

BACKGROUND STUDY ON UNDROP IN CAMBODIA

THE IMPLEMENTATION OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF PEASANTS AND OTHER PEOPLE WORKING IN RURAL AREAS (UNDROP) IN CAMBODIA: CHALLENGES AND OPPORTUNITIES

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EXECUTIVE SUMMARY

The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), which was adopted by the UN General Assembly in 2018, aims to respond to the intersecting forms of discrimination experienced by peasants and other people working in rural areas. UNDROP was developed to confront and redress unequal power relations in rural areas and to protect and promote the rights of peasants, landless people, people who make their living from traditional fishing, herding, and hunting activities, and rural workers. These groups of rural people tend to be marginalised within policy-making and legislative processes and they disproportionately experience a range of human rights violations including; hunger and malnutrition, extreme poverty, land dispossession, forced evictions, poor working conditions, and denials of access to justice, freedom of assembly and association. The Declaration also recognises that the promotion and protection of the rights and the agricultural and environmental knowledges, innovations and practices of peasants and local rural communities can make an important contribution to sustainable development for present and future generations.

The full realisation of the emancipatory goals of UNDROP requires that governments and other duty bearers, including businesses, and regional and international organisations, pay particular attention to guaranteeing the rights of individuals and groups in rural areas who have historically been discriminated against such as women and girls, older persons, youth, children, persons with disabilities, migrant agricultural workers, Indigenous persons and traditional local communities.

RECOMMENDATIONS

- The Royal Government of Cambodia should respect, protect, and fulfil the rights of peasants and other people working in rural areas. This will entail the adoption by the government of a range of coherent, comprehensive and rights-based legislative, policy, budgetary and administrative measures. The rights of peasants to food sovereignty, land, water, seeds, biological diversity, fair market prices, decent work and social security should be reflected in the drafting, development, implementation and monitoring of laws, policies and guidelines across areas and sectors including; the promotion of paddy rice production, seed management, agricultural cooperatives, environmental and biodiversity protection, land, food and nutrition, forestry and fisheries, responsible agricultural investment and contract farming.
- The Royal Government of Cambodia should create effective and transparent mechanisms to enable the meaningful participation of diverse groups of peasants and other rural people and their representatives in consultations prior to the drafting and adoption of laws and policies that affect their human rights. Efforts should be made to ensure the coherence between the rights protected in the UNDROP and trade, investment, finance, agricultural, intellectual property, environmental, rural development and food security laws and policies. Priority should be accorded to mainstreaming human rights-based approaches and participatory processes within the design, implementation, monitoring

and accountability frameworks established in all laws and policies that are relevant to food, agriculture, environmental protection and rural development. In particular, permanent consultative and communication mechanisms should be established to ensure that the Ministry of Agriculture, Forests and Fisheries, the Ministry of the Interior, the Ministry of Rural Development and the Ministry of Land Management, Urban Planning and Construction, as well as other relevant government departments such as the Ministry of Women's Affairs coordinate and publicize their policy and legislative drafting and amendment processes. Mechanisms to formalise regular public consultations and access to information related to policies and legislation that affect the rights of peasants and other people living in rural areas should be written in to these instruments.

- The Royal Government of Cambodia and international organisations present in the country should disseminate UNDROP and promote understanding of and respect for its provisions. Working closely with civil society organisations (CSOs) - peasants and farmers associations in particular - they should raise awareness of and provide training on UNDROP for government officials at the national and sub-national levels, members of legislative branches, judicial authorities, agribusinesses and all other relevant actors. The text of the Declaration should be translated into Khmer and other languages spoken in the country with a particular focus on Indigenous languages.
- The Royal Government of Cambodia should take appropriate measures - in close collaboration with civil society organisations - to identify and eliminate all forms of discrimination against peasant women and other women working in rural areas. Together with women's rights organisations and national gender machineries (including the Ministry of Women's Affairs), all levels of government should work to promote rural women's empowerment, and to ensure that rural women equally enjoy all of the human rights and fundamental freedoms set out in national laws and in international and national instruments, including the UNDROP, and the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Mechanisms to mainstream a gender perspective within policies and laws on rural development, agriculture, food and land should be adequately resourced to enable their full implementation.
- The Royal Government of Cambodia must respect and protect the rights of human rights defenders and ensure that there are accessible, independent and effective structures in place to enable them to express their legitimate concerns about issues such as food security, land reform and governance, environmental protection, the human rights responsibilities of businesses, agricultural workers' and peasants' rights. Restrictions on the activities of civil society organisations, including the media, and on freedoms of assembly and association under the Law on Associations and Non-Governmental Organisations (LANGO) and the Trade Union Law impede the full implementation of the UNDROP and should be repealed.
- National judicial and quasi-judicial bodies should promote and protect the rights of peasants and other people working in rural areas. This may require the direct application of international human rights instruments - including the UNDROP - as provided for in the Cambodian constitution. The incorporation of the UNDROPs provisions on non-discrimination, equal property and land rights, Indigenous land rights, workers' rights, an adequate standard of living and social security could also occur through the adoption of

specific national legislation aimed at implementing the Declaration. In addition, any new national, regional and international agreements on agriculture, land, food, the rights of Indigenous peoples', trade and investment should include explicit references to the UNDROP and be interpreted from a perspective that prioritises international human rights law.

- The Royal Government of Cambodia should ensure that concrete steps are taken towards the establishment of a credible, effective and independent national human rights institution that operates in accordance with the Paris Principles on the status of national institutions for the promotion and protection of human rights. An open, transparent and meaningful consultative process should be held to discuss the draft legislation for the development of the national human rights institution which was tabled in 2021. A wide range of stakeholders, including broadly representative civil society and trade union organisations, should be involved in these discussions.
- The Royal Government of Cambodia shall take all necessary measures to ensure the regulation of the activities of non-state actors, including agribusiness enterprises and financial institutions. In accordance with the UN Guiding Principles on Business and Human Rights (UNGPs) effective inspection and oversight processes and independent grievance mechanisms should be established by the government to enable right holders to access remedies in the event that they experience violations of their human rights by corporate actors. Consideration should be given to the development of mandatory national corporate human rights due diligence legislation that would require businesses to publicly report on the steps that they are taking to identify, prevent, mitigate and account for their human rights impacts.
- Agribusinesses and other private entities that invest in land and natural resources - including those supported through international development financing - should guarantee the effective implementation of existing human rights impact assessment and due diligence processes and ensure that they operate with the free, prior and informed consent of local communities. This means that existing individual and collective land tenure arrangements must be taken into account during negotiations over land-based investments and that effective, independent mechanisms are put into place to ensure that all right holders provide their free, prior and informed consent and that they are fully compensated for any losses of lands and livelihoods. In connection with contract farming arrangements, these should be fair, transparent and non-discriminatory and they must provide for impartial and independent dispute resolution and grievance mechanisms. Agri-businesses should also ensure that they are promoting gender equality and non-discrimination through their hiring, remuneration, training and extension, contracting and complaint procedures. The UNGPs, the FAO Guidelines on Responsible Agricultural Investment (RAI), the Right to Food Guidelines and the Voluntary Guidelines on the Governance of Tenure (VGGT) as well as other relevant human rights standards should be used to inform and monitor company policies and practices.
- The Royal Government of Cambodia and its international and regional partners should promote and support national, regional and trans-national peasant and food sovereignty networks to further current efforts aimed at implementing UNDROP. In particular, the capacities of sub-national authorities at the District, Commune and Village levels should

be reinforced in order to encourage and develop the activities of community-based agricultural and food sovereignty collectives and to enable their voices to be heard in consultations on the drafting of laws and policies that affect them. The use of holistic methodologies for participatory monitoring of the right to food such as the *Peoples' Monitoring Toolkit* developed by the Global Network for the Right to Food and Nutrition should be encouraged.¹ Efforts should be made to ensure that community forestry and other local resource management groups are inclusive, participatory and provided with adequate budgets, human resources and capacity-building tools to enable them to meaningfully contribute to the development of local and national practices and policies on sustainable resource management in accordance with the UNDROP. Continuous and participatory monitoring of the impact of laws and policies on the human rights of rural people should be undertaken and the results of these processes, as well as proposals to improve them, should be opened up to public discussion.

- UNDROP should be mainstreamed into national strategies aimed at achieving the Sustainable Development Goals (SDGs) and at implementing the UN Decade of Family Farming.
- CSOs should consider using the principles contained in UNDROP and in other relevant human rights instruments in their work. Among other activities, they should conduct awareness-raising campaigns with a variety of stakeholders and in particular with government agencies and farmers' organisations at the sub-national levels. These discussions should focus on the ways in which the UNDROP could be used to promote transformative change in connection with food sovereignty, equitable and sustainable land and resource governance, fair agricultural markets and agricultural workers' rights at the sub-national, national, regional, and international levels. Consideration should be given to the development of participatory methodologies and new communication tools such as photo voice, podcasts and drama as ways of engaging with a wide variety of rural people about their rights and needs with a view to incorporating these inputs into policies and legislation at different levels of governance.

¹ Global Network for the Right to Food and Nutrition, *People's Monitoring Toolkit For the Right to Food and Nutrition*, <https://gnrtfn.org/peoples-monitoring/#start>, 2021.

INTRODUCTION

The United Nations (UN) General Assembly adopted the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) in 2018. UNDROP recognises and promotes the human rights of peasants and other people working in rural areas, who have frequently been overlooked and marginalised within national, regional and international laws and policies. If effectively implemented by all duty bearers, the Declaration could play a key role in redressing the multiple forms of structural discrimination that peasants and other people in rural areas continue to experience.

The COVID-19 crisis has had detrimental impacts on peasants, agricultural workers, small-scale fishers, and Indigenous peoples' and it has exacerbated the intersectional forms of discrimination that are experienced by specific groups of rural people such as women and migrant food and farm workers. UNDROP provides some of the underlying principles that are essential to recovery from the pandemic and for preventing similar crises in the future. The Declaration emphasises the achievement of local and national food sovereignty and sustainable development in its support for small-scale food producers and local food systems and the protection of biodiversity along with inclusive, participatory, and transparent policy and legislative processes grounded in human rights.²

In July 2019, the NGO Forum on Cambodia and HEKS/EPER Cambodia invited relevant ministries and CSO networks, including the Network for Development of Food Security and Safety in Cambodia, the Land and Housing Rights Network, the Indigenous People and Forestry Network, along with grassroots organisations and other partners, to attend a workshop in Phnom Penh to discuss the implementation of UNDROP in Cambodia.³ It was felt that following Cambodia's vote in favour of the adoption of Declaration at the UN General Assembly in December 2018, it was timely to discuss the ways in which the UNDROP might be put into domestic practice.

During the workshop, more than 100 participants discussed the history and development of UNDROP, the role of governments, international organisations, and CSOs in realising the rights contained in the Declaration, lessons learned from the implementation of the UN Declaration on the Rights of Indigenous People (UNDRIP) in Cambodia, and opportunities and challenges for the implementation of UNDROP in the country.

A further meeting was also organised in July 2019 with UN agencies based in Cambodia, during which the Office of the UN High Commissioner for Human Rights (OHCHR) agreed to translate the UNDROP into Khmer, and the office of the UN Food and Agriculture Organization

² See FIAN International, *Monitoring Report on the Right to Food and Nutrition during COVID-19, 2020*, [https://www.fian.org/files/files/Covid_Monitoring_Report_-_Template_EN\(1\).pdf](https://www.fian.org/files/files/Covid_Monitoring_Report_-_Template_EN(1).pdf); FIAN International, *Monitoring Toolkit on the Right to Food and Nutrition during COVID-19, 2020*, https://www.fian.org/files/files/Monitoring_Toolkit_RtFN_During_Covid-19.pdf.

³ See the Geneva Academy news story describing the events on UNDROP implementation that took place in Cambodia in July 2019, <https://www.geneva-academy.ch/news/detail/257-a-summer-dedicated-to-the-implementation-of-the-un-declaration-on-the-rights-of-peasants>

(FAO) committed to integrating the Declaration within its work, including within the context of its food security dialogue with the Royal Cambodian government. During the same period, the Center for the Study of Humanitarian Law at the Royal University of Law and Economics (RULE) in Cambodia also organised an academic conference on the implementation of UNDROP.

These different discussions and subsequent research, including interviews with a variety of informants, qualitative and quantitative data gathering and training activities involving actors from local communities, civil society, government, academia and international development agencies, enabled the identification of a number of key questions and issues that must be addressed if Cambodia's commitment to realising the objectives of the UNDROP are to be fulfilled. This publication supports these policy and advocacy initiatives by introducing the main topics addressed in the UNDROP and identifying challenges and opportunities for the implementation of the Declaration in Cambodia. The study examines:

- The changes that should be made to Cambodia's legislative, political and administrative frameworks in order to more closely align these with the provisions of the UNDROP and other relevant human rights instruments;
- Areas in which the implementation and monitoring of the rights of peasants and rural people have been inadequate and what could be done to improve this situation;
- Promising practices as well as potential pathways to ensure the promotion and protection of the rights of peasants and other people in rural areas in Cambodia.

The study is divided into two parts:

- Part I: An overview of a selection of the peasants' rights contained in the UNDROP
- Part II: Implementing the UNDROP in Cambodia: challenges and opportunities

UNDROP AND AN OVERVIEW OF KEY PEASANTS' RIGHTS

This first part of the study starts with a short history of the UNDROP. It then presents definitions and a selection of the rights contained in the Declaration and describes the mechanisms that duty bearers including government actors at the sub-national and national levels in Cambodia and others could use to monitor and evaluate its implementation in practice.

BACKGROUND TO UNDROP

Peasants and other people working in rural areas are entitled to the full range of internationally agreed human rights, such as those enshrined in the binding commitments made by states (including Cambodia), under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights

(ICCPR) adopted in 1966.⁴

Despite the fact that the rights of peasants, landless people, rural workers, herders, pastoralists, and fisherfolk are protected under international, regional and many national laws, rural people continue to experience discrimination and high levels of poverty, hunger and malnutrition as well as violations of their rights to land and natural resources.⁵ Human rights defenders protecting the land and resource rights of peasants also face intimidation, harassment, and criminalisation.⁶ This is certainly the case in Cambodia where a documented shift has occurred since the mid-1990s whereby 'peasants have been abandoned by state policies' in favour of 'a vision that favours a large-scale entrepreneurial and export-market oriented model of development.'⁷ The UN Human Rights Committee noted in its Concluding Observations on the third periodic report of Cambodia in May 2022 that there are serious restrictions on freedoms of political participation, speech, association and assembly for land and peasants' rights activists and that Indigenous peoples' in rural areas routinely experience violations of their rights to free, prior and informed consent in connection with development projects on their territories as well as overly complex procedures for obtaining title to their communal lands.⁸

In recognition of the failure to fully realise the rights of peasants and other rural people around the world, the global network of peasants' organisations, la Via Campesina (LVC), first began advocating for a specific peasants' rights charter in the early 1990s. In 2008, LVC adopted the "Declaration on the Rights of Peasants – Women and Men".⁹ The enactment of this Declaration coincided with the world food and financial crises which led to the UN Human Rights Council agreeing that there was a need for an international instrument to better promote and protect the human rights of peasants and rural people.¹⁰

⁴ See Universal Declaration of Human Rights, 1948,

https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf; International Covenant on Economic, Social and Cultural Rights, 1966,

<https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>; International Covenant on Civil and Political Rights, 1966, <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

⁵ UN Department of Economic and Social Affairs, *Report of the Expert Group Meeting on "Eradicating Rural Poverty to Implement the 2030 Agenda for Sustainable Development"*, 2019,

<https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2019/04/DraftReport-EGM-Rural-Poverty2019.pdf>; C. Di Nucci et al., *To move the needle on ending extreme poverty. Focus on rural areas*, IFAD, 2020, <https://www.ifad.org/en/web/latest/blog/asset/41808748>

⁶ Observatory for the Protection of Human Rights Defenders, OMCT and FIDH, "We are not afraid". *Land Rights Defenders: Attacked for Confronting Unbridled Development*, Annual Report 2014, https://www.omct.org/files/2014/12/22918/obs_2014_uk_web2.pdf

⁷ J-C. Diepart, 'Relations Between Peasantry and State in Contemporary Cambodia', *IIAS Asia*, Newsletter No. 78, Autumn 2017, p. 39, https://www.iias.asia/sites/iias/files/nwl_article/2019-05/IAS_NL78_3839.pdf.

⁸ UN Human Rights Committee, Concluding Observations on the Third Periodic Report of Cambodia, UN Doc. CCPR/KHM/CO/3, 18 May 2022.

⁹ This declaration is available on La Via Campesina's website, <https://viacampesina.org/en/wp-content/uploads/sites/2/2011/03/Declaration-of-rights-of-peasants-2009.pdf>

¹⁰ Resolution 21/19 of the Human Rights Council was adopted on 27 September 2012, by 23 votes in favour, nine against, and 15 abstentions, <https://undocs.org/A/HRC/RES/21/19>

UNDROP was negotiated at the Human Rights Council between 2013 and 2018.¹¹ On 28 September 2018, the Council (with its 47 Member States) approved the Declaration by a vote of 33 states in favour, three against and 11 abstentions.¹² The UNDROP was then adopted by the UN General Assembly (composed of all UN Member States) with a vote of 121 states in favour, including Cambodia, eight states voting against and 54 states abstaining.¹³

DEFINITION OF PEASANTS AND OTHER PEOPLE WORKING IN RURAL AREAS

In Article 1.1 of the UNDROP, a peasant is defined as “any person who engages or who seeks to engage alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the land.”

The following paragraph of the text reiterates that peasants frequently work collectively in community-based activities including; artisanal or small-scale agriculture, crop planting, livestock raising, pastoralism, fishing, forestry, hunting or gathering, and handicrafts related to agriculture or related occupations in rural areas.

Articles 1.2 and 1.3 add that UNDROP also applies to dependent family members of peasants, Indigenous peoples', and local communities working on the land, transhumant, nomadic, and semi-nomadic communities. Article 1.4 speaks to the situation of rural workers, who are defined as “hired workers, including all migrant workers, regardless of their migration status, and seasonal workers, on plantations, agricultural farms, forests and farms in aquaculture and in agro-industrial enterprises.”

One of the unique features of the UNDROP is that peasants and other rural people are presented as both individual and collective right-holders who are entitled to define their own priorities and strategies and to meaningfully participate in decision-making, in particular with respect to their right to development (art. 3.2), access to and sustainable use of resources (art. 5), food sovereignty (art. 15.4) and their rights to seeds (art. 19).

¹¹ Information about the negotiations that took place during the five sessions of the working group can be found on the OHCHR website on the drafting of the UNDROP,

<https://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/WGRuralAreasIndex.aspx>

¹² Resolution 39/12 of the Human Rights Council, adopted on 28 September 2018,

<https://undocs.org/A/HRC/RES/39/12>. On the UNDROP's history, see C. Hubert, *The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future*, CETIM, 2019,

<https://www.cetim.ch/product/e-book-the-un-declaration-on-the-rights-of-peasants/>. See also P. Claeys and M. Edelman, “The United Nations Declaration on the rights of peasants and other people working in rural areas”, *The Journal of Peasant Studies*, Grassroots Voices, 2019,

<https://www.tandfonline.com/doi/pdf/10.1080/03066150.2019.1672665>

¹³ Resolution 73/165 of the UN General Assembly, adopted on 17 December 2018,

<https://undocs.org/A/RES/73/165>. China declared that it did not participate in the vote at the UNGA on 17 December, but that it was in favour of the adoption of the UNDROP. China also pointed out that it voted in favour of the UNDROP at the HRC and at the UNGA Third Committee. See

<https://www.un.org/press/fr/2018/ag12107.doc.htm>

Certain elements of these human rights guarantees are included in government policies and strategies on food security and sustainable development in Cambodia. At present, however, these references remain disconnected and the accountability and monitoring pathways for the achievement of the objectives laid out in *Cambodia's Road Map for Food Systems for Sustainable Development* (2021) and other public policies on food, agriculture and rural development are unclear. There are also a number of contradictions and inconsistencies within Cambodia's policy and legislative landscape as it relates to rural development and peasants' rights. The general tenor of documents such as the Agricultural Development Policy 2021-2030 is to promote the use of new technologies such as drones and hybrid seeds to increase productivity and export-oriented farming without addressing key issues that are compromising the rights to food and nutrition for many rural people, such as agricultural workers' rights, structural forms of discrimination on the grounds of gender, socio-economic status and ethnicity, or high levels of indebtedness amongst smallholder farmers.¹⁴ There is also continued reticence in Cambodia to fully recognise and implement both private and collective customary rights over lands, territories and natural resources for Indigenous and traditional local communities in accordance with the provisions in the UNDROP.¹⁵

DUTIES TO IMPLEMENT UNDROP

The UNDROP provides that governments are the primary duty bearers responsible for implementation and their obligations to realise the Declaration's objectives are woven into a number of different provisions that highlight their duties to:¹⁶

- Respect, protect, and fulfil the rights of peasants and other people working in rural areas (art. 2.1);
- Promptly take legislative, administrative, and other appropriate steps to achieve progressively the full realisation of the rights set forth in the UNDROP that cannot be immediately guaranteed (art. 2.1);
- Take all necessary measures to ensure that non-state actors that they are in a position to regulate, such as private individuals and organizations and transnational corporations and other business enterprises, respect and strengthen the rights enshrined in the UNDROP (art. 2.5);

¹⁴ See, W. Nathan Green, 'Financial landscapes of agrarian change in Cambodia', *Geoforum*, 2020, <https://doi.org/10.1016/j.geoforum.2020.02.001>.

¹⁵ See, C. Koem, 'Indigenous Communal Land Titling: Still a Hundred Years to Go?', Heinrich Böll Stiftung, 19 August 2022, <https://th.boell.org/en/2022/08/19/indigenous-communal-land-titling-cambodia> ; B. Soeung, 'Campaigns, criminalisation and concessions: indigenous land rights in Cambodia', *New Mandala*, 11 August 2022, <https://www.newmandala.org/campaigns-criminalisation-and-concessions-indigenous-land-rights-in-cambodia/> ; UN Human Rights Committee, Concluding Observations on the Third Periodic Report of Cambodia, UN Doc. CCPR/KHM/CO/3, 18 May 2022.

¹⁶ See also C. Golay, *The Implementation of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*, Geneva Academy Research Brief, 2019, pp. 4-5, https://www.geneva-academy.ch/joomlatools-files/docman-files/The_implementation_of_the_UN_Declaration_on_the_rights_of_peasants_and_other_people_w.pdf

- Ensure the consistency of international agreements and standards to which they are party with the UNDROP (art. 2.4), and establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural, and development policies with the new UN Declaration (article 15.5).
- Pay particular attention to the rights and special needs of individuals and groups who have historically been discriminated against, including older persons, women, youth, children, and persons with disabilities, taking into account the need to address multiple forms of discrimination (art. 2.2);
- Take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination, including multiple and intersecting forms of discrimination (art. 3.3);
- Take measures to eliminate all forms of discrimination against peasant women and other women working in rural areas, to promote their empowerment, and to ensure that they enjoy without discrimination all the human rights and fundamental freedoms set out in the UNDROP (art. 4.1 and 4.2);
- Recognise the importance of international cooperation in support of national efforts aimed at implementing the UNDROP (art. 2.6).

The Declaration further provides that UN specialised agencies, funds and programmes, and other intergovernmental organisations, including international and regional financial institutions, should promote respect for the full application of UNDROP and follow up on its effectiveness (art. 27). The responsibilities of businesses to respect the human rights of peasants and rural communities are tangentially referred to in many of the provisions of the Declaration, in particular in its Article 2.5.

MONITORING MECHANISMS

Human rights mechanisms at sub-national, national, regional and international levels have a key role to play in the participatory monitoring of the implementation of UNDROP. They should ensure that peasants and other people working in rural areas are meaningfully consulted in evaluating progress as well as barriers to the realisation of their rights.¹⁷ Several civil society groups, including the Global Network for the Right to Food and Nutrition, have created methodological frameworks and toolkits to promote the concept of participatory human rights monitoring which allows for the lived experiences of rural people to effectively advance the rights in the UNDROP.¹⁸

National judicial and quasi-judicial mechanisms including courts at the sub-national and national levels along with national human rights institutions and administrative review

¹⁷ See C. Golay, *The Role of Human Rights Mechanisms in Monitoring the United Nations Declaration on the Rights of Peasants*. Geneva Academy Research Brief, 2020, https://www.geneva-academy.ch/joomlatools-files/docman-files/The_Role_Of_Human_Rights_Mechanisms_In_Monitoring_The_United_Nations_Declaration_On_The_Rights_Of_Peasants.pdf

¹⁸ Global Network for the Right to Food and Nutrition, *People's Monitoring Toolkit For the Right to Food and Nutrition*, <https://gnrtfn.org/peoples-monitoring/#start>, 2021.

bodies responsible for overseeing land-based investments, cadastral reforms and workers' rights should be adequately empowered to protect the rights of peasants and other people working in rural areas by directly applying UNDROP, or by using it to interpret rights recognised in domestic law or in other international instruments. National human rights institutions and parliamentary oversight committees should also be tasked with creating participatory, independent and effective mechanisms to monitor the implementation of the Declaration and to track progress in realising the rights of peasants and other rural people. At present, there is no independent national human rights institution in Cambodia that meets the standards outlined in the Paris Principles on the status of national institutions for the promotion and protection of human rights. Draft legislation to create a national human rights institution tabled by the Cambodian government in 2021 was critiqued by trade unions and civil society groups, however, and to date there has not been any open, public discussion to enable these shortcomings to be addressed.¹⁹

At the regional level, human rights bodies, including the Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights, also have a mandate to promote and protect the rights enshrined in UNDROP. Action at the regional level is an avenue that could be explored by both national governments and networks of civil society organisations wishing to promote the implementation of the Declaration across the region.

MAIN MESSAGES

UNDROP was adopted in 2018 by a large majority of UN Member States, including Cambodia. It is based on existing international human rights and environmental standards that have been regrouped and expanded upon to respond to the specific situation of peasants and other people working in rural areas.

Governments, UN agencies, and international and regional human rights organisations as well as the private sector must all contribute to realising the rights contained in the Declaration. Peasants' organisations and other CSOs should also support the achievement of the UNDROP's objectives in their work.

It is essential that sub-national, national, regional, and international mechanisms monitor the implementation of the rights enshrined in UNDROP.

SELECTED RIGHTS IN UNDROP

UNDROP recognises the structural discrimination faced by peasants and other people working in rural areas who disproportionately experience a range of human rights violations including; poverty, hunger and malnutrition, forced evictions and displacements, and criminalisation (Preamble and art. 3.3). The Declaration further recognises a number of crucial process-based rights, including the rights to information (art. 11), freedom of assembly (art. 8), freedom of association (art. 9), participation in public policy-making (art.

¹⁹ UN Human Rights Committee, Concluding Observations on the Third Periodic Report of Cambodia, UN Doc. CCPR/KHM/CO/3, 18 May 2022.

10) and non-discriminatory access to justice (art. 12), that are essential to redressing the inequalities experienced by peasants and other people in rural areas.

The UNDROP acknowledges that not all peasants are the same and highlights the specific forms of intersectional discrimination encountered by rural and peasant women (art. 4). The rights of rural women were first recognized in an international human rights treaty in article 14 of the CEDAW Convention.²⁰ Most of the text of this provision is reproduced in article 4 of the Declaration, which provides that states should take targeted measures to eliminate all forms of discrimination against peasant women and other women working in rural areas, promote their empowerment, and ensure that they enjoy the human rights and fundamental freedoms set out in UNDROP without discrimination, including the right to equal access to, use of, and management of land and other natural resources, and to equal or priority treatment in land and agrarian reform and in land resettlement schemes (art. 4.1 and 4.2).²¹ Article 17 of the Declaration also provides that states should identify and eliminate all forms of discrimination relating to the right to land, including those resulting from changes in marital status, lack of legal capacity, or lack of access to economic resources (art. 17.2).

In addition to the specific provisions on rural women's rights, the Declaration emphasises that governments and other duty bearers should pay particular attention to guaranteeing the rights of individuals and groups who have historically been discriminated against, such as; women, older persons, youth, children, and persons with disabilities, taking into account the need to address multiple forms of discrimination (art. 2.2).

Given that the Declaration covers a large number of topics, the section below highlights several of the inter-related, inter-dependent and mutually reinforcing rights contained in the Declaration; (A) the rights to food and food sovereignty, (B) the right to land and other natural resources, (C) the right to biological diversity, (D) the right to participation, (E) the right to information, and (F) the right to access justice.

A. RIGHTS TO FOOD AND FOOD SOVEREIGNTY

The rights to food and food sovereignty enshrined in UNDROP are crucial for enabling peasants and other rural people to exercise democratic control over local food systems and natural and genetic resources.²² The two components of the right to adequate food as it is articulated in article 11 of the ICESCR: the right to adequate food and the fundamental right

²⁰ See CEDAW Committee, *General Recommendation No. 34 on the rights of rural women*, UN doc CEDAW/C/GC/34, 4 March 2016, <https://undocs.org/CEDAW/C/GC/34>

²¹ On this point see J. Bourke Martignoni and P. Claeys, 'No Food Sovereignty Without Feminism? Negotiating Gender Equality in the UNDROP' in M. Alabrese, A. Bessa, M. Brunori and P. F. Giuggioli (eds), *The United Nations' Declaration on Peasants' Rights*, Routledge: London, 2022, pp. 47-61.

²² Priscilla Claeys, *Human Rights and the Food Sovereignty Movement. Reclaiming Control*, Routledge, 2015; Marc Edelman et al., "Critical Perspectives on Food Sovereignty", *Journal of Peasant Studies*, Vol. 41, No. 6, 2014, pp. 911-1246. Florence Kroff and Angélica Castañeda Flores, *Right to Adequate Food and Nutrition, and to Food Sovereignty*, UNDROP Series, FIAN International, 2020.

to be free from hunger are reiterated in article 15.1 of the UNDROP.²³ In line with recent developments in international law and policies on the right to food, the Declaration's article 15.1 also explicitly mentions the right to adequate nutrition.²⁴

Article 15.2 of the UNDROP provides, "States shall ensure that peasants and other people working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably, respecting their cultures, preserving access to food for future generations...".²⁵

This definition accords with the agreed international definition of the right to food in that it captures the core elements of adequacy, availability and sustainability.²⁶ Adequate food must be sufficient in quantity and quality. Food must be healthy, free of toxins and contaminants, and culturally acceptable.²⁷ To be adequate, food should be made available either directly from producers or through effective local distribution systems.²⁸ There are also duties incumbent on states and other actors to adopt policies and laws to promote sustainable food production and natural resource management so that food remains available for both present and future generations.²⁹

Based on this principle, UNDROP's article 15.1 provides that the right to adequate food of peasants, herders, pastoralists, and fisherfolk includes their 'right to produce food'.³⁰ UNDROP also enshrines other rights that are important for the enjoyment of the right to produce food, such as the rights to land and other natural resources (articles 5 and 17), to facilitate access to the means of production, to engage in traditional ways of farming, fishing, livestock rearing and forestry and to develop community-based commercialization systems (article 16), to a safe, clean and healthy environment (article 18), to seeds and biological diversity (articles 19 and 20), to water for personal and domestic use, farming, fishing and livestock keeping (article 21), and to adequate training suited to the specific agroecological,

²³ Joanna Bourke Martignoni, 'Chapter 8: The right to food' in *Research Handbook on Economic, Social and Cultural Rights*, Jackie Dugard, Bruce Porter, Daniela Ikawa and Lilian Chenwi (eds), Edward Elgar, 2020, pp. 137-158; Christophe Golay, *The Right to Food and Access to Justice. Examples at the National, Regional and International Levels*, FAO, 2009, pp. 11-14.

²⁴ Florence Kroff and Angélica Castañeda Flores, *Right to Adequate Food and Nutrition, and to Food Sovereignty*, UNDROP Series, FIAN International, 2020, pp. 4-6.

²⁵ See also Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 12: The right to food (article 11 of the Covenant)*, UN Doc. E/C.12/1999/5, 12 May 1999, §§ 6-8, 13. Report of the Special Rapporteur on the right to food, Jean Ziegler, UN Doc. E/CN.4/2001/53, 7 February 2001, §14.

²⁶ CESCR, *General Comment No. 12: The right to food (article 11 of the Covenant)*, UN Doc. E/C.12/1999/5, 12 May 1999, §§6-8. See also Report of the UN Special Rapporteur on the Right to Food, Olivier De Schutter, UN doc A/HRC/25/57, 24 January 2014, §2.

²⁷ Report of the Special Rapporteur on the right to food, Olivier De Schutter, UN Doc. A/HRC/25/57, 24 January 2014, §2; CESCR, *General Comment No. 12 (1999): The right to food (article 11 of the Covenant)*, E/C.12/1999/5, 12 May 1999, §9. The notion of adequacy and the dimension of nutrition could be further detailed by taking into account the FAO Right to Food Guideline 10 on nutrition. See also Report of the UN Special Rapporteur on the Right to Food, Hilal Elver, UN doc A/71/282, 3 August 2016.

²⁸ CESCR, *General Comment 12*, §§8 and 12.

²⁹ FAO Voluntary Guidelines in support of the progressive realization of the right to adequate food in the context of national food security (FAO Right to Food Guidelines), 2004, guideline 8.13.

³⁰ See also San Salvador Protocol, article 12.

sociocultural and economic environments in which they find themselves (article 25). In addition, UNDROP also links the right to food with other enabling rights such as the rights to participation and information (articles 10 and 11), to decent work (article 13), to an adequate standard of living (article 16), and to social security (article 22).

Finally, the Declaration's article 15.1 also recognizes "the right to adequate nutrition, which guarantees the possibility of enjoying the highest degree of physical, emotional and intellectual development".³¹ In line with the UN Convention on the Rights of the Child (CRC) and the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Article 15.3 of the Declaration provides that governments should take measures to combat malnutrition in rural areas by providing children and groups such as pregnant and breastfeeding women with nutritious food and appropriate education on nutrition.

Right to Food Sovereignty

The 2007 Nyéléni Forum, attended by a wide cross-section of civil society from around the globe, called for a world where "all peoples, nations and states are able to determine their own food producing systems and policies that provide every one of us with good quality, adequate, affordable, healthy and culturally appropriate food".³² The Declaration that emerged from the Forum defined food sovereignty as "the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems".³³

In the last decades, the right to food sovereignty has been recognized in an increasing number of instruments and documents at national, regional and international levels.³⁴ The right to food sovereignty is recognized in the Preamble to the UNDROP and in the Declaration's article 15.4 which provides that:

Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes around food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods, respecting their cultures.

Article 15.5 underlines the duties of governments to "formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect the right to adequate food, food security and food

³¹ See also Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (San Salvador Protocol), article 12.

³² Declaration of the Forum for Food Sovereignty, Nyéléni, 2007, §3.

³³ Declaration of the Forum for Food Sovereignty, Nyéléni, 2007, §3.

³⁴ Christophe Golay, *The Rights to Food Sovereignty and to Free, Prior and Informed Consent*, Geneva Academy Research Brief, 2018, pp. 2-4. Report of the Special Rapporteur on the right to food, Jean Ziegler, UN Doc. E/CN.4/2004/10, 9 February 2004, §53. Report of the Special Rapporteur on the right to food, Olivier De Schutter, UN Doc. A/HRC/25/57, 24 January 2014, §50. CEDAW Committee, *General Recommendation no. 34 on the rights of rural women*, UN Doc. CEDAW/C/GC/34, 7 March 2016, §64.

sovereignty and sustainable and equitable food systems." It also requires that mechanisms be established to ensure the coherence of agricultural, economic, social, cultural and development policies with the realization of the rights contained in the UNDROP.

As noted earlier and expanded upon below, this provision in the Declaration is an area where a lot of work remains to be done in Cambodia. At present, despite the adoption of *Cambodia's Road Map for Food Systems for Sustainable Development* (2021), which was the country's contribution to the World Food Summit, there are no institutionalised, open and permanent mechanisms to ensure that a wide range of rural people are meaningfully involved in public policy-making about food and agriculture. It remains unclear exactly how the Road Map and other food policies will be implemented and monitored as well as the ways in which they intersect with or are undermined by instruments including the National Seed Strategy and the Agricultural Development Policy 2021-2030.

B. RIGHT TO LAND AND OTHER NATURAL RESOURCES

Articles 5 and 17 of the UNDROP define the right to land and other natural resources. Article 5 provides that peasants and other people working in rural areas have the right to access, sustainably use and manage the natural resources present in their communities so that they may enjoy adequate living conditions (art. 5.1).

Article 17 enshrines the right to land of peasants and other people living in rural areas, and provides that this right can be exercised individually and/or collectively (art. 17.1). The Declaration defines the right to land as including the rights of peasants and rural people to have access to, sustainably use, and manage land and water bodies, coastal seas, fisheries, pastures, and forests, to achieve an adequate standard of living, to have a place to live in security, peace, and dignity and to develop their cultures (art. 17.1). The right to land must be respected, protected and fulfilled without any discrimination, including intersecting and multiple forms of discrimination (art. 3.3).³⁵

Protection against forced eviction and displacement

UNDROP recognizes the right of peasants and other people working in rural areas to be free from forced eviction and arbitrary displacement (art. 17.3 and 17.4). States have positive obligations to effectively recognize and protect land tenure rights, including customary tenure rights not currently protected by law. Governments are required to recognize legitimate tenure and ensure that peasants and other people working in rural areas are not arbitrarily or unlawfully evicted. Protection of the natural commons and their collective use and management systems also form part of the duties attached to the land rights enunciated in the Declaration (art. 17.3).

³⁵ See also S. Monsalve Suárez, *The right to land and other natural resources in the United Nations Declaration on the Rights of Peasant and Other People Working in Rural Areas*, FIAN International, 2015, https://www.fian.org/fileadmin/media/Publications/Peasants_Rights/PeasantsRights_right_to_land.pdf

UNDROP further provides that peasants and other rural people who have been arbitrarily or unlawfully deprived of their lands have the right, individually and/or collectively, in association with others or as a community, to return to the land of which they were arbitrarily or unlawfully deprived and to have their access to the natural resources used in their activities and necessary for the enjoyment of adequate living conditions restored, whenever possible, or to receive just, fair and lawful compensation when their return is not possible (art. 17.5).

UNDROP's Article 24 on the right to housing also provides that states shall not, arbitrarily or unlawfully, either temporarily or permanently, remove peasants or other people working in rural areas against their will from the homes or land that they occupy without providing or affording access to appropriate forms of legal or other protection (art. 24.3). When eviction is unavoidable, the state must provide or ensure fair and just compensation for any material or other losses (art. 24.3).

Protection against the negative effects of land exploitation

Article 5 of UNDROP requires governments that wish to exploit any natural resources held by peasants and other people in rural areas to conduct social and environmental impact assessments; carry out consultations in good faith; and develop mutually agreed modalities for the fair and equitable sharing of the benefits of such exploitation (art. 5.2).

Entitlements to agrarian reform

UNDROP also recognises agrarian reform as a crucial strategy for fulfilling the right to land. Article 17.6 of the Declaration provides that states "shall take appropriate measures to carry out agrarian reforms in order to facilitate the broad and equitable access to land and other natural resources necessary to ensure that peasants and other people working in rural areas enjoy adequate living conditions, and to limit excessive concentration and control of land, taking into account its social function". It also provides that landless peasants, rural women, young people, small-scale fishers, and other rural workers should be given priority in the allocation of public lands, fisheries, and forests.

Conservation and sustainable use of land

UNDROP provides that states shall take measures to promote the conservation and sustainable use of land and other natural resources used in peasant production systems, including through agroecology, and ensure conditions for the regeneration of biological and other natural capacities and cycles (art. 17.7). The Declaration further recognises the right of peasants and other people working in rural areas to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use and manage (art. 18.1).

Governments must take effective measures to ensure that hazardous materials, substances, or waste are not stored or disposed of on lands used by peasants and other people working

in rural areas (art. 18.4). States should enforce environmental laws to ensure that peasants and other people working in rural areas are protected against abuses by non-state actors (art. 18.5). In addition, water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers, and lakes, should be protected against overuse and contamination by harmful substances and there is a duty to restore these resources in the event that they are polluted (art. 21.4).

The land rights provisions in the UNDROP outlined above could provide important building blocks for the development of an integrated, human rights-based policy and legislative framework in Cambodia where the question of rights to land and natural resources has been particularly conflictual since the mid-1990s.³⁶ The promotion of large Economic Land Concessions (ELCs) as part of the Cambodian development strategy contained in the 2001 Land Law has resulted in widespread dispossession and evictions of peasant farmers in both lowland and upland areas of the country as well as massive deforestation and environmental degradation.³⁷ The roll out of donor-sponsored individual land titling initiatives for smallholder farmers as well as the creation of Social Land Concessions (SLC) has done little to attenuate the devastating human rights and environmental impacts of the government's land reform programme and has, instead, served to reinforce tenure insecurity for many peasant communities.³⁸ Efforts to specifically recognise agricultural land and to provide a secure tenure regime for farmers stalled in 2016 and the government's draft agricultural land law has been abandoned. In addition, the highly complex and inconsistent approach taken to the recognition of the collective and customary rights to land and natural resources for local and Indigenous communities has meant that the key role that could potentially be played by these groups in the sustainable management of land and natural resources has largely been unrealised to date.³⁹

C. RIGHT TO BIOLOGICAL DIVERSITY

Biodiversity conservation is mentioned in the Preamble of the UNDROP, where it acknowledges the "contributions of peasants ... in conserving and improving biodiversity, which constitute the basis of food and agricultural production throughout the world." The Declaration also contains a stand-alone recognition of the duties of governments and other actors to ensure the "conservation and sustainable use of biological diversity" in its Article 20. The crucial role played by the traditional knowledge, innovation and practices of peasants

³⁶ See A. Kent, 'Conflict continues: Transitioning into a battle for property in Cambodia today'. *Journal of Southeast Asian Studies*, 47(1), 2016, pp. 3–23. <http://www.jstor.org/stable/43863239>; J-C. Diepart, 'Relations Between Peasantry and State in Contemporary Cambodia', *IIAS Asia*, Newsletter No. 78, Autumn 2017, p. 39, https://www.ias.asia/sites/ias/files/nwl_article/2019-05/IIAS_NL78_3839.pdf.

³⁷ See A. Beban, *Unwritten Rule: State-Making Through Land Reform in Cambodia*, Cornell University press, 2021.

³⁸ See A. Kent, 'Conflict continues: Transitioning into a battle for property in Cambodia today'. *Journal of Southeast Asian Studies*, 47(1), 2016, pp. 3–23. <http://www.jstor.org/stable/43863239>; J-C. Diepart, 'Relations Between Peasantry and State in Contemporary Cambodia', *IIAS Asia*, Newsletter No. 78, Autumn 2017, p. 39, https://www.ias.asia/sites/ias/files/nwl_article/2019-05/IIAS_NL78_3839.pdf; A. Beban, *Unwritten Rule: State-Making Through Land Reform in Cambodia*, Cornell University press, 2021.

³⁹ See Community Empowerment and Development Team and Client Earth, *Community Protected Areas in Cambodia*, 2021, https://www.clientearth.org/media/cbzoeazp/clientearth_cpa-report-cambodia_en.pdf

and other rural people in the conservation and sustainable use of biological diversity are further underlined in Article 20.2 of the UNDROP.

Right to seeds and to a healthy environment

The emphasis on peasant agriculture as a valuable assemblage of knowledge and practices that contribute to the promotion and protection of biological diversity is also reflected in Article 19 on the right to seeds, which provides that peasants have the right to "maintain, control, protect and develop their own seeds and traditional knowledge." Further linkages are made with biological diversity in Article 18 of the UNDROP which concerns the right to a clean, safe and healthy environment and the obligation of states to promote and protect traditional peasant practices and knowledge that might be used to design and inform climate change adaptation and mitigation policies.

In Cambodia, the National Seed Strategy as well as the draft Environment and Natural Resources Code and the draft amendments to the Community Protected Areas (CPA) legislation do not presently explicitly acknowledge the crucial role played by peasants and local rural communities in promoting and protecting biological diversity and a healthy environment.⁴⁰ This is an area in which the national policy and legislative framework could be reformed so that it is much more closely aligned with the provisions of the UNDROP by recognising, valuing and protecting the traditional environmental knowledges of peasants and local communities, in particular through laws and institutions to guarantee their customary and collective rights to land and resources such as seeds and to ensure the full participation of local rural and Indigenous communities in the co-management of land and natural resources.

D. RIGHT TO PARTICIPATION

Articles 2.3 and 10 of the Declaration provide that governments should promote the meaningful participation, directly or through their representative organizations, by peasants and other people working in rural areas in decision-making processes that may affect their lives, lands, and livelihoods. These include the elaboration of international agreements and standards (art. 2.4), food safety, labour and environmental standards (art. 10.2), legislation covering the evaluation and certification of their products (article 11.3), seed policies, plant variety protection and other intellectual property laws, certification schemes and seed marketing laws (art. 19.8), and the undertaking of agricultural research and development (art. 19.7).

There is also a positive duty for governments to encourage the establishment and expansion of strong and independent organizations of peasants and other people working in rural areas (art. 10.2), and to facilitate and ensure their full and equitable access and participation in

⁴⁰ G. Cooper, *Review, Comments and Recommendations on the Draft Environment and Natural Resources Code (Version 11) of Cambodia*, Discussion Note Series #4. Vientiane: Mekong Region Land Governance, 2019; Community Empowerment and Development Team and Client Earth, *Community Protected Areas in Cambodia*, 2021, https://www.clientearth.org/media/cbzoeazp/clientearth_cpa-report-cambodia_en.pdf.

local, national, and regional markets to sell their products at prices that allow them and their families to attain an adequate standard of living (art. 16.3).

UNDROP also provides that states shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional, and international levels to advance and protect the right to adequate food, food security and food sovereignty (art. 15.5). Specialised agencies, funds, and programmes of the UN system and other intergovernmental organisations, including international and regional financial organisations, should also ensure the participation of peasants and other people working in rural areas in the implementation of the rights contained in the Declaration (art. 27.1).

As discussed in more detail below, the current situation in Cambodia is one in which there are restrictions on the rights to freely contribute to policy-making and legislative processes due to the limitations on the activities of CSOs under the the Law on Associations and Non-Governmental Organisations (LANGO) and the Trade Union Law. There is also a lack of coordination, information-sharing and transparency amongst government departments at different levels and this has meant that civil society organisations - including farmers' associations - have been largely excluded from participating in the conceptualisation and development of the agricultural land law, the draft environment and natural resources code, the amendments to the community protected areas law and the draft contract farming law.

E. RIGHT TO INFORMATION

The right to information is defined in Article 11 of UNDROP as the right of peasants and other people working in rural areas to seek, receive, develop, and impart information, including information about factors that may affect the production, processing, marketing, and distribution of their products. To guarantee this right, UNDROP provides that states shall adopt measures to ensure that peasants and other rural people have access to relevant, transparent, timely, and adequate information in culturally appropriate language so as to promote their empowerment and to ensure their effective participation in decision-making in matters that may affect their lives, land, and livelihoods (art. 11.2).

As noted previously, there are no currently no permanent mechanisms in Cambodia, including an effective, independent national human rights institution, that would enable peasants and their representative organisations to access appropriate information to allow them to participate in decision-making on issues that affect their lives. Recent discussions around the creation of national framework legislation on freedom of information should also be extended to include issues such as public participation in processes related to the development of policies and laws on the governance of land and natural resources as well as food and agriculture.

F. RIGHT TO ACCESS JUSTICE

UNDROP recognises the right of peasants and other people working in rural areas to effective and non-discriminatory access to justice, including access to fair procedures for the

resolution of disputes and to effective remedies for all violations of their human rights (art. 12.1). The Declaration also provides that any judicial remedies and decisions shall give due consideration to peasant customs, traditions, rules, and legal systems in conformity with relevant obligations under international human rights law (art. 12.1).

The right to access justice without discrimination is a right that is not presently guaranteed in Cambodia. As the UN Human Rights Committee noted in its 2022 Concluding Observations, the draft legislation for the creation of a national human rights institution that was presented by the government in 2021 was heavily criticised by civil society for its failure to incorporate the concerns that they had expressed about its proposed mandate, structure and functioning.⁴¹ It has also been noted by other commentators that despite the constitutional framework that includes international human rights provisions as part of national law, domestic courts do not apply these guarantees and the legal system is frequently used as a 'weapon' to advance the interests of powerful élites at the expense of smallholder farmers.⁴²

MAIN MESSAGES

UNDROP is based on and complementary to many of the international norms and standards that have been developed in different fora including within the international human rights mechanisms, UN specialised agencies such as the FAO and the ILO, and in international treaties on biological diversity.

Some of the key substantive peasants' rights that are contained in the Declaration include: rights to equality and non-discrimination (art. 2 and 4); the rights to food and food sovereignty (art. 15); the right to land and natural resources (art. 5 and 17); and the right to biological diversity, including the right to seeds and the right to a clean and healthy environment (art. 20, art. 19 and art. 18). All of these rights are inter-dependent and inter-related.

There are also a number of important process-oriented rights in the UNDROP that states and other duty bearers such as international organisations and businesses must work to guarantee. These include the right to participation by peasants and other people in rural areas in decision-making about issues that affect their lives, lands and livelihoods (art. 2.3, 10); the right to information (art. 11) and the right to access justice and remedies (art. 12).

⁴¹ UN Human Rights Committee, Concluding Observations on the Third Periodic Report of Cambodia, UN Doc. CCPR/KHM/CO/3, 18 May 2022.

⁴² See D. Heilmann, "Cambodia." In *Judging International Human Rights*, edited by S. Kadelbach, T. Rensmann, and E. Rieter. Cham: Springer, 2021; See also J. Bourke Martignoni, 'A feminist methodology for implementing the right to food in agrarian communities: reflections from Cambodia and Ghana', *Journal of Peasant Studies*, 48(7), 2021, pp. 1459-1484, <https://doi.org/10.1080/03066150.2021.1928642>.

II. IMPLEMENTING UNDROP IN CAMBODIA: KEY CHALLENGES AND OPPORTUNITIES

Cambodia voted in favour of the adoption of the UNDROP at the UN General Assembly in December 2018. This means that the country has committed to pursuing a targeted and effective approach to ensuring that the rights of peasants and other rural people are respected, protected and fulfilled. The background research carried out for this study - which involved interviews with numerous actors at different levels of government, in international organisations, business and civil society as well as a systemic literature review - revealed a widespread lack of knowledge of the UNDROP. The failure to consider the rights of peasants and other rural people, as well as the marginalisation within policy-making and legislative spaces of smallholder farmers' associations and other groups that represent the interests of rural communities, constitute major barriers to the realisation of the emancipatory promise of the Declaration in Cambodia.

While Cambodia has policy and legislative frameworks on food and nutrition, land and natural resource governance, agriculture and environmental protection, these tend to be developed from the top down with limited opportunities being provided to rural people and their representatives to either obtain information about proposals for new legislation or to contribute to its development. Most laws and policies that affect the rights of peasants and rural people are not currently grounded in a participatory, inclusive, transparent, human rights-based paradigm and there are no effective independent monitoring agencies or judicial or quasi-judicial mechanisms - such as an independent national human rights institution - that would allow peasants and other rural people to successfully revendicate their rights to land, food, a healthy environment and decent work.⁴³ Although there have, at times, been consultations held with civil society on issues such as contract farming, community protected areas, environment and resource management and agricultural land, these have tended to be *ad hoc* and not followed up by the government with further information on the legislative process to enable peasant organisations and their representatives to provide feedback on drafts prior to their adoption (or abandonment) by parliament. There is a lack of coherence in legislation and policies on food, agriculture, land and resource governance, rural development and environmental protection, and there is currently no systematic oversight or monitoring of the effects of these laws and policies on the human rights of peasants and rural communities. For example, while the government states in food security strategies that priority should be accorded to the provision of support for sustainable food production by smallholder farmers, it simultaneously grants concessions to large commercial actors in the mining, energy and non-food commodity sectors that undermine the collective and individual land tenure and food rights of smallholders. The National Agricultural Development Policy 2022-2030 states that its laudable aim is to

⁴³ See, for example; Land Law (2001), Law on Protected Natural Areas (2008), Law on Forestry (2002), Law on Agricultural Cooperatives (2013), draft Environmental Protection Code (2019), draft Contract Farming Law (2021), National Seed Strategy (2019), Second National Strategy for Food Security and Nutrition (2nd NSFSN) 2019-2023, Social Protection Policy Framework 2016-2025, Agriculture Sector Strategic Development Plan 2019-2023, National Agricultural Development Policy 2022-2030.

transform Cambodian agriculture into a 'modern, competitive, inclusive, climate resilient and sustainable' sector, however, it offers little direct guidance for the realisation of these different imperatives and appears to emphasise the use of mechanisation, technologies and export-oriented agriculture without considering the specific role of smallholder farmers and their need to access land for subsistence or local food production. The process of legislative drafting - in particular in relation to agricultural land which now seems to have been removed from the governments' law-making agenda- remains opaque and civil society actors, including peasants' and farmers associations, are not systematically informed of new developments or meaningfully involved in the drafting, implementation and monitoring of these instruments.

Significant tensions and unsustainable 'trade offs' remain in the policy landscape which simultaneously seeks to prioritise liberalisation of land and agricultural markets through the promotion of large-scale land acquisitions by investors, while recognising that there is also a need to protect the environment as well as the food producing capacities and land tenure rights of local communities and peasant farmers. Against this backdrop, the movement towards decentralized governance and community-based resource management, as well as the adoption of measures to promote the interests of small holder farmers through contract farming arrangements and agricultural cooperatives provide potential entry points for the application of a peasants' rights perspective in line with the provisions of the UNDROP.

A. HUMAN RIGHTS AND CIVIL SOCIETY SPACE

The focus of this study is on the pathways through which the UNDROP could be implemented and monitored in Cambodia. It should be highlighted, however, that despite a theoretically well-developed legislative and policy framework on human rights, the political context is one in which it remains extremely difficult in practice for advocates to advance the full range of human rights guarantees that are contained in both national and international laws and policies.⁴⁴ The 'hegemonic authoritarian' nature of the Cambodian regime means that explicit efforts to render political processes more transparent, inclusive and genuinely democratic are generally met with repression.⁴⁵

The progressive shrinking of civil society space which has occurred since 2017 with the adoption of the Law on Associations and Non-Governmental Organisations (LANGO) and the Trade Union Law accelerated with the promulgation of Covid-19 legislation in March 2021 which, it is argued, has been used to further curtail the activities of civil society groups

⁴⁴ See J. Bourke Martignoni, 'A feminist methodology for implementing the right to food in agrarian communities: reflections from Cambodia and Ghana', *Journal of Peasant Studies*, 48(7), 2021, pp. 1459-1484, <https://doi.org/10.1080/03066150.2021.1928642>; See also D. Heilmann, "Cambodia." In *Judging International Human Rights*, edited by S. Kadelbach, T. Rensmann, and E. Rieter. Cham: Springer, 2021.

⁴⁵ L. Morgenbesser, 'Cambodia's Transition to Hegemonic Authoritarianism.' *Journal of Democracy* 1, 2019, pp. 158-171; A. Beban, L. Schoenberger, and V. Lamb, 'Pockets of Liberal Media in Authoritarian Regimes: What the Crackdown on Emancipatory Spaces Means for Rural Social Movements in Cambodia.' *Journal of Peasant Studies*, 2019, pp. 95-115, <https://doi.org/10.1080/03066150.2019.1672664>.

working on food, land and workers' rights.⁴⁶ This means that the provisions of the UNDROP on the right to participation by peasants and rural people in decision-making about issues that affect their rights, lives and livelihoods (arts. 2, 10.2, 11.3, 15.5, 16.3, 19.7, 19.8, 27.1) are not being adequately implemented. In addition, the right to information (art. 11) and the right to access justice and remedies (art. 12) are not currently being respected, protected and fulfilled in Cambodia. These rights are crucial mechanisms for ensuring the accountability of the government and other duty bearers for promoting and protecting the rights of peasants and other rural people as well as for facilitating their meaningful participation in policy-making and legislative processes and structures.

Several of our interview respondents from civil society, government and intergovernmental organisations said that in spite of the restrictions on civil society space and the rights to participation and information in Cambodia, it is still possible to do lobbying-advocacy work to advance the rights of peasants and rural people in connection with access to forests, fisheries, water resources, gender equality and the development of smallholder farming cooperatives. It was felt that a more localised approach - focusing on community resource management at the village or Commune level - to collective resource governance, food and nutrition and gender equality could potentially yield significant progress on the implementation of the rights contained in the UNDROP. This might entail working with authorities at the village, Commune and District levels to ensure that inclusive and participatory institutions are developed to manage forests, waterways and other natural resources as well as community development projects. These institutions should be provided with adequate budgetary and human resources using funding from decentralisation reforms and consideration could be given to the use of participatory methodologies and monitoring tools such as those that have been developed by FIAN and the Global Network for Food and Nutrition.⁴⁷

At the same time, it is important to ensure that concerted efforts are made to raise awareness within different levels of government, civil society, inter-governmental organisations and agribusinesses of the ways in which the UNDROP could be effectively mainstreamed into domestic practice in Cambodia. Direct references to international human rights law, including the UNDROP, should be integrated into laws and policies on food and nutrition, agriculture, land and resource governance, and environmental protection. Existing laws and policies on food, agriculture, rural development, land and natural resources should be (re)interpreted from a human rights-based perspective to ensure that they advance the substantive and the process-based objectives of the Declaration. For example, drafts of Contract Farming and Paddy Rice legislation should incorporate protections for small holder and peasant farmers with respect to their rights to freely negotiate the terms of their agreements, to gender equality, to form cooperative farmers' associations, to access independent grievance mechanisms and to ensure protection for their right to seeds and food

⁴⁶ P. Bopha, 'Cambodia Bleeding As Space for Civil Society Shrinks', *Al Jazeera*, 3 November 2021, <https://www.aljazeera.com/news/2021/11/3/cambodia-bleeding-as-space-for-civil-society-shrinks>.

⁴⁷ Global Network for the Right to Food and Nutrition, *People's Monitoring Toolkit For the Right to Food and Nutrition*, <https://gnrtfn.org/peoples-monitoring/#start>, 2021; FIAN, *Cooking Up Political Agendas. A Feminist Guide on the Right to Food and Nutrition for Women in Rural Areas*, [https://www.fian.org/files/files/EN-TheCommonPot-21-WEB_\(1\)\(1\).pdf](https://www.fian.org/files/files/EN-TheCommonPot-21-WEB_(1)(1).pdf), 2020.

in line with the relevant provisions of the UNDROP. The draft provisions in the Environment and Natural Resources Code and in the proposed amendments to the Community Protected Areas legislation should be harmonised to more effectively recognise customary and collective tenure rights for a wider range of local peasant communities. Corporate human rights due diligence legislation should be enacted to ensure that agribusiness actors are taking steps to prevent, mitigate and remedy the harmful human rights impacts of their activities and that the government is taking its duties to regulate businesses seriously, including through the creation of independent mechanisms to receive and respond to complaints alleging abuses.

B. EQUALITY AND NON-DISCRIMINATION

The Cambodian constitution contains guarantees of equality and non-discrimination, which reflect the provisions in the international human rights instruments to which the country is a party, including the ICESCR, the ICCPR, the Convention on the Elimination of Racial Discrimination (CERD), CEDAW as well as ILO Convention no. 169 on the Rights of Indigenous Peoples', the UN Declaration on the Rights of Indigenous Peoples' (UNDRIP) and the UNDROP. There are specific programmes and policies on gender mainstreaming across a number of sectors, as well as limited recognition for the land and cultural rights of Indigenous peoples'.⁴⁸

These equal rights provisions in laws and policies, including in individual and collective land titling and family laws on inheritance, have been difficult to implement in practice and have, in some cases, resulted in unintended negative consequences for right holders due to the fact that they automatically assume that both spouses - where they are formally married - have equal rights over land.⁴⁹ This is problematic for women in Indigenous communities such as the Charay where matrilineal land inheritance may have previously provided them with a particular social status and form of security of tenure that is being eroded with the shift to bilateral inheritance now enshrined in law.⁵⁰ The fact that land rights are tied to a couple's marital status can also lead to situations where, in the event of divorce or estrangement, a former partner may return and claim rights over land that the remaining partner had assumed was theirs alone and it can also lead to the transmission of debts and land repossession in the event of default by one partner.⁵¹

⁴⁸ Daley, E., Campbell, N. Y., Lowry, J. (2024). Outlook on Gender and Land in the Mekong Region. Vientiane: Mekong Region Land Governance; UN Cambodia, *Gender Equality Deep Dive for Cambodia*, March 2022, <https://cambodia.un.org>; M. Maffii, *The Impact of Gender Policy Processes on the Right to Food: the Case of Cambodia*. Rome: FAO, 2016; FAO, *Women's land rights and agrarian change: evidence from indigenous communities in Cambodia*. Phnom Penh, 2019; In relation to indigenous rights see the National Policy on Development of Indigenous Peoples, the Policy on Indigenous Communal Land Registration, and the Sub-Decree No. 83 on Procedures of Indigenous Communal Land Registration.

⁴⁹ See J. Bourke Martignoni, 'The gendered ambiguities of formally equal land ownership in Cambodia', in R. Patel (ed) *Gender and Land Rights in Changing Global Contexts*, Delhi: Thomson Reuters, 2022, pp. 111-134.

⁵⁰ J. Bourke Martignoni, C. Gironde, C. Golay, E. Prügl, and D. Tsikata (eds) *Agricultural Commercialization, Gender Equality and the Right to Food: Insights from Cambodia and Ghana*, Oxford: Routledge (2022).

⁵¹ See, M. Baaz, M. Lilja, A. Östlund, 'Legal Pluralism, Gendered Discourses and Hybridity in Land Titling Practices in Cambodia', *Journal of Law and Society*, vol. 44 (2), June 2017, pp. 200-227.

There is a tendency within national level policy structures and even within some civil society organisations to take top down, formal and technical approaches to the inclusion of women and Indigenous groups within food, nutrition, agricultural, land and resource governance frameworks without considering the ways in which these institutions might need to be fundamentally transformed.⁵² In particular, the promotion of self-determination for Cambodia's Indigenous peoples' in the governance of their lands and livelihoods has been a politically fraught and contested topic.⁵³ While some of the rights that are recognised in the UNDROP are guaranteed in formal laws and policies in Cambodia, these are not applied in practice in most rural areas of the country.⁵⁴ It remains difficult for rural people - Indigenous women and women living in poverty, in particular - to fully exercise their rights to food, land, health, education, work, social security and participation in decisions that affect their lives.⁵⁵

C. DECENTRALISATION AND RURAL DEVELOPMENT

Processes of decentralisation and the devolution of political and fiscal authority to sub-national governmental actors at the level of the District, Commune (*Sangkat*) and community or village, have long been regarded by observers of Cambodian politics as providing potential pathways towards more accountable, effective and inclusive rural development.⁵⁶ Although reforms aimed at encouraging decentralisation stalled in 2017 and have been plagued by inadequate budgetary allocations from the central government, recent policy documents appear to again be promoting the concept of localised, community-based food and resource governance systems through the creation of community forestry and fisheries management committees and farmers' cooperatives.⁵⁷

⁵² J. Bourke Martignoni, 'A feminist methodology for implementing the right to food in agrarian communities: reflections from Cambodia and Ghana', *Journal of Peasant Studies*, 48(7), 2021, pp. 1459-1484, <https://doi.org/10.1080/03066150.2021.1928642>.

⁵³ NGO Forum and partners, Report on Results of Discussions in the Regional and 13th National Conferences on 2020 Land and Natural Resource Governance Siem Reap, Battambang, Kampot and Phnom Penh, 2021, p. 11; Daley, E., Campbell, N. Y., Lowry, J. (2024). Outlook on Gender and Land in the Mekong Region. Vientiane: Mekong Region Land Governance.

⁵⁴ NGO Forum and partners, Report on Results of Discussions in the Regional and 13th National Conferences on 2020 Land and Natural Resource Governance Siem Reap, Battambang, Kampot and Phnom Penh, 2021.

⁵⁵ UN Cambodia, *Gender Equality Deep Dive for Cambodia*, March 2022, <https://cambodia.un.org>; J. Bourke Martignoni, C. Gironde, C. Golay, E. Prügl, and D. Tsikata (eds) *Agricultural Commercialization, Gender Equality and the Right to Food: Insights from Cambodia and Ghana*, Oxford: Routledge (2022).

⁵⁶ World Bank, Cambodia: Intergovernmental Fiscal Architecture Study, Washington DC: World Bank, 2022, <https://documents1.worldbank.org/curated/en/099440003152223052/pdf/P168407082902104a0b28a0d00b4ec6625f.pdf>; K. Sedara and J. Öjendal, 'Gendering Decentralization in Cambodia', *ICLD Research Report no. 4*, Stockholm: SIDA, 2014.

⁵⁷ See, Council for Agricultural and Rural Development and Technical Working Group on Food and Nutrition, *Cambodia's Road Map for Food Systems for Sustainable Development*, 2021, https://summitdialogues.org/wp-content/uploads/2021/09/FS-Roadmap_Cambodia_Final-for-submission-1.pdf. For some ideas see; Global Network for the Right to Food and Nutrition, People's Monitoring Toolkit For the Right to Food and Nutrition, <https://gnrtfn.org/peoples-monitoring/#start>, 2021; FIAN, *Cooking Up Political Agendas. A Feminist Guide on the Right to Food and Nutrition for Women in Rural Areas*, [https://www.fian.org/files/files/EN-TheCommonPot-21-WEB_\(1\)\(1\).pdf](https://www.fian.org/files/files/EN-TheCommonPot-21-WEB_(1)(1).pdf), 2020.

These efforts to 'localise' agricultural and food systems as well as resource governance within community-based structures were viewed by several of the experts from government and civil society who were interviewed for this study as being crucial for the implementation of the right to food and food sovereignty as well as the environmental protection provisions of the UNDROP. The creation of community-led institutions to govern access and user rights in the area of forests, waterways and fisheries were also viewed as having the potential to contribute to the rights to biological diversity, land and resources in accordance with the principles of promoting and protecting traditional and local knowledges, practices and innovations contained in articles 17 and 18 of the Declaration.

The ongoing revision of the Community Protected Area (CPA) framework provides an important opportunity to advance the peasants' rights agenda in its potential to increase participatory, local governance of territories and resources. In order for this to be successful, several important issues will need to be addressed. Clarifying and defining strong, secure and long-term land tenure rights for local communities and Indigenous peoples' as well as improving transparency, accountability and enforcement pathways for local communities in asserting their rights over CPA are essential. This will involve reducing the current administrative complexity related to the establishment and oversight of CPAs and their interaction with other forms of land tenure by ensuring that local communities participate in the process of defining and demarcating CPAs as well as areas under Community Land Title (CLT) and also creating inclusive, transparent and accountable internal governance mechanisms so that local and Indigenous communities are able to effectively manage and exercise control and tenure rights over the lands and resources that fall within their areas of responsibility.⁵⁸ In addition, further attention should be paid to power relations, in particular with the question of benefit sharing and how to guarantee that all members of local management committees are able to assert their rights vis-à-vis other people in the community, business actors and government authorities at different levels.⁵⁹

D. FOOD AND NUTRITION LAWS AND POLICIES

International law on the right to food, including the ICESCR and the UNDROP as well as policy frameworks such as the SDGs provide a number of core principles and indicators concerning the availability, accessibility, quality and sustainability of food and nutrition. As noted previously, Article 15 of the UNDROP reiterates these key requirements and makes crucial linkages between the right to food and the rights to land and resources to enable the production of food by peasants and local communities within a sustainable, food sovereignty paradigm.

While the overall situation with respect to hunger and malnutrition has improved in Cambodia in the past few decades, the nutritional status of rural populations in the country remains precarious and their right to food has been particularly affected by climate change

⁵⁸ Community Empowerment and Development Team and Client Earth, *Community Protected Areas in Cambodia*, 2021, https://www.clientearth.org/media/cbzoeazp/clientearth_cpa-report-cambodia_en.pdf.

⁵⁹ Community Empowerment and Development Team and Client Earth, *Community Protected Areas in Cambodia*, 2021, https://www.clientearth.org/media/cbzoeazp/clientearth_cpa-report-cambodia_en.pdf.

and other disasters, including the covid-19 pandemic.⁶⁰ The full realisation of the right to food as recognised in the UNDROP and other international human rights instruments to which Cambodia is a party requires the implementation of positive measures to ensure the availability, accessibility, quality and sustainability of food for all people. This means that all levels of government must develop targeted and coordinated interventions in areas such as comprehensive social security provision for agricultural workers and other rural people, measures to guarantee the economic accessibility of food, health care and education for rural populations, and the regulation of micro-finance institutions to ensure that their lending practices are not driving peasants and other rural people into spirals of indebtedness and distress land, asset and commodity sales.⁶¹

Recent national policy statements, in particular *Cambodia's Road Map for Food Systems for Sustainable Development* (2021), which emerged from its national food systems dialogue, provide some indications of measures that the country intends to take to better connect food and agriculture, "In promoting resilient livelihoods, this roadmap supports Indigenous communities, youth, women, smallholder farmers and SMEs in food production and processing to strengthen rural livelihoods for enhanced resilience."⁶² Importantly, however, although the Roadmap and other policy initiatives on food security and agricultural development, mention inclusive, localised food systems, they continue to focus on the role of the private sector in multi-stakeholder partnerships and the provision of market access, technologies and infrastructures for 'green growth'.⁶³ Despite the policy's inclusive language, it remains unclear how asymmetries of power and the differential development agendas of peasant and smallholder farmers will be reconciled with those of large agribusinesses. The Roadmap does not allocate specific responsibilities for its implementation, however, given its insistence on the need for "multi-stakeholder and multi-sectoral dialogue, coordination, and collaboration to make planning and implementation processes more just, inclusive and participatory" it may provide an entry point for farmers' associations and other civil society groups to have a seat at the policy-making table.

The UNDROP contains an imperative to ensure the coherence of and transformative, human rights-based focus of laws and policies on food and nutrition, agriculture, land and resource governance, trade and investment. As noted previously, the food sovereignty provisions in the Declaration (art. 15.4) provide that this involves "the right to participate in decision-making processes around food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods." In order to fully implement the UNDROP's food sovereignty provisions there is a need for governments and

⁶⁰ World Food Programme, Cambodia Country Brief, February 2022, <https://docs.wfp.org/api/documents/WFP-0000137730>.

⁶¹ See C. Gironde, F. Reysoo, A. Torrico Ramirez, and S. Suon. "No Cash, No Food. Gendered Reorganization of Livelihoods and Food Security in Cambodia." *Journal of Peasant Studies* 48 (7), 2021, pp. 1–22. <https://doi.org/10.1080/03066150.2021.1960826>; See also, J. Bourke Martignoni, 'A feminist methodology for implementing the right to food in agrarian communities: reflections from Cambodia and Ghana', *Journal of Peasant Studies*, 48(7), 2021, pp. 1459-1484, <https://doi.org/10.1080/03066150.2021.1928642>.

⁶² Council for Agricultural and Rural Development and Technical Working Group on Food and Nutrition, *Cambodia's Road Map for Food Systems for Sustainable Development*, 2021, https://summitdialogues.org/wp-content/uploads/2021/09/FS-Roadmap_Cambodia_Final-for-submission-1.pdf.

⁶³ See also, National Agricultural Development Policy 2022-2030.

other duty bearers to rethink existing power structures within food systems and to reimagine these in ways that are fundamentally equitable. This requires government authorities at all levels to meaningfully consult with smallholder farmers, landless people in rural communities, and Indigenous groups. There is also a positive obligation for the government to ensure that people who have traditionally been overlooked in policy-making processes such as women, persons living in poverty, ethnic minorities, older and younger people are included in discussions about issues that affect their rights to food, land, work and social security. The use of participatory monitoring tools and policy-making methodologies, such as those developed by the Global Network for Food and Nutrition and FIAN International provide powerful practical examples of the ways in which food policies and laws could be effectively built 'from the ground up' on the basis of the lived experiences of diverse members of local communities.⁶⁴

Further, in order to guarantee the full implementation of the UNDROP in Cambodia, there needs to be more holistic assessment and monitoring of the relationship between the overall policy priority expressed by the Cambodian government to increase agricultural productivity through the promotion of technologies and the expansion of global value chains and the ways in which these processes erode the realisation of the rights to food, decent work and social security for peasants and other rural people. One of the most notable effects of the commercialization of land and agriculture in Cambodia over the past decade has been the huge increase in the indebtedness of rural households which has had significant and highly unequal impacts on the accessibility of food for smallholder farming households, those dependent on wage labour, rural women and people living in poverty.⁶⁵ The widespread use of individual land titles as collateral for loans may also mean that struggling peasant families will be obliged to sell their farming land in order to meet their loan repayments or face the spectre of losing land due to repossession by microfinance institutions.⁶⁶ There is, as a result, a need for further cooperation between various government agencies as well as greater monitoring and oversight of the activities of microfinance institutions and the impact of their business practices on the accessibility of the right to food for peasants.

E. AGRICULTURAL LAWS AND CONTRACT FARMING POLICIES

There continues to be a disconnect between Cambodian policy priorities on agriculture and those on food security and sustainable development as outlined in the preceding section. The

⁶⁴ Global Network for the Right to Food and Nutrition, People's Monitoring Toolkit For the Right to Food and Nutrition, <https://gnrtfn.org/peoples-monitoring/#start>, 2021; FIAN, Cooking Up Political Agendas. A Feminist Guide on the Right to Food and Nutrition for Women in Rural Areas, [https://www.fian.org/files/files/EN-TheCommonPot-21-WEB_\(1\)\(1\).pdf](https://www.fian.org/files/files/EN-TheCommonPot-21-WEB_(1)(1).pdf), 2020.

⁶⁵ See W. Nathan Green, 'Financial landscapes of agrarian change in Cambodia', *Geoforum*, 2020, <https://doi.org/10.1016/j.geoforum.2020.02.001>; J. Bourke Martignoni, C. Gironde, C. Golay, E. Prügl, and D. Tsikata (eds) *Agricultural Commercialization, Gender Equality and the Right to Food: Insights from Cambodia and Ghana*, Oxford: Routledge (2022); See J. Bourke Martignoni, 'The gendered ambiguities of formally equal land ownership in Cambodia', in R. Patel (ed) *Gender and Land Rights in Changing Global Contexts*, Delhi: Thomson Reuters, 2022, pp. 111-134.

⁶⁶ N. Natarajan and K. Brickell, 'Credit, land and survival work in rural Cambodia: Rethinking rural autonomy through a feminist lens', *Journal of Agrarian Change*, vol. 22 (3), July 2022, pp. 473-488.

Cambodian Industrial Development Policy 2015-2025 contains a number of targets with respect to developing infrastructures such as roads, markets and training for farmers as well as the creation of special economic zones for agricultural commodity production. There are also commodity-specific laws and policies that concern crops such as Paddy Production and Rice Exports and the Natural Rubber Development Strategy. While there has been a gradual acknowledgement in policies such as the National Agricultural Development policy 2022-2030 of the need to support smallholder farmers through the provision of targeted extension services as well as the facilitation of agricultural cooperatives and contract farming arrangements to enable the integration of smallholders into global agricultural value chains, the main thrust of the country's agrarian policies continues to be the expansion of large-scale export-oriented cash crop production, often at the expense of the rights of peasant farmers and agricultural workers.⁶⁷

The 2001 Land Law and the earlier colonial history of Cambodia were premised on a concession model of farming whereby large tracts of agricultural land were carved out and granted to agro-industrial investors, generally at the expense of smallholder, peasant farmers.⁶⁸ In recent years, however, the increasing use of both out-grower and nucleus estate contract farming models in Cambodia has provided new opportunities for smallholders to engage with agribusinesses and government actors at different levels. While this development may enable peasant farmers to become integrated into agricultural value chains and to benefit from new market infrastructures, it is essential to ensure that these contract farming arrangements contain protections for the rights of local farmers and communities - in particular their rights to land and natural resources including water, seeds, fair market prices, a healthy environment and decent work - in line with the provisions in UNDROP.⁶⁹ The recent discussions around the development of a Contract Farming Law provide a potential gateway towards a more equitable approach to this form of agricultural production. In order for the new contract farming legislation to fulfil its promise for smallholders it should contain clear provisions on fairness and transparency in contracting and create structures for the registration of contracts with local authorities.⁷⁰ There should also be provision made for the participation of agricultural cooperatives as contracting parties so that the bargaining power of smallholder farmers is enhanced. Attention needs to be paid to inequalities within rural communities and, in particular, the contracts must allow for both spouses to have equal negotiating rights and control over the terms of farming agreements. Finally, accountability and accessible grievance mechanisms must be a key component of the proposed legislation so that peasants are able to find rapid solutions to any disputes and more equitably share the risks and benefits of agricultural production with agribusinesses.⁷¹ The development of fair

⁶⁷ Asian Development Bank, *Cambodia Agriculture, Natural Resources and Rural Development, Sector Assessment, Strategy and Road Map*, Manila: ADB, 2021; National Agricultural Development Policy 2022-2030.

⁶⁸ D. Hayward, P. Hirsch and N. Scurrah, *Key Themes in Land Governance: Synopses of Research, Policy and Action in the Mekong Region*. Chiang Mai, Vientiane: The Regional Center for Social Science and Sustainable Development (RCSDD), Mekong Region Land Governance (MRLG), 2021.

⁶⁹ S. Ngo and C. Ngin, 'Making contract farming more inclusive for smallholder farmers in Cambodia'. *Policy Brief*. Phnom Penh, Vientiane: CPS, MRLG, 2022.

⁷⁰ S. Ngo and C. Ngin, 'Making contract farming more inclusive for smallholder farmers in Cambodia'. *Policy Brief*. Phnom Penh, Vientiane: CPS, MRLG, 2022.

⁷¹ S. Ngo and C. Ngin, 'Making contract farming more inclusive for smallholder farmers in Cambodia'. *Policy Brief*. Phnom Penh, Vientiane: CPS, MRLG, 2022.

and transparent contract farming legislation in Cambodia would go some way towards ensuring the implementation of many of the peasants' rights guaranteed in the UNDROP.

As already noted, the Cambodian government has duties under the UNDROP as well as the UN Guiding Principles on Business and Human Rights to regulate agri-business actors and to ensure that they are exercising human rights due diligence to prevent and redress any negative impacts of their activities on the rights of local communities. This will entail investigations of existing land tenure arrangements to ensure that corporate and governmental actors obtain free, prior and informed consent to any developments occurring on communal and privately-held lands and that effective grievance mechanisms are established to hear claims for compensation relating to the loss of land and livelihoods as a result of agribusiness activities. In addition, clear guarantees of decent working conditions - including equal remuneration and freedom of association - for agricultural workers in special economic zones need to be implemented through an independent inspection system. Many other national jurisdictions have adopted mandatory human rights due diligence legislation to entrench duties for businesses to report and monitor their human rights impact and this is also an avenue that the Cambodian government should consider.⁷²

F. LAND LAWS AND POLICIES

The first few decades following the Paris Peace Agreements were characterised by waves of land conflicts between agribusinesses, government actors, and communities of smallholder farmers.⁷³ The Cambodian NGO Forum and partners reported that the number of conflicts involving farming land and natural resources declined during 2019 and 2020 as the government made concerted efforts to amend the 2001 Land Law, the Law on Fisheries, the Forestry Law and the Law on Natural Protected Areas (2008) and to mediate disputes by facilitating the registration of individual and collective land titles in a number of Provinces.⁷⁴ While these amendments to the framework laws on land and resource governance as well as the attempt to create more accessible mediation mechanisms are encouraging, they are still characterised by an absence of transparent, systematic consultation with peasants, rural communities and their representative organisations as well as a failure to develop truly independent and impartial accountability structures to monitor their implementation.⁷⁵

In many cases, civil society organisations have either been left completely uninformed about the process of reforms to land legislation or they have been invited to provide their views and then not been given any information about the next steps or whether or not their concerns and proposed amendments have been accepted in the final draft adopted by

⁷² See, European Parliament, *Human Rights Due Diligence Legislation - Options for the EU*, Policy Department for External Relations, June 2020, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/603495/EXPO_BRI\(2020\)603495_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/603495/EXPO_BRI(2020)603495_EN.pdf).

⁷³ See A. Kent, 'Conflict continues: Transitioning into a battle for property in Cambodia today'. *Journal of Southeast Asian Studies*, 47(1), 2016, pp. 3-23. <http://www.jstor.org/stable/43863239>.

⁷⁴ NGO Forum and partners, Report on Results of Discussions in the Regional and 13th National Conferences on 2020 Land and Natural Resource Governance Siem Reap, Battambang, Kampot and Phnom Penh, 2021.

⁷⁵ NGO Forum and partners, Report on Results of Discussions in the Regional and 13th National Conferences on 2020 Land and Natural Resource Governance Siem Reap, Battambang, Kampot and Phnom Penh, 2021.

parliament. The proposed amendments to the Agricultural Land Law, which were opened up for civil society consultation in 2016, appear to have completely dropped off the parliamentary agenda and this means that it has not been possible for peasants' associations and other civil society actors to ensure that the government takes an integrated, human rights-based approach to the Cambodian land sector. This also means that discussions about questions such as contract farming arrangements and agricultural cooperatives have generally been divorced from the crucial issue of security of tenure and the accessibility of land for peasants as well as policy initiatives to advance the rights to food and nutrition.⁷⁶

There are many contradictions and inconsistencies between the objectives being pursued in these different land and resource governance instruments which currently fail to fully incorporate all of the substantive and procedural dimensions of the provisions on the rights to land and resources in the UNDROP (art. 3, 5, 17, 18, 21 and 24). For example, there is a lack of definitional clarity in legislation and policies that relate to customary and communal land tenure rights and this has hampered the legal recognition and enforcement of the collective land rights of different peasant communities.⁷⁷ While the 2001 Land Law theoretically made it possible for Indigenous communities to claim communal land title (CLT), the onerous and inconsistent evidentiary requirements for proving Indigenous status as well as the lengthy administrative procedures for registration of communal land has rendered these provisions ineffective in practice for the majority of Indigenous and local communities.⁷⁸ By May 2022, the Ministry of Land Management, Urban Planning and Construction had issued communal land titles to 36 of the 455 officially-recognised Indigenous communities who have lodged claims for the registration of their lands.⁷⁹ In response to this situation, the UN office in Cambodia has estimated that it will take 100 years for all of the Indigenous peoples in Cambodia to receive the communal land title.⁸⁰ While the standard explanation for this state of affairs is that the administrative requirements are too complex or expensive for Indigenous communities to navigate, there is also a clear reluctance by national and many sub-national political actors to allow Indigenous groups to exercise control over their territories and natural resources.⁸¹

⁷⁶ For example, the National Agricultural Development Policy 2022-2030 makes no reference to land tenure or cadastral regimes in its recommendations for the achievement of sustainable and equitable agrarian development.

⁷⁷ G. Cooper, *Review, Comments and Recommendations on the Draft Environment and Natural Resources Code (Version 11) of Cambodia*, Discussion Note Series #4. Vientiane: Mekong Region Land Governance, 2019.

⁷⁸ D. Hayward, P. Hirsch and N. Scurrah, *Key Themes in Land Governance: Synopses of Research, Policy and Action in the Mekong Region*. Chiang Mai, Vientiane: The Regional Center for Social Science and Sustainable Development (RCSD), Mekong Region Land Governance (MRLG), 2021.

⁷⁹ C. Koem, 'Indigenous Communal Land Titling: Still a Hundred Years to Go?', Heinrich Böll Stiftung, 19 August 2022, <https://th.boell.org/en/2022/08/19/indigenous-communal-land-titling-cambodia> ; See also; B. Soeung, 'Campaigns, criminalisation and concessions: indigenous land rights in Cambodia', *New Mandala*, 11 August 2022, <https://www.newmandala.org/campaigns-criminalisation-and-concessions-indigenous-land-rights-in-cambodia/> ; UN Human Rights Committee, Concluding Observations on the Third Periodic Report of Cambodia, UN Doc. CCPR/KHM/CO/3, 18 May 2022.

⁸⁰ S. Minea, 'Indigenous people face delays in obtaining land titles', *Khmer Times*, 5 January 2022, <https://www.khmertimeskh.com/501000763/indigenous-people-face-delays-in-obtaining-land-titles/>.

⁸¹ A. Beban, *Unwritten Rule: State-Making Through Land Reform in Cambodia*, Cornell University press, 2021.

The complex, diverse and narrow definitions of Indigenous peoples' that are used in various national laws on land and resource management create a further impediment to the implementation of the full range of land rights guarantees contained in Article 17 of the UNDROP. The draft Environment and Natural Resources Code (2019) and the Law on Natural Protected Areas (2008) use a number of different terms to refer to customary and collective land rights and it is unclear whether these are restricted to identified Indigenous communities within the definitions contained in the 2001 Land Law or if they also apply to other traditional local communities.⁸² An expansive interpretation of customary and collective or communal land title along with the recognition of the land rights of local communities who may not necessarily identify as Indigenous would better accord with the right to land as it is enunciated in the UNDROP.

Another issue that has been highlighted by civil society actors in connection with land and resource governance rights is the need to establish common national guidelines for social and environmental impact assessment prior to the granting of approval for development projects along with independent and fair mechanisms for calculating compensation for peasants and other rural people in the event that their lands are expropriated.⁸³ This would facilitate the implementation of article 5.2 of the UNDROP on land exploitation and benefit sharing as well as provide protections against arbitrary and forced evictions and violations of the right to housing as provided for in articles 17 and 24 of the Declaration.

In addition, the current practice of implementing Social Land Concessions (as provided for in the 2001 Land Law) does not provide adequate protections for the rights of those who are beneficiaries in terms of their security of tenure and access to fundamental rights such as water and sanitation, health, education and employment as well as independent complaints mechanisms.⁸⁴ There is an urgent need for reform of the system of allocating Social Land Concessions (SLCs) in order to guarantee secure land tenure rights for both the beneficiaries as well as local communities living in or adjacent to the sites and to conduct participatory and transparent social and environmental impact assessments prior to making decisions about site selection. The development of human rights-based processes and guidance on SLCs would advance the implementation of articles 5, 17 and 24 of the UNDROP.

G. CONSERVATION AND BIODIVERSITY

Legislation such as the draft Environment and Natural Resources Code, draft amendments to the Protected Areas Law (2008) and the laws relating to Forests and Fisheries contain provisions that could potentially assist with implementing the rights of peasants and other rural people to biological diversity, collective land title, collaborative resource management, environmental and social impact assessment (EIA) and to free, prior and informed consent

⁸² G. Cooper, *Review, Comments and Recommendations on the Draft Environment and Natural Resources Code (Version 11) of Cambodia*, Discussion Note Series #4. Vientiane: Mekong Region Land Governance, 2019.

⁸³ NGO Forum and partners, Report on Results of Discussions in the Regional and 13th National Conferences on 2020 Land and Natural Resource Governance Siem Reap, Battambang, Kampot and Phnom Penh, 2021.

⁸⁴ NGO Forum and partners, Report on Results of Discussions in the Regional and 13th National Conferences on 2020 Land and Natural Resource Governance Siem Reap, Battambang, Kampot and Phnom Penh, 2021.

(FPIC).⁸⁵ There is an urgent need for work to proceed with the participatory drafting of the Environment and Natural Resources Code as this has been stalled since 2019 as a result of political tensions between the various ministries involved in its development. Environmental instruments should be implemented through participatory, transparent approaches that enable the different (and sometimes competing) priorities of the various sectors and levels of government involved to be openly discussed and debated in line with the commitments made to implement the UNDROP.

Another vital issue for peasants and rural people in realising their rights to biological diversity and to a healthy and sustainable environment under the UNDROP are reforms to the governance of community protected areas including fisheries and forests. The current administrative requirements for the registration of these different forms of collective resource management are overly complex and ineffective and there is a lack of meaningful and inclusive community participation in these processes.⁸⁶ The process of amending the legislative framework on CPAs - as discussed above - could provide an entry point for strengthening the management of territories and resources by local communities and realising the UNDROP's provisions on participation, food sovereignty, biodiversity management and the recognition of traditional peasant knowledges.

MAIN MESSAGES

Cambodia voted in favour of adopting the UNDROP at the UN General Assembly in 2018. The acceptance of the Declaration implies that the government will take targeted, measurable steps to progressively realise the rights of peasants and other people working in rural areas.

While there is a relatively comprehensive legal and policy framework on food and nutrition, agriculture, land and resource governance and environmental protection in Cambodia, this is not anchored in an inclusive, participatory, coherent and transparent rights-based approach. This situation means that peasants and rural people and their representative organisations have not, so far, been able to have meaningful input into or oversight of laws and policies that affect their rights, lives and livelihoods.

There are numerous tensions between the policy imperative to expand large-scale export-oriented agricultural production which emphasises the use of new technologies and contract farming arrangements, and the provisions of the UNDROP that call for the traditional knowledges and practices of peasants to be respected and protected along with their rights to food, food sovereignty, land and fair market prices.

Processes of decentralization of government authority provide entry points for improved consultation at the sub-national level with local communities in rural areas

⁸⁵ G. Cooper, *Review, Comments and Recommendations on the Draft Environment and Natural Resources Code (Version 11) of Cambodia*, Discussion Note Series #4. Vientiane: Mekong Region Land Governance, 2019.

⁸⁶ NGO Forum and partners, *Report on Results of Discussions in the Regional and 13th National Conferences on 2020 Land and Natural Resource Governance* Siem Reap, Battambang, Kampot and Phnom Penh, 2021.

and may enable a more effective implementation of many of the rights contained in the UNDROP. The recent movement to develop farmers' cooperatives, community-based resource governance structures to collectively manage forests and fisheries, and responsible models of agricultural investment may also allow smallholder farmers to reclaim a certain degree of power in their negotiations over prices for their commodities and collective land and resource management while advancing a food sovereignty and sustainable rural development agenda.

These local resource governance institutions need to be inclusive and participatory in order for them to advance an egalitarian, human rights-based agenda for sustainable rural development. Consideration should be given to the adoption by sub-national authorities and CSOs of new, participatory monitoring methodologies and tools to enable policies and legislation to be developed by local communities so that people are able to effectively assert their rights and enable their lived experiences to shape national policies and laws in line with the Declaration.

CONCLUSION

Cambodia has committed itself, through its acceptance of the UNDROP and its ratification of a number of international human rights and environmental treaties, to realising the rights of peasants and other people in rural areas. Despite the sweeping social, political and economic changes the country has undergone in the decades since the Paris Peace Agreements, more than 74 percent of the country's people are still located in rural parts of the country.⁸⁷ The rights, lives and livelihoods of the peasantry and other rural people are, therefore, particularly important in the Cambodian context.

At present, the rights of peasants to food sovereignty, land, water, seeds, biological diversity, a healthy environment, fair market prices, decent work and social security are recognised in a number of disconnected and, at times contradictory, national strategies and plans on food, sustainable development and agriculture. In their current formulation, these programmes and measures fail to resolve many of the 'trade offs' that exist between the promotion of large-scale, export-oriented, technology-focused agriculture as a development strategy and the protection of the rights of peasants and rural people in Cambodia. There is potential for the human rights of peasants and rural people to be more strongly integrated within laws and policies across a number of different sectors and levels of government, including in instruments for the promotion of seed management, agricultural cooperatives, environmental and biodiversity protection, food and nutrition, forestry and fisheries, contract farming and responsible agricultural investment. In particular, the debate around amendments to community protected areas legislation provides entry points for broader discussions concerning the need to harmonise national approaches to land tenure and the definition of communal and collective land rights for Indigenous and traditional local communities, as well as promoting the crucial role that could be played by these groups in sustainably and autonomously managing and conserving natural resources.

In order to successfully create a coherent policy landscape on the rights of peasants in Cambodia, there needs to be a shift away from the 'top down' centralised and opaque form of policy-making and legislative drafting that privileges the interests of businesses and other powerful lobby groups. This change requires the creation of inclusive and transparent mechanisms to enable policies and laws to be designed from the 'bottom up' with the meaningful participation of diverse groups of peasants and other rural people and their representatives in consultations prior to the drafting and adoption of laws and policies that affect their human rights. In particular, permanent consultative and communication mechanisms should be established to ensure that the Ministry of Agriculture, Forests and Fisheries, the Ministry of the Interior, the Ministry of the Environment, the Ministry of Rural Development and the Ministry of Land Management, Urban Planning and Construction, as well as other relevant government departments such as the Ministry of Women's Affairs coordinate and publicize their policy and legislative drafting and amendment processes. Mechanisms to formalise regular public consultations related to policies and legislation that affect the rights of peasants and other people living in rural areas should be written in to these instruments.

⁸⁷ World Bank, Database, 2024, <http://www.data.worldbank.org>.

The move toward devolved political authority and decentralisation to allocate increased resources and decision-making powers to sub-national authorities at the District, Commune and village levels should be reinforced in order to encourage and develop the activities of community-based agricultural and food sovereignty collectives and to enable their voices to be heard in consultations on the drafting of laws and policies that affect them. The use of holistic methodologies for participatory monitoring of the right to food and related rights such as the *Peoples' Monitoring Toolkit* developed by the Global Network for the Right to Food and Nutrition should be encouraged.⁸⁸ Efforts should be made to ensure that community forestry, fisheries and other local resource management groups are inclusive, participatory and provided with adequate budgets, human resources and capacity-building tools to enable them to meaningfully contribute to the development of local, national and international practices and policies in accordance with the UNDROP. Continuous and participatory monitoring of the impact of laws and policies on the human rights of rural people should be undertaken and the results of these processes, as well as proposals to improve them, should be opened up to public discussion.

Related to the need for greater transparency, communication and coordination in policy-making and legislative processes that impact the rights of peasants is the importance of removing restrictions on rights of freedom of expression, assembly and association. For peasants and their representative groups to freely and peacefully express their legitimate concerns about issues that affect them they need to be able to act without fear of repression. At the moment, the provisions of the Law on Associations and Non-Governmental Organisations (LANGO) and the Trade Union Law impede the full implementation of the UNDROP. There is, therefore, an urgent need for the government to repeal these restrictions to enable the full range of participatory rights that are guaranteed in the Declaration to be realised in practice.

Alongside the adoption of appropriate monitoring and accountability mechanisms to measure the progress being made by different levels of government in realising its human rights commitments are duties to ensure that non-state actors - including business enterprises - are not abusing the rights of peasants. In accordance with the UN Guiding Principles on Business and Human Rights (UNGPs) effective inspection and oversight processes and accessible independent grievance mechanisms should be established by the government to enable right holders to obtain remedies in the event that they experience violations of their human rights by corporate actors. Consideration should be given by the Cambodian government to the development of mandatory national corporate human rights due diligence legislation that would require businesses to publicly report on the steps that they are taking to identify, prevent, mitigate and account for their human rights impacts.

Agribusinesses and other private entities that invest in land and natural resources - including those supported through international development financing - should establish effective internal human rights impact assessment and due diligence processes and ensure that they

⁸⁸ Global Network for the Right to Food and Nutrition, *People's Monitoring Toolkit For the Right to Food and Nutrition*, <https://gnrtfn.org/peoples-monitoring/#start>, 2021.

operate with the free, prior and informed consent of local communities. This means that existing individual and collective land tenure arrangements must be taken into account during negotiations over land-based investments and that effective, independent mechanisms are put into place to ensure that all right holders provide their free, prior and informed consent and that they are fully compensated for any losses of lands and livelihoods arising from business activities. In connection with contract farming arrangements, these should be fair, transparent and non-discriminatory and they must provide for impartial and independent dispute resolution and grievance mechanisms. The UNGPs, the FAO Guidelines on Responsible Agricultural Investment (RAI), the Right to Food Guidelines and the Voluntary Guidelines on the Governance of Tenure (VGGT) as well as other relevant human rights standards should be used to inform and monitor company policies and practices.

A further important piece of the puzzle in ensuring that the provisions of UNDROP are implemented in Cambodia is the establishment of effective, independent and accessible judicial and quasi-judicial dispute settlement and grievance mechanisms to allow peasants and rural people to claim their rights. An open, transparent and meaningful consultative process should be held to discuss the draft legislation for the development of the national human rights institution which was tabled in 2021. A wide range of stakeholders, including broadly representative civil society and trade union organisations, should be involved in these discussions. In addition, the development of contract farming and land governance legislation should also include accessible, independent grievance mechanisms to enable peasants and local rural communities to bring complaints and receive timely and fair adjudication of these.

Not all peasants are the same and approaches to guaranteeing their human rights need to recognise the intersectional forms of discrimination that peasants and other rural people experience in Cambodia as a result of their gender, age, socio-economic status and ethnicity. Another entry point for concerted action on the implementation of the UNDROP in Cambodia is the recognition of the particular situation of rural women and the need for greater attention to be paid to sex and gender-based inequalities in rural areas through the creation of specific policy frameworks and the allocation of adequate resources and monitoring mechanisms.⁸⁹ Together with women's rights organisations and national gender machineries (including the Ministry of Women's Affairs), all levels of government should work to promote rural women's empowerment, and to ensure that rural women equally enjoy all of the human rights and fundamental freedoms set out in national laws and in international and national instruments, including the UNDROP, and the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

While there are a number of obstacles to the implementation of the UNDROP, there are also several promising entry points - outlined above - for the effective and full realisation of the Declaration in Cambodia. The human rights outlined in the UNDROP articulate with the activities currently being undertaken by different levels of government, inter-governmental organisations and civil society in relation to the achievement of the 2030 Agenda for

⁸⁹ Daley, E., Campbell, N. Y., Lowry, J. (2024). Outlook on Gender and Land in the Mekong Region. Vientiane: Mekong Region Land Governance.

Sustainable Development. There is also potentially greater space for local involvement in the development, implementation and monitoring of the rights of peasants and other rural people at the sub-national level of the village and Commune and measures to promote the decentralization and devolution of political authority to the local level should ensure that there are mechanisms to enable inclusive consultations and participatory policymaking by local communities. The full realisation of these different peasants' rights will require that the government and other duty bearers adopt a coherent, explicitly rights-based approach to food and nutrition, agricultural development, land and resource governance and environmental protection that is firmly grounded in participatory, inclusive and transparent processes and accountability structures.