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ការិយាល័យនៃឧត្តមស្នងការអន្តរជាតិសិទ្ធិមនុស្សប្រចាំកម្ពុជា



**Statement by the Office of the UN High Commissioner
for Human Rights in Cambodia**

Today marks International Day of the World's Indigenous Peoples, and is being commemorated in Cambodia for the first time.

The Special Rapporteur on Indigenous Peoples of the Commission on Human Rights stated in a recent interview that the major problem worldwide for indigenous people is land and access to land and property. This is also the case in Cambodia.

Today allows us to take stock, and for Cambodia to renew its commitment to a coherent national policy for its indigenous peoples.

International law provides special protections for indigenous peoples. In his most recent report to the Commission on Human Rights Peter Leuprecht, the Special Representative of the Secretary-General for human rights in Cambodia, has called on Cambodia to accede to ILO Convention 169, the most comprehensive international agreement that protects the right of indigenous and tribal peoples to preserve their own laws and customs within the national societies in which they live.¹

Cambodia has acceded to the main international human rights treaties which guarantee basic human rights for all people, including indigenous peoples. They include rights to education, health, and to an adequate standard of living. In 1998, the Committee on the Elimination of Racial Discrimination recommended that Cambodia recognize indigenous peoples' use of lands, forests and other natural resources, and their distinct and unique identity, culture and way of life.² In 1999, the Human Rights Committee asked for the rights of Cambodia's indigenous people to enjoy their cultural traditions, including their agricultural activities, to be respected.³ These recommendations remain to be implemented.

Complaints of human rights violations affecting Cambodia's indigenous peoples were reported by the first Special Representative, Michael Kirby, in his report to the Commission

¹ See Report to the 61st session of the Commission on Human Rights, (E/CN.4/2005/116 20 December 2004).

² It also recommended that Cambodia take steps to fully implement its General Recommendation XXIII which addresses the rights of indigenous peoples under the Convention. Concluding observations, 31/03/98, CERD/C/304/Add.54, para 19.

³ Concluding Observations of the Human Rights Committee, Cambodia, UN Doc., CCPR/C/79/Add.108 (1999).

on Human Rights in 1996.⁴ They continued to be of concern to the second Special Representative, Thomas Hammarberg, who wrote in his 1999 report to the Commission: *“the rights of indigenous communities to land and the natural resources on which their livelihoods depend is under threat not only because of logging and plantations, but also from land grabbing, which takes several forms: bribes to the weakest members of a community, false promises, enticement, or simply intimidation and violence”*.⁵

These problems continue. The Special Representatives’ recommendations remain relevant.

The 2001 Land Law recognizes indigenous collective title which must be established prior to any other claims being made on land eligible for collective title. However, the relevant sub-decree and other important sub-decrees to implement the Land Law have still to be adopted, and legislation for determining the criteria for indigenous status is still being drafted by the Ministry of the Interior.

All the Special Representatives for human rights in Cambodia have warned that Cambodia's indigenous peoples are becoming more and more vulnerable to land confiscation and the legal alienation of their land. There is now growing concern that there will be little land left to title by the time these sub-decrees and other legislation are in place. The current Special Representative has called for no more economic land concessions to be awarded, and for the registration of individual titles to be prohibited on state land eligible for indigenous collective title until the sub-decrees are in effect.

Today allows us all to recommit ourselves to changing for the better the lives of indigenous peoples in Cambodia. For this, it is necessary for indigenous peoples to fully participate and to be fully consulted on decisions that affect them. This means upholding and respecting their rights to associate, assemble, move freely, and to freely exchange ideas and information. There is no good reason to restrict the exercise of these rights in Cambodia today.

The Office of the High Commissioner for Human Rights in Cambodia stands ready to work with the Government, non-governmental organisations, other international agencies and with Cambodia’s indigenous peoples to develop and implement sound national policies that respect their identity, culture and way of life and advance the enjoyment of their human rights.

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⁴ Report of the Special Representative of the Secretary-General for human rights in Cambodia to the Commission on Human Rights, (UN Doc., E/CN.4/1996/93, 26 February 1996).

⁵ Report to the Commission on Human Rights on the situation of human rights in Cambodia, UN Doc., E/CN.4/1999/101, 26 February 1998, para. 132.