

**ASIA CAUCUS COLLECTIVE STATEMENT ON
SOCIO-ECONOMIC DEVELOPMENT**

7th Session of the UN Permanent Forum on indigenous issues

**AGENDA ITEM: 4 on implementation of the recommendations
on the six mandated areas of the Permanent Forum and
on the Millennium Development Goals**

Madam Chairperson,

Yuuki Hasegawa

The Asia Indigenous Caucus has been following the development of legislation related to land rights for indigenous peoples in Cambodia, and have been heartened to see the provisions of the 2001 Land Law relating to communal land of indigenous peoples. We are also encouraged by Cambodia's support for the United Nations Declaration on the Rights of Indigenous Peoples in the vote of the United Nations General Assembly to ratify it.

Now, however, we are dismayed to see the draft Sub-Decree on Procedures of Registration of Land of Indigenous Communities. Article 11 of this draft sub-decree states that an individual who chooses to leave a community "has rights to receive the appropriate piece of land which will be cut from the land of the indigenous community." It is the experience of indigenous peoples around Asia that this provision would undermine the concept of communal land. If communal decision-making aspects of community land are not respected when individuals leave, then there will almost certainly be a complete disintegration of indigenous peoples' culture and resources. This is contrary to the stated goals of the sub-decree and is also in contradiction to Article 26 of the Declaration on the Rights of Indigenous Peoples, by which recognition of indigenous communities' land "shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned."

We agree that it is appropriate to have a sub-decree outlining the process for recognition of communal land title. However, the sub-decree should be acceptable to indigenous peoples and developed *in conjunction with indigenous peoples* as called for by Article 27 of the Declaration on the Rights of Indigenous Peoples. It should also be developed with the free, prior and informed consent of indigenous peoples as per article 19 of the Declaration.

We would like to make the following recommendations to the Permanent Forum:

1. To urge the Cambodian Government to initiate another round of consultation with indigenous communities on the Sub-Decree on Procedures of Registration of Land of Indigenous Communities, so as to develop the sub-decree in conjunction with indigenous peoples as per Article 27 of the Declaration on the Rights of Indigenous Peoples. The Cambodian Government should ensure that the sub-decree respects the land tenure systems of indigenous communities (as per Article 26 of the Declaration) and should obtain indigenous peoples' free, prior, and informed consent before adopting the sub-decree (as per Article 19 of the Declaration).
2. To request the Cambodian government to respect the collective rights of indigenous peoples in Cambodia by adhering to its commitment in adopting the United Nations Declaration on the Rights of Indigenous Peoples.

Thank you Madam Chairperson.