

International Network for Diplomacy Indigenous Governance Engaging in Nonviolence Organizing for Understanding & Self-Determination (INDIGENOUS) is a monumental movement aspiring to change the centuries of making indigenous peoples invisible through colonization and to create a climate of inclusion in the family of nations in the 21st century. INDIGENOUS mobilizes for the realization of human rights of indigenous peoples in the seven recognized indigenous regions in the world through community driven campaigns of direct-action and diplomacy.

INDIGENOUS guarantees the recognition of the inherent dignity in all peoples on the planet enshrined in the international law instruments from the Universal Declaration of Human Rights to the United Nations Declaration on the Rights of Indigenous Peoples.

We believe indigenous rights abuses anywhere impacts all indigenous peoples. The common history of deep connection with nature and the similar situation forced upon indigenous peoples in their homelands creates a shared sense of cultural survival that is the impetus for our international movement. We seek solutions rooted in the indigenous values reflected in the voices of our elders and believe our vision for the future will guarantee human rights, freedom and justice for everyone on planet earth.

Regarding human rights in Cambodia our report will focus on the state of human rights in Cambodia and specifically the new developments in Cambodia impacting the indigenous peoples rights.

Introduction

Currently, the future of Cambodia is in the balance. The current election exemplifies the challenges for any realization of the rights enshrined in the UN Declaration on the Rights of Indigenous Peoples. The current government of Cambodia is lacking in its ability to protect the liberties enshrined in the 1993 Constitution and its global obligations to its citizens under the international human rights instruments from the Universal Declaration of Human Rights to the Convention on the Rights of the Child.

Freedom House 2013 report classifies Cambodia as a Not Free country. Unfortunately, this is the situation indigenous peoples of Cambodia have faced for far too long. Indigenous Peoples are standing up for their rights to be part of the solution.

The election should be an opportunity for all Cambodians to share their perspective on the future direction of the nation and actively participate in the decision-making process. Yet, the recent actions indicate a situation for all Cambodians that the indigenous peoples of Cambodia have endured for many decades. The opposition candidate Sam Rainsy is not allowed to step foot inside the state. Also, the members of Parliament not in the dominant party were just dismissed with over a month left in their terms to serve their constituents. Also, the National Elections Committee must be reformed for a future of

free and fair elections that respect the basic civil and political rights.

Right to Education

There is an important need for education to be reformed to be relevant to daily living and modern life in Cambodia that also respects the traditional practices and culture of the people.

With the people being forced from their land, there is a shift from agriculture to construction resulting in an increase of people from the rural areas to the urban hubs.

The indigenous knowledge systems should be included in curriculum and recognized as a model for sustainable development that respects the rights of indigenous peoples.

Right to Land

Land is Life for indigenous peoples. Most of the most pressing issues that must be addressed in the UPR relate to the disenfranchisement of indigenous peoples and rural Cambodians from their lands due to policies and practices of development destroying the natural habitat in the name of progress.

The Economic Land Concession (ELC) policy indicates a clear trend for the government to grant rights to national and foreign companies close to current leadership. Since the sub-decree was adopted in 2005, indigenous peoples have been adversely impacted. Also, it violates its own criteria as outlined in article 4(3) to conduct environmental and social impact assessments constantly. So far, over 250,00 hectares of land have been granted under this policy resulting in displacement of indigenous peoples and local communities. The 33 companies were protected by Royal Cambodian Armed Forces and operated in 18 protected areas. Beyond this spiritual harm from being removed from their land, there is also the practical impact of livelihood being adversely impacted.

Moreover, indigenous peoples are not aware of the ELC process or the actual taking of their land. There has never been any consultation let alone any process to uphold the principle of Free, Prior and Informed Consent in practice for indigenous peoples. In fact, reports have indicated that indigenous peoples were never contacted and definitely not allowed to comment on the development project. Most first learned when the land clearing began in their community.

Another problem even recognized by the Ministry of Environment is that the 30 days is not adequate for genuine community consultations. It definitely doesn't live up to the right to Free, Prior and Informed Consent.

These activities are not limited to the countryside. Even inside the capital, Phnom Penh,

the practice of 99 year leases displacing thousands denying their right to property and housing. Residents in BeungKak Lake stood up to this decision. Their homes were razed. They were beaten by armed riot police and the leaders were jailed. Yorm Bopha is one example of many strong woman leaders that have faced criminal prosecution for exercising her basic human rights. Other communities including BoreiKeila, Sambok Chap and Dey Kraham face similar situations while not getting the same attention. All individuals in each community deserve their most basic rights to be respected.

Another important issue is Communal Land Titles under the Cambodia Land Law. So far, there are only 3 issued. However 49 villages have completed the process and waiting on final step for approval. Premier Directive 001 BB is a challenge to this already flawed system.

The overall development climate is having dire consequences on the cultural survival of indigenous peoples in Cambodia. One of the most dangerous development projects was approved as a sub-decree on February 15, 2013, the Lower Sesan II Dam project will directly displace indigenous peoples flooding their ancestral lands. There will be an impact on right to food as their crops and farmlands will be submerged. There will also be impact on right to housing, culture and livelihood as they will be relocated. There was no Free, Prior and Informed Consent with the impacted indigenous peoples.

Also, the Khmer Krom deserve special mention as well. Khmer Krom have been arriving in a steady flow to Cambodia in the 1980s and 90s. There is and will be an increase as the human rights situation continues to deteriorate facing systematic and widespread discrimination. Unable to receive land distribution from the government, they constructed their small thatched huts housing many families along waterways such as canal dikes or reservoir. They are facing imminent evictions with the ELCs taking place around their established communities. The land grabbing taking place in Cambodia confronts many Khmer Krom denying them the right to housing.

Recommendations

There must be Land Title Legislation established and enacted immediately that respects the rights enshrined in the UN Declaration on the Rights of Indigenous Peoples specifically Free, Prior and Informed Consent.

The Communal Land Titles process must be rooted in the realization of recognized human rights law. Indigenous peoples desire to have their right to ancestral lands respected and protected.

The Sesan II should be cancelled. The indigenous peoples must be included in any development projects on their indigenous lands.

All people exercising their basic human rights that have faced persecution and are political prisoners of conscience must be immediately released. Yorm Bopha and other

human rights advocates must be allowed to return to their families and communities.