Indigenous Navigator
Country Base-line
Factsheets of Cambodia

I. INTRODUCTION

The Indigenous Navigator is a framework and set of tools for and by indigenous peoples to systematically monitor the level of recognition and implementation of their rights. In Cambodia, Cambodia Indigenous Peoples Organization (CIPO) is closely cooperating with members of Cambodia Indigenous Peoples Alliance (CIPA) to conduct the data collection, validate, upload to web-portal and produce those data for public use in Cambodia and advocacy to improve the recognition and support to have indigenous peoples’ inclusive development.

• multi-ethnic society
• made up of 14.8 million people

(with a majority people are Khmer, living together with indigenous peoples who live in the country even before the state was established.)

The recent Commune Database statistic in 2015 have showed that there are 276,878 indigenous peoples living in 15 provinces of Cambodia such as:

Banteay Meanchey, Battambang, Kampong Speu, Kampong Thom, Koh Kong, Kratie, Mondul Kiri, Oddar Meanchey, Preah Sihanouk, Preah Vihear, Pursat, Ratanak Kiri, Siemreap, Stung Treng and Tboung Khmum

Those records also show that there are 24 indigenous groups in Cambodia including:

Bunong, Kui, Tompourn, Kroeueng, Brov, Karvêt, Siêng, Kroal, Mil, Karchak, Por, Khoan, Chom, Sui, Thmoung, Lourn, Sourach, Rodé, Khe,Ro Orng, Speng, Louen, Chary and Samrei and others that have not been found yet.

According to the list of the National Decentralization Committee of the Ministry of Interior issued on 6 March 2009, there are 458 communities/villages in 130 communes of 40 districts in 13 Provinces in Cambodia.

While indigenous peoples’ rights are well recognized and reflected in various Cambodian laws and policies and there are also some efforts of the government to push for the recognition of those rights, the implementation and actual realization of the rights of indigenous peoples are still very limited to date.

As of December 2017, among 458 indigenous villages in fifteen (15) provinces, only nineteen (19) of them have their land registered as indigenous collective land titles or 16,271 hectares of land for 1,774 families, 119 villages recognized as legal entities by Ministry of Interior (MoI) and 130 are recognized as self-identify as indigenous peoples by Ministry of Rural Development (MRD).
II. SOCIO-ECONOMIC STATUS OF INDIGENOUS PEOPLES IN CAMBODIA

According to the World Bank report 2009:

Poverty in Cambodia has decreased from 47% in 1994 to 30% in 2007.

Yet 1/3 of the population is living under the poverty line, especially in the northeast where indigenous people dwell.

According to MDC annual report 2013:

Food poverty has dropped down to 4% everywhere in the country in 2011.

However the rate in the rural area is higher than the other areas in the country.

lack of specific studies on indigenous peoples’ poverty

There is a concern at the north-eastern provinces, where indigenous communities are mainly living. These provinces are considered the predominantly rural and to an extent “un-integrated” in the national mainstream because the people survive by subsistence agriculture, and hunting- and- gathering.

(Ministry of Planning, 2013).

Main issues:

- Land loss of their rights to land through economic land concessions (ELCs) and land conflicts
- Population growth
- Forest degradation
- The loss of opportunity to household income, education, and health

When the land is lost, the livelihood, job, education, health and culture and traditional practice are also lost.

Large scale agribusiness land concession, mining concession, and hydro power dam development projects are mostly happening on the territory of indigenous peoples.

(there are at least 98 ELCs granted within the territories of the 10 big indigenous groups of the country)

According to Ponlok Khmer report: 267 ELCs were granted over 2 million hectares
According to Highlander Association report on August 2017 (HA):

Ratanakiri province alone has 32 ELCs, and 36 mining concessions, which represents 21% of the total provincial land area. There are 2 dams already built while 3 dams are under construction, and 7 dams are planned to be built along Sesan Rivers—all in indigenous land and territories.

Migration to indigenous peoples’ lands and the lack of knowledge and respect for indigenous tradition and have led to disputes regarding land. The Directive 01 of the Government implemented in 2012 and 2013 has caused more complication to the registration of the community forest and communal land registration (CIPO, Strategic plan 2016 to 2020, 2016).

According to Mekong Watch Briefing Paper in 2015, the Lower 2 Dam will affect not only the peoples at the dam site area but also those at the downstream including, the land and water ecology. Similarly, in Kbal Romeas, Lower Sesan II Dam profile by CCHR Cambodia shows that the communities face forced eviction with unsatisfactory compensation. It is expected that the culture and tradition, the traditional use of land, livelihood, education, health and social services will be cut off. The Srepok bridge which is the only way connecting this area to the rest of Stung Treng province have been cut. The community representatives also raised that the EIA was not fully participated and disseminated to the whole community.

In Cambodia’s Development Context of CIPO in 2016

Ratanakiri and Mondulkiri provinces where a large number of indigenous peoples live have poorer health status. The health indicators are significantly below the national average.

Ministry of Education Report in 2013:

58.26% of children in Mondulkiri have not enrolled in primary school.

Education

identified factors
- poverty
- out-migration
- seasonality for farming
- poor school infrastructure
- distance from school
- irregular teaching schedules
- unattractive school environment
- low awareness of private return of education

identified causes
- social status barrier
- remoteness
- poor health service available in the area
- the limited land for cultivation, modern agriculture technique, and market skills
- lack of daily proper food

Around 80 percent of the indigenous household face chronic food infection for 4 to 8 months.

The literacy rate among the indigenous peoples is quite low, only 29% of indigenous peoples can write and read Khmer language compared to the general population with 77.1%. Indigenous peoples completing beyond primary education (after grade 7) rate is only 27.1%, while general Khmer is 52.8%.

10.5% of indigenous girls aged 15 years or less get married earlier compared to Khmer with only 1.5% of them. Further, for ages between 15 - 19 years, 55% of indigenous girls are married early while Khmer is only 39.7%, and for ages between 20 - 24 years, 86.2% indigenous women get married while Khmer is only 82.7%.
III. NATIONAL LEGAL AND POLICY FRAMEWORK

CAMBODIA’S NATIONAL LAWS ON INDIGENOUS PEOPLES

1. Cambodia constitution 1993 about the duty of the Cambodian. In Article 31 stated that,

“The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women’s and children’s rights. Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.”

2. The Land Law 2001 in article 23 to 28 have stated about the rights of indigenous peoples on their own property.

3. The Forestry Law 2002 in article 37, 40 and 41 have clearly stated about the rights of indigenous peoples on the traditional use of the forest as a community and individual forest management.

4. The Law on the Protected Area 2008 on the right of the local and indigenous peoples’ community in using the protected area. The article 21 to 26 is clearly stated about the rights of local indigenous peoples.

5. National Policy on the development of indigenous peoples 2009. This policy is mainly to promote the public sectors for indigenous people such as, culture, education, health, land, environment, vocational training, infrastructure, water resources, justice, commerce and mining and tourist sectors.

6. National Policy on Registration and Right to use of land of Indigenous Community in Cambodia 2009. This policy is very important for the land security of indigenous people’s communities. The purpose of this policy is to register the land of indigenous peoples as a collecting land use and management.

7. Sub decree on procedures of registration of land of Indigenous Communities 2009. This policy is mainly stated about the procedure of collective land registration and the benefit of being as a collective when the people participated in the communal land and being an individual land owner (CIPO. The dissemination book on the Related laws and the rights of Indigenous Peoples on Land and Teritory . 2015).

INTERNATIONAL CONVENTIONS

- Convention on Civil and Political Rights
- Convention on Economic, Social and Cultural Rights
- Convention on Bio-diversity in 1992
- Convention on the Elimination of Racial Discrimination
- The Government of Cambodia did not ratify ILO Convention 169 but they did ratify Convention 111, which aims to protect the traditional occupation of the indigenous peoples.

HOWEVER, IT WAS FOUND THAT THE IMPLEMENTATION AND ADMINISTRATION OF THOSE CONVENTIONS WAS NOT FULLY IMPLEMENTED OR RESPECTED. INSTEAD OF PROMOTING AND GIVING INDIGENOUS PEOPLES OPPORTUNITIES, THE CULTURE, TRADITIONS AND THE LIVELIHOOD OF THE LOCAL INDIGENOUS PEOPLE ARE THREATENED OR ENDANGERED.
IV. KEY CHALLENGES AND GAPS

THE CAMBODIAN LAWS AND POLICIES REGARDING INDIGENOUS PEOPLES HELP DRAW ATTENTION TOWARDS INDIGENOUS PEOPLES’ ISSUES AND LEGAL RECOGNITION AND ARE HELPFUL FOR INDIGENOUS PEOPLES IN STRENGTHENING THEIR RIGHTS, CULTURE AND TRADITIONS.

HOWEVER,

SOME CONTAIN INCONSISTENCIES WHICH OPEN RISKS TO VARIOUS INTERPRETATIONS THAT ARE DETRIMENTAL TO THE RIGHTS OF INDIGENOUS PEOPLES.

(such as loopholes and inconsistencies of the Land Law 2001, Forestry Law 2002, and the Law on Protected Area 2008)

WITH THIS REALITY,

THE GOVERNMENT OF CAMBODIA SHOULD CONSIDER TO HOLD A DISCUSSION WITH INDIGENOUS PEOPLES AND OTHER RELEVANT STAKEHOLDERS AND STRONGLY ENCOURAGE ITS MINISTRIES TO AMEND ADDRESS THE INCONSISTENCIES AND ENSURE PROPER IMPLEMENTATION.

The discussion should be conducted with the full participation by related partners and with sincere and meaningful consultation with indigenous peoples (CIYA & MRLG, 2016).

In 2015 UN county members have adopted 17 SDGs to be achieved by the year 2030. CIPO hopes to closely focus on the following goals:

- GOAL #15 (PROMOTE SUSTAINABLE USE OF TERRESTRIAL ECOSYSTEMS AND SUSTAINABLE FOREST MANAGEMENT) BECAUSE IT REFERS DIRECTLY TO THE COMMON ISSUES OF THE IPS
- GOAL #1 (NO POVERTY)
- GOAL #2 (ZERO HUNGER)
- GOAL #4 (QUALITY EDUCATION)
- GOAL #5 (GENDER EQUALITY)
- GOAL #6 (CLEAN WATER & SANITATION)
- GOAL #8 (DECENT WORK AND ECONOMIC GROWTH)
- GOAL #16 (PEACE, JUSTICE, AND STRONG INSTITUTIONS)
- GOAL #17 (PROMOTE PARTNERSHIP).

The Cambodian government has expressed a strong need for support and collaboration from both the private and NGO sectors to ground the implementation to achieve the set goals. CIPO has yet to see its intention of collaboration with indigenous peoples. (CIPO, Strategicplan 2016 to 2020, 2016).