

International Day of the World's Indigenous Peoples 2023

ACCESS TO COLLECTIVE LAND TITLES FOR INDIGENOUS COMMUNITIES IN CAMBODIA - 2023 UPDATE



Policy on Registration and Rights to Use of Lands of Indigenous Communities in Cambodia, 2009. Objective and Vision (Paragraph 2):

The goal of the development of the indigenous people is to improve their living standard through an agriculture which is a crucial factor for their daily livelihood. Therefore, land registration for the indigenous communities is the ensuring of land tenure security that will enable them to use their land with high productivity.

Two main legal instruments govern land registration and the granting of collective land titles (CLTs) to indigenous communities: the 2001 Land Law and the 2009 Sub-decree No. 83 on Procedures of Registration of Land of Indigenous Communities.

2011-2017  
4.14%  
of Cambodia's 458 indigenous communities received CLTs.

The first collective land titles was granted in 2011. But as of 2017, only 19 - 4.14% - of Cambodia's 458 indigenous communities had received collective land titles.

IN 2017, THE MINISTRY OF LAND, MANAGEMENT, URBAN PLANNING, AND CONSTRUCTION ('MLMUPC') ANNOUNCED IT WOULD ACCELERATE LAND REGISTRATION EFFORTS AND GRANT CLTs TO 10 COMMUNITIES PER YEAR.

2017-2022, 36% of the goals set by the MLMUPC were achieved.

During the five-year period from 2017 to July 2022, 18 additional communities received collective land titles; 36% of the goals set by the MLMUPC.

2022-2023, 30% of the goals set by the MLMUPC were achieved.

During the 11-month period from July 2022 to June 2023, three additional communities received collective land titles; 30% of the goals set by the MLMUPC.

In total, during the 12 year-period from 2011 to June 2023, 40 indigenous communities (including 3,893 families) received collective land titles; amounting to 8.73% of Cambodia's 458 indigenous communities.

2011-2023  
8.73%  
of Cambodia's indigenous communities received CLTs.

4 provinces	40 communities	40,732.42 hectares	3,893 families
Ratanak Kiri	27 communities	27,800.25 hectares	2,666 families
Mondul Kiri	7 communities	6,155.66 hectares	473 families
Kratie	4 communities	4,784.99 hectares	629 families
Stung Treng	2 communities	1,991.51 hectares	125 families



**CONCERN**

ONE OF THE MAIN CONCERNS OF LOCAL INDIGENOUS COMMUNITIES IS THE FACT THAT THE DRAFT AMENDMENTS TO THE LAW ON PROTECTED AREAS AND THE FORESTRY LAW REMOVES THE TERM 'INDIGENOUS COMMUNITIES' FROM THESE TEXTS, REPLACING IT WITH 'LOCAL COMMUNITIES.'

The term 'local communities' in the two draft amendments cannot represent indigenous communities.

Indigenous communities differ from other local communities in terms of origins, ethnicity, language, and on socio-cultural grounds. Most notably, their livelihoods are directly linked to land and natural resources. Traditionally, they live on and cultivate land they occupy under the principles of customary land tenure and collective use.



The term 'local communities,' such as those living in protected areas and forestry communities, does not encompass customary land use and the traditional religious beliefs of indigenous people.



THEREFORE, INDIGENOUS COMMUNITIES REQUEST THE INCLUSION OF SPECIFIC PROVISIONS ON "INDIGENOUS PEOPLE AND INDIGENOUS COMMUNITIES" IN THE DRAFT AMENDMENTS TO THE LAW ON PROTECTED AREAS AND THE FORESTRY LAW.



CCHR encourages the Royal Government of Cambodia to accelerate CLT registration for indigenous communities, in line with the goals set by the MLMUPC in 2017. The Royal Government of Cambodia should also consider the request of the indigenous communities to include specific provisions on "indigenous people and indigenous communities" in the draft amendments to the Law on Protected Areas and the Forestry Law to preserve their traditions, culture, religious beliefs, and identity.

- Sources:
1. Outcome Report of the Ministry of Land Management, Urban Planning and Construction, June 2023;
  2. CCHR, 'Access to Collective Land Titles for Indigenous Communities in Cambodia', 2016;
  3. Policy on Registration and Rights to Use of Lands of Indigenous Communities in Cambodia, 2009;
  4. Joint Communiqué of the Indigenous Peoples Community of the Kingdom of Cambodia on the Inputs Collected for the Draft Amendment of the Law on Protected Areas and the Forestry Law, August 2022.