Research Topic:

Glorification of Indigenous Rights – Law Project

(GIRL P)

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Economic Land Concessions to Reduce poverty is a Questionable Policy to Indigenous People in Cambodia.
The United Nations system for the promotion and protection of human rights consists of two main types of body: bodies created under the UN Charter, including the former Commission on Human Rights, and bodies created under the international human rights treaties.

Most of these bodies receive secretariat support from the Treaties and Commission Branch of the Office of the High Commissioner for Human Rights (OHCHR).
The Indigenous People they also have their law and all rights to protection by lawful in the International level and UN.

In 1989 Genena by the Governing Body of the International Labour Office having met in its sixth session on Indigenous People and Tribal. Especially in currently, the Declaration of UN on Indigenous People rights, that recalling its resolution No 61/178 and Adopted 46 article.
Beside that they have the national law to protect their rights in Constitution Law and Land law (Cambodia and Philippines) to use the land and Natural Resource Management.
International Law-Rights on Indigenous People

- The International law have:
  - Convention ILO 169
  - UN Declaration No 61/178 on Sept 13, 2007
Convention 169 of ILO

- Indigenous and Tribal Population Convention 1957 (Convention No. 107)
- Indigenous and Tribal Peoples Convention 1989 (Convention No. 169)
What is the Convention No 169

- It is an international law formulated by ILO to replace Convention No 107
- It is Legally binding Instruments
- It recognizes Indigenous and Tribal Peoples (ITPs), Right to determine own priorities and guarantees their ways of life, identity and protect social, cultural, religious and special values
- Ratified by 17 Countries.
Indigenous Peoples

- Peoples who have been inhabited in a country or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries;
- who still retain some or all of their own social economic, cultural and political institutions
- Right of self-identification.
Indigenous people in Cambodia

- There were 17 groups of indigenous people.
- There’re 15 province where have Indigenous of 20 Province. (not include 4 City)
- We have difference spoken language.
- Most of Indigenous are Bunong than other
Mondolkiri

- Over 80% of the population of indigenous (Bunong) in Mondolkiri province.
Vibrant of the Indigenous Culture

- They have rights to maintain the Culture, Traditional, self-identification, protect land and natural resource of Indigenous People.
Use land and forest resources for a subsistence existence.

Practice shifting cultivation (Sweden agriculture)
Indigenous and Environment Maintain

- They have strong cultural and spiritual connection with the land, forests it cause maintain the nature and Non-Virus Environment.
Management of Natural Resource

- Traditionally follow collection of Non Timber Forest Products, harvesting fruits, resin tapping.
Management of Natural Resource

- Strong cultural and spiritual connection with the land, forests and water fall etc…
The Land Law on IP in Cambodia

- Recognized IP in Cambodia.
The Land Law on IP in Cambodia

- But the Land law in Cambodia when implementation not effectiveness.
- There were been hole or lack of law.
- Very small of law. (Article 23-28)
Land Disturbance
Wushisan Company
Land Disturbance

Mondolkiri province

Sen Monorom

The map concession from Gov’t in Indigenous Community

Cambodia

Vietnam
Research Objective
GENERAL OBJECTIVE

- To Capacity-building Indigenous People In the Community, Youths and Elder people in Mondolkiri province.
- To understanding the human rights, Democracy, National law, International law, especially the Indigenous People rights-law in UN and ILO No 169 to protect their land.
- To maintain and conservation the Culture, Traditional, language, Identify and strengthen the solidarity between Indigenous people and Indigenous People, difference region or other 15 province of Cambodia.
SPECIFIC OBJECTIVE

- To the Government in Cambodia give ratify Convention 169 of ILO, UN 61/178 on Indigenous People.

- To the Indigenous People has a special law on their rights in Cambodia.

- To the Government in Cambodia recognizing to Indigenous People by:
  
  Ensure
  Protect
  Full fill
- To the Indigenous Youths understanding to National Law, International law, democracy, Human rights, particularly on Indigenous Rights.

- Natural Resources Management:

1/ To management the natural resources/ Rotation Farming identify maintain, community forest management for state’s usefully and together.

2/ Making many of networking in community to maintain the wildlife, Forestry etc.
Variable Scheme

- Society is guided wholly or partially by their own customs, traditions or special laws or regulations/norm.

- All Development from Government in the IPs area have to participatory by agreed in that.
Recommendation and Suggestion

- Suggestion to TebTebba how to learn on advocacy to Gov’t give the Ratification on IP law in Cambodia. (ILO Convention 168, UN 61/178 in Sept 13, 2007)
Reference document

- Convention ILO 169
- UN Declaration on Sept 13, 2007.
- Good Practice on Indigenous People’s Development in 2006 by TebTebba.
- Land Law 2001 Cambodia.