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National Forum on Indigenous Peoples, Phnom Penh, 27-28 October 2008

**Opening Remarks by Christophe Peschoux,
Representative of the High Commissioner for Human Rights**

Dear participants,

It is a pleasure to be invited to say a few words at the opening of this National Forum. Many of you are coming from far away so I would like to welcome you warmly, and hope that we will have a rich discussion and a useful meeting.

It's been a year since the UN Declaration on the Rights of Indigenous Peoples has been approved. This is an important step in the international recognition of the specific rights of indigenous communities. It was adopted by 143 countries, including Cambodia. This places on the Government the responsibility to draw inspiration from that document to define and implement a national policy recognizing, promoting and protecting the rights of indigenous peoples.

A positive development in the past year has been the growing ability of indigenous communities to better understand their rights, to make their voice heard, and express their concerns when their rights were violated - a recurrent concern has been the grabbing of their lands and resources by powerful interests, often with the complicity of public authorities. They have taken steps to meet and discuss their grievances, to organise themselves, and have travelled to provincial capitals and to Phnom Penh to voice their concerns.

Being able to travel, to meet others, to discuss issues which matter in your life without fear and constraint, to voice your concerns, to organise, to have access to and be listen by the authorities, are very important rights for you to be able to shape your lives and construct the world you want to live in. These are essential rights which belong to everyone in Cambodia.

I mention these rights because I know that they are not always respected -- the public expression of one's voice, via peaceful marches, demonstrations and rallies has almost ceased to exist in Cambodia. I know of a number of instances where indigenous people have been intimidated and sometimes prevented by local authorities from leaving their villages or provinces to meet other communities affected by land dispossession, to attend training courses to understand their rights, or to join meetings in Phnom Penh. These restrictions are of course illegal and abusive.

Authorities sometimes accuse individuals in these communities, and non-governmental organizations working with them, of "incitement" to intimidate them through threats of legal action. By "incitement" they mean provocation to protest against them. But what do people do? They exercise their rights, set forth in the Constitution, in the land law of 2001, in the relevant sub-decrees. Exercising constitutional rights, in a peaceful manner, cannot be an offence, or then it is the Constitution which constitutes incitement...

For years, our office has worked, and will continue to work closely with communities affected by land-grabbing -- land grabbing means theft, a crime under the law --with non-governmental organizations, and local and central authorities in the search for just solutions, based on the Constitution, the land law and relevant sub-decrees.

A particular problem faced by indigenous populations is the recognition of their rights over traditional lands. The Sub-Decree on Registration of Indigenous Lands is still being drafted. While communities provided comments on the draft -- which is an important step -- it is unclear to what extent their comments were accepted, as the revised draft is not yet available. The Government has accepted, however, that more consultation is needed prior to finalising the text.

In the meanwhile, interim protective measures are needed to protect lands against abuse. We are concerned that if the drafting and implementation of the Sub-Decree drags on for too long, in the meantime, indigenous communities will continue to lose their lands to economic land concessions or private speculators to the detriment of indigenous communities. We will continue to work with communities, NGO, donors and the Government so that protective measures are effectively taken.

Last, I would like to say a word about development. No one is against development: everyone aspires to live in an environment where he or she can develop to the full of his or her potentialities, in the respect of identities and differences. This is what development means to me - - it places human beings - - all human beings -- at the centre of the process. But the environment should also share the stage, so that natural resources are managed in a reasonable and sustainable manner for the sake of present and future generations. The future of our children is closely dependent upon our ability to ensure the future of natural resources: lands, waters, rivers, lakes,

plants, trees, animals, and us - - we all are in the same boat, we share a common destiny, we have only one planet. I know that many of you share this belief, and the hope that your grandchildren will also know the forests and land that you know.

This is also the meaning of human and sustainable development. And there, an important principle is that it is up to the concerned communities to decide the shape and pace of development that they want for their communities, villages and families -- and to work together to create it. No development should be imposed by outsiders, without proper consultation. A development policy which ignores the reality and aspirations of the people it is supposed to serve, may be called economic, it cannot be called humane. Development is everybody's concern because it is about the kind of world we want to live in. This is our common world; it does not belong to anyone exclusively.

I wish all the participants every success in this Forum, and hope that the sharing of knowledge and experience that will take place in the next two days will lead to stronger protection and promotion of human rights for all peoples in Cambodia. Rest assured that the OHCHR will continue to provide support and assistance to you, as you seek to claim your rights.

Thank you.