

**17<sup>th</sup> session of the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)**

8<sup>th</sup> to 12 July 2024, Geneva, Switzerland

**Statement on**

Agenda Item 3: Study and advice on Constitutions, laws, legislation, policies, judicial decisions, and other mechanisms through which States have taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with Article 38 of the Declaration.

**Date: 8<sup>th</sup> July 2024**

**A Statement by Cambodia Indigenous Peoples Alliance-CIPA to 17<sup>th</sup> Session of the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)**

*Sam At Rachana*, on behalf of Cambodia Indigenous Youth Association-CIYA

Sir/Madam Chairperson,

Cambodia is composed of 24 indigenous people's groups in 15 provinces and equal to 1.11% out of the total 17 million population. We are living depending on natural recourses, rotational farming, and small-scale cash crops.

Over the last thirty years, the lands and territories of Cambodia's Indigenous Peoples have faced threats from large-scale logging, economic land concessions for the development of industrial plantations, mining, fortress conservation, large-scale in-migration of non-indigenous populations, hydropower development, highway construction, among others, resulting in large-scale loss of our lands and fragmentation of our territories.

Our communities have been displaced and we are now surrounded by non-indigenous people. Our social systems and systems of local administration have been replaced. Political control has been imposed on us. Materialist non-indigenous ways of life are spreading. Our right to self-determination has been thoroughly undermined.

It has resulted in increased landlessness, poverty, and drug use among indigenous peoples. Further, the imposition of the national language has resulted in large-scale loss of the ability to speak our languages.

The Cambodian legal system has enabled these developments. Cambodia is one of the few countries in Asia to recognize Indigenous People in law, but it does not recognize Indigenous Peoples or our collective rights as peoples and to our lands, territories, and resources. Environmental Code has taken out the term of Indigenous Peoples from the law and replaced with the term of Local Community. These lead to a more marginalized and affected to the community who are already affected by the current development trend in practicing our traditional livelihood practice on traditional rotational farming and the accessing to the Non-Timber Forest Product and the natural resources.

The 2001 Land Law allows communal land titling of the lands of individual communities, but it does not allow for collective titling of our lands and territories. This has resulted in fragmentation of our territories, conflict within the communities and made easy for land grabbing and manipulation by governments and outsiders. The land titling process is working against our interests and is not leading to the protection and promotion of our well-being.

Cambodian law does not recognize the rights of Indigenous Peoples to protect and promote our languages, cultures, and administrative and social systems. Our peoples do not have a voice in government because our right to participation in decision making and free-prior informed consent (FPIC) on matters affecting us is not guaranteed nor encouraged. Our Indigenous Peoples' rights are not protected rights now. These evidenced such as until today, a total of 117 indigenous people were filed lawsuits in court for practicing their traditional farm and their efforts to protect their land and natural resources. One Indigenous is in prison right now. We, Indigenous Peoples become criminals on our own land.

Yet currently government, donors, and international organizations pay insufficient attention to the serious problems of our peoples.

We recommend EMRIP to call for the government to:

- Develop protective measures to ensure Indigenous Peoples' lands are free from illegal encroachment while in the process of collective land registration.
- Develop a consolidated land law that recognizes collective land ownership which protects Indigenous Peoples right to self-government, culture, freedom of belief, and practice of traditional occupation
- The government of Cambodia and UN Agencies must make provisions for and support indigenous youth's participation in decision-making in developmental programmed and processes at all levels.
- All formulations and amendments to state laws and legal standards must provide meaningful consultation with Indigenous Peoples' mechanisms/representative in Cambodia in conformity with FPIC principles.
- Develop laws that provide for specific mechanisms for addressing Indigenous Peoples' issues and concerns in a respectful and consistent manner with the collective traditional settlement mechanism.
- Ratify the ILO Convention 169
- The Cambodian government must end the criminalization of Indigenous Peoples who are defending their rights, the persons detained should be freed from prisons and the charges against them dropped, both through the courts, through the authorities, and through the legislature.
- End restrictions on peaceful assemblies, rallies, and expressions and stop all forms of intimidation to Indigenous Peoples in the practice of traditional occupations, and protect their rights to land and natural resources.
- Support and restore traditional agriculture and irrigation systems to ensure sustainable livelihood for Indigenous Peoples
- All formulations and amendments to state laws and legal standards must consult with Indigenous Peoples' systems or mechanisms with respect to our collective right to free, prior, and informed consent.