

12th Permanent Forum on Indigenous Issues
Joint Intervention: Tribal Link Foundation, Asia Indigenous Peoples Pact, The
College at Brockport, Cultural Survival

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Agenda Item 7(a) Implementation of the United Nations Declaration on
the Rights of Indigenous Peoples

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(on behalf of the Tribal Link Foundation, the Cambodia Indigenous Youth
Association, the Organization to Promote Kui Culture, Asia Indigenous Peoples
Pact, the Highlanders Association, NGO Forum on Cambodia, Cultural Survival,
and the College at Brockport SUNY)

Mr. Chairman, we the Indigenous peoples of Cambodia congratulate you on
your election to Chair the Permanent Forum on Indigenous Issues.

Mr. Chair, we wish to express concern that by 2012, over 50% of the arable
land in Cambodia has been conceded to companies*, with many of these
concessions grabbing the lands of indigenous peoples. Despite the adoption of
a national land law in 2001 that recognizes the collective land rights of
indigenous peoples, the implementation of this right has been very limited
and substandard. As of April 2013, only 5 indigenous communities have been
granted communal land titles (CLTs). By contrast, economic land concessions
(ELCs) have expanded at an increasing rate. The process by which a company
obtains a land concession from the state is rapid and non-transparent. In
contrast the process through which an indigenous community obtains a
collective title to their lands is extremely slow, costly, not guaranteed, and in
violation of the basic rights in the UNDRIP, including articles 3, 26, and 33, as
well as the principle of FPIC.

In May 2012, the Cambodian government initiated a new legal mechanism
intended to resolve the many land disputes that have resulted from the rapid
land concessions. Known as "Directive 01BB," it seeks to resolve land
disputes by authorizing a rapid demarcation process in which individual

private plots of land are mapped and titled. Directive 01BB has had beneficial results for non-Indigenous people in the Cambodian lowlands, but it is not appropriate to indigenous communities, because it does not recognize collective land rights. It emphasizes privatization of communal lands, causes delays and conflicts in the land titling process, and loses the possibility of collective land title for those indigenous communities that have not begun the titling process.

Indigenous peoples in Cambodia need collective and secure title to their lands in order to conserve their culture, identities, and socioeconomic well-being/survival. Their traditional uses of land include use of forests for spiritual purposes and substantive purposes, as well as land for shifting cultivation and village life. Although the CLT processes largely fail to meet international legal norms, they at least provided some hope for Indigenous peoples seeking collective land security for their peoples.

We recommend:

1. that UN agencies support and promote our demand that the Cambodian government suspend the implementation of Directive 01BB in all Indigenous communities in Cambodia, regardless of their current status within the communal land titling process.

- 2) that UN agencies and the Cambodian government initiate a full review and analysis of both the CLT and the ELC processes, support the full participation and decision-making of indigenous peoples as rights-holders in all phases of this, and use the Declaration on the Rights of Indigenous Peoples as the guideline for assessment.

- 3) that UN agencies encourage the government of Cambodia to invite the Special Rapporteur on the Rights of Indigenous Peoples to visit Cambodia.

* according to Licadho. This figure is contested by the Cambodian government, which puts this figure at 1.5 million ha., or 42% of arable land