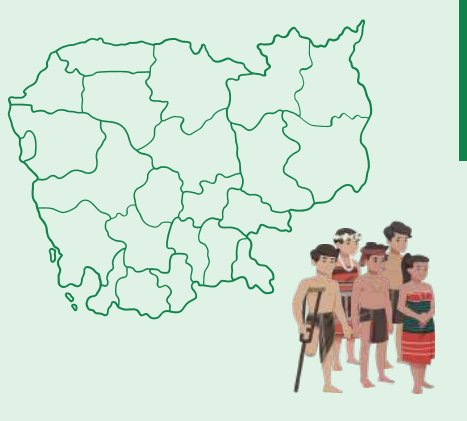


Access to **Collective Land Titles** for Indigenous Communities in Cambodia - 2024 Update

International Day of the World's Indigenous Peoples



OVERVIEW

Cambodia is home to **458 indigenous communities** spread across 15 of the country's 25 provinces.¹

They have traditionally managed nearly **4 million hectares** of forest land,² which sustain their livelihoods and form a key part of their identity.³

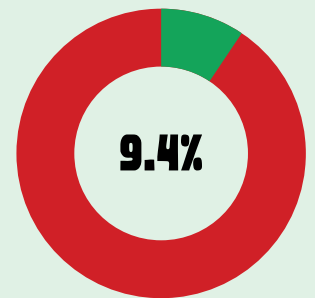
Despite legal mechanisms to protect their land rights, they remain **vulnerable to land confiscation** due to their **lack of formal tenure**.

TITLING PROGRESS

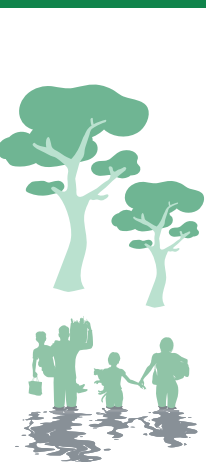
The 2001 Land Law recognizes the collective ownership of indigenous communities over their customary lands. **Collective Land Titles (CLTs)** were introduced by Sub-decree 83 in 2009,⁴ and first granted in 2011.

The issuing of CLTs quickly **stalled** due to the **complexity, cost, and lengthy duration** of the application procedure.⁵ Although it was simplified in 2020,⁶ it remains a **slow process**.

From 2011 to July 2024, **only 43 of Cambodia's 458 indigenous communities received CLTs**,⁷ far **below** the government's objective, set in 2017, to issue 10 CLTs/year.¹



% of indigenous communities that secured CLTs (July 2024)



CURRENT SHORTCOMINGS

Under Sub-decree 83, **only state-owned land** can be registered under CLTs.⁴

This **perpetuates historical injustices** by preventing indigenous communities from reclaiming customary land that has already been allocated to, or seized by private interests. It also leads to **uphill competition with economic actors** for state land.

“Indigenous land claims often overlap with company developments, and when that happens, it's usually the economic interest that wins out.” - Mongabay, 2021⁸

Existing CLTs **only cover 41,538.32 hectares**.⁷ They typically **fail to encompass** all the customary land identified by the requesting communities in their application materials.

In addition, Sub-decree 83 **limits** the amount of “spiritual forest land” and “burial ground forest land” that can be allocated to individual indigenous communities **to seven hectares each**.⁴

CONCERNS

The new **Environment and Natural Resources Code (ENRC)**, which was promulgated on 29 June 2023 and entered into force one year later, marked a **major setback** for indigenous land rights.⁹

It uses the term ‘**local**’ communities in lieu of ‘**indigenous**’ communities, which could potentially **expand access to indigenous customary lands to non-indigenous actors**.

As per accepted international standards, the term ‘indigenous communities’ refers to **distinct ethnic groups** characterized by their unique beliefs, religion, culture, social structures, and deep connections to their traditional lands and forests.

The Code also **guarantees fewer types of traditional users rights over forest products**, and seems to **undermine** the right to engage in rotational or shifting cultivation.⁴

Contemplated amendments to the Laws on Forestry and Land could **also incorporate similar changes**, further **weakening indigenous land rights**.¹⁰

INDIGENOUS DEMANDS

*“The legal frameworks protecting our land rights **must not be weakened!**”*

*“CLTs **must encompass all the lands within our traditional boundaries, not just portions of them.**”*



RECOMMENDATIONS TO THE ROYAL GOVERNMENT OF CAMBODIA

1. **Speed up CLT registration** with the objective of issuing, **at the very least, 10 CLTs per year**;
2. **Remove existing restrictions** on the size and type of land that can be registered under CLTs, and ensure that CLTs encompass **all the traditional farms** identified by indigenous communities;
3. **Amend the ENRC** to include the term ‘**indigenous**’ communities and reaffirm their **exclusive** ownership of indigenous customary lands and the natural resources therein;
4. **Abandon plans** to substitute the term ‘indigenous’ with ‘local’ communities and weaken the legal protections afforded to indigenous people in existing laws.

1. CCHR, ‘**International Day of the World’s Indigenous Peoples.**’ August 2023.
2. NGO Forum on Cambodia, ‘**Indigenous People Rights Project.**’ June 2013.
3. CCHR, ‘**Access to Collective Land Titles for Indigenous Communities in Cambodia.**’ February 2016.
4. Kingdom of Cambodia, ‘**Land Law.**’ 2021; ‘**Sub-Decree 83.**’ 2009; ‘**Environment and Natural Resources Code.**’ 2023.
5. OHCHR Cambodia, ‘**Collective land titling in Cambodia – a case for reform?**’ August 2020.
6. Phnom Penh Post, ‘**Indigenous people receive clearer rules for land titles.**’ 27 October 2020.
7. The NGO Forum on Cambodia, via **Facebook.** 19 July 2024.
8. Mongabay, ‘**Cambodia puts its arduous titling process for Indigenous land up for review.**’ 15 April 2021.
9. CamboJA News, ‘**Indigenous Communities Concerned New Environment Code Undermines Their Rights.**’ 16 August 2022.
10. The Voice of Cambodia Indigenous Peoples. ‘**Joint Communiqué On The Inputs Collected for the Draft Amendment of the Law on Protected Areas and the Forestry Law.**’ 9 September 2022; Consultations with indigenous organizations.

SOURCES

