduce vulnerability, build resilience, and enhance rural livelihoods, including through empowering communities, and recognition of the multiple values of forests, while recognising the rights of Indigenous Peoples, in accordance with relevant national legislation and international instruments. Further, to implement and, if necessary, redesign agricultural policies and programmes to incentivise sustainable agriculture, promote food security, and benefit the environment. As well

as to reaffirm international financial commitments and increase finance and investment, while also improving its effectiveness and accessibility, to enable sustainable agriculture, sustainable forest management, forest conservation and restoration, and support for Indigenous Peoples. Finally, to facilitate the alignment of financial flows with international goals to reverse forest loss and degradation, while ensuring robust policies and systems are in place to accelerate the transition to an economy that is resilient and advances forest, sustainable land use, biodiversity, and climate goals.<sup>209</sup>

## 9. Appendices

### 9.1. Appendix 1

No.	Indigenous People	Ratanak Kiri	Mondul Kiri	Kratie	Preah Vihea	Kompong Thom	Stung Treng	Meanchey	Ulor	Kompong Cham	Pursat	Kompong Speu	Batambong	Banteay Meanchey	Sihanuk Ville	Siem Reap	Koh Kong	Total
1	Kouy			9 242	16 731	13 044	5 755	2 203						8		244		47 233
2	Phnorn	559	29 383	13 556	24		652	699						3				44 876
3	Tumpoun	35 644	343		5		15	281						16				36 304
4	Charay	22 879	119				12	158						14				23 183
5	Kreung	21 383	126				287	124										21 911
6	Steang		642	9 406				27	2 564									12 639
7	Prov	8 869					504											9 373
8	Kavet	3 983					2 710	18										6 711
9	Krorl		727	3 755				29										4 511
10	Mel			3 375														3 375
11	Kachork	3 161						52										3 213
12	Por									1 207			563					1 770
13	Khonh			754										433				1 187
14	Chong										774						1 064	1 838
15	Souy											1 833						1 833
16	Thmoun		242	856														1 098
17	Lun	492					268											760
18	Saouch														106			106
19	Roder	2						16										18
20	Khe							15										15
21	Ro ang																	0
22	Spung																	0
23	La-eun																	0
24	Samre																	0
	<b>Total</b>	<b>96 972</b>	<b>31 582</b>	<b>40 944</b>	<b>16 760</b>	<b>13 044</b>	<b>10 194</b>	<b>3 622</b>	<b>2 564</b>	<b>1 981</b>	<b>1 833</b>	<b>563</b>	<b>474</b>	<b>106§</b>	<b>244</b>	<b>1 064</b>		<b>22 1953</b>

Source: CERD. 2018. Combined fourteenth to seventeenth periodic reports submitted by Cambodia under article 9 of the Convention, due in 2012. CERD/C/KHM/14-17.

<sup>1</sup> UNFPA. 2021. World population dashboard, Cambodia <https://www.unfpa.org/data/world-population/KH>

<sup>2</sup> CERD. 2019. Committee on the Elimination of Racial Discrimination reviews report of Cambodia, asks about nationality, land grabs and civic space. Accessed in March 2022: <https://www.ohchr.org/en/press-releases/2019/11/committee-elimination-racial-discrimination-reviews-report-cambodia-asks?LangID=E&NewsID=25372>

<sup>3</sup> NIS. 2008. General Population Census of Cambodia 2008. National Report on Final Census Results. Accessed in Feb 2022 [https://camnut.weebly.com/uploads/2/0/3/8/20389289/2009\\_census\\_2008.pdf](https://camnut.weebly.com/uploads/2/0/3/8/20389289/2009_census_2008.pdf)

<sup>4</sup> National Report on Demographic and Socio-Economic Status of Indigenous Peoples in Cambodia. 2021. RGC

<sup>5</sup> CERD. 2018. Combined fourteenth to seventeenth periodic reports submitted by Cambodia under article 9 of the Convention, due in 2012. CERD/C/KHM/14-17.

<sup>6</sup> AIPP. 2020. Threatened Lands, Threatened Lives Human Rights Situation of the Indigenous Peoples in Cambodia Asia Indigenous Peoples Pact

<sup>7</sup> National Report on Demographic and Socio-Economic Status of Indigenous Peoples in Cambodia. 2021. RGC

<sup>8</sup> Adams, N. Marshall K., Zambra, C. 2011. Indigenous Spirituality in Cambodia: Implications for Development Programming. World Faiths Development Dialogue Reports 2011

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