

KEY RIGHTS OF INDIGENOUS PEOPLE

"Indigenous people are inheritors and practitioners of unique ways of relating to people and the environment."

"They have retained social, cultural, economic & political characteristics that are distinct from those of the dominant societies in which they live."

UNDESA, <https://bit.ly/2pvCccv>

Key rights are outlined in the 2007 UN Declaration on the Rights of Indigenous People, which Cambodia voted in favour of in September 2007:

THE RIGHT TO TRADITION (Art. 9)



Indigenous peoples have the right to **practise and revitalize** their cultural traditions and customs.

This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures.

Protection against Forced Evictions (Art. 10)

Indigenous peoples shall **not** be forcibly removed from their lands or territories.



THE RIGHT TO RELIGION (Art. 12)

Indigenous peoples have the right to **manifest, practise, develop** and teach their spiritual and religious traditions, customs and ceremonies.

THE RIGHT TO LAND (Art. 26)

(1) Indigenous peoples have the right to the **lands, territories and resources** which they have **traditionally owned, occupied** or otherwise used or acquired.

(3) These lands, territories and resources shall be given **legal recognition and protection** by the State.



THE RIGHT TO FREE, PRIOR AND INFORMED CONSENT (Arts 10, 11, 19, 28-29, 32)

States shall consult and cooperate in **good faith** with the indigenous peoples concerned through their own representative institutions in order to obtain their **free and informed consent prior** to the approval of any project affecting their lands or territories and other resources.



THE RIGHT TO DUE RECOGNITION (Art. 27)

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving **due recognition** to indigenous peoples' laws, traditions, customs and land tenure systems.



Many of these rights are protected under Cambodian Domestic law as well:

Cambodian Constitution

sets out key principles protecting people's rights, including non-discrimination, freedom of association, the right to own land, the right to freedom of belief, and the right to a remedy in case of a rights' violation.

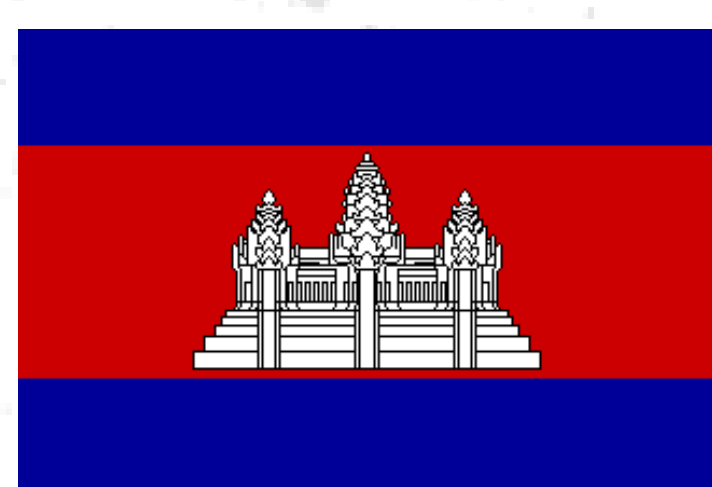
2001 Land Law

defines what indigenous people are, protects their rights to manage their land according to their traditional customs, and regulates what constitutes "indigenous land"

2002 Law on Forestry

defines the framework for management, harvesting, use, development and conservation of the forests. It includes special provisions regarding the use of forests by indigenous people who have been registered.

'Khmer citizens shall be equal [...] regardless of race, color, sex, language, religious belief, political tendency, national origin, social status, wealth or other status.' Constitution, Art. 31



'No authority outside the community can acquire any rights to immovable properties belonging to an indigenous community' Land Law, Art. 28

2008 Law on Nature Protection Area

defines the framework of management, conservation and development of protected areas to ensure the management, conservation of biodiversity, & sustainable use of natural resources in protected areas. Chapter 6 specifically deals with the involvement & access rights of indigenous communities.

2009 National Policy on Development of Indigenous Minorities

sets out government policies related to indigenous peoples in the fields of culture, education, vocational training, health, environment, land, agriculture, water resources, infrastructure, justice, tourism & industry, mines and energy.

2009 Sub-Decree 83 on procedures of registration of land of indigenous communities

complements the Land Law & aims to protect indigenous' peoples' rights to property, as well as to recognize their right to collective ownership. It details the process for indigenous communities to obtain collective land title.

Other relevant laws include, amongst others:

- 1996 Law of Protecting Cultural heritage;
- 1996 Law on Environment Protection and Natural Resource Management;
- 1999 Law on establishment of the Ministry of Land Management, Urban Planning and Construction;
- 2001 Law on Management and Exploitation of Mining Resource;
- 2009 Policy on Registration and Right to Use of Land of Indigenous Communities in Cambodia.