

Policy Brief: Implementing the United Nations Declaration on the Rights of Peasants (UNDROP) in Cambodia

Key messages

- In accordance with UNDROP, national and sub-national laws and policies should contain provisions to recognise the rights of peasants to non-discrimination, food, food sovereignty, social protection, decent work, land, water, forests, fisheries and seeds, as well as fair market prices for their products.
- Peasants and their representative organisations should be provided with meaningful opportunities to participate in the creation, adoption, implementation and monitoring of all laws and policies that affect their human rights.
- Increased policy and legislative support, including budgets and capacity-building measures for local and national authorities, should be developed to ensure strong, secure and long-term individual and collective land tenure rights for peasants, Indigenous peoples' and other small-holder food producers.

Introduction

Cambodia has committed itself, through its acceptance of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) and its ratification of international human rights and environmental treaties, to realizing the rights of peasants and other people in rural areas. More than 74 percent of the country's people are located in rural parts of the country. The rights, lives and livelihoods of the peasantry and other rural people are, therefore, particularly important in the Cambodian context. This policy brief, which is based on a larger study that used qualitative interviews with experts and comprehensive desk research to review relevant laws and policies, outlines a number of key priorities and recommendations for stakeholders to guarantee the full implementation of UNDROP in Cambodia.

Promotion and protection of the human rights of peasant farmers

UNDROP recognizes a range of inter-related human rights for peasants and other rural people including the rights to non-discrimination and equality, food, food sovereignty, land, water, seeds, biological diversity, a healthy environment, fair market prices, decent work and social security. In Cambodia, while there is recognition of a number of these rights in national and sub-national strategies, laws and policies, these tend to be disconnected and at times are contradicted by other, competing policy and legislative provisions on trade and rural development.

Inclusive participation in policy processes

To guarantee the implementation of the rights of peasants in Cambodia, there should be a shift away from the top-down approach to policy and law-making. This change requires the creation of mechanisms to enable the meaningful participation of diverse groups of peasants and other rural people and their representatives in consultations prior to the drafting, adoption and implementation of laws and policies that affect their human rights.

Relevant government departments including the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Environment, the Ministry of Land Management, Urban Planning and Construction, and the Ministry of Women's Affairs, should coordinate and publicize their policy and legislative amendment processes. Mechanisms to formalize regular public consultations at the sub-National and National levels on the rights of peasants and other people living in rural areas should be written in to these instruments.

Related to the need for greater transparency, communication and coordination in policy-making and legislative processes on food, agriculture, environmental protection and rural development, is the importance of ensuring the full implementation of the rights to freedom of information, expression, assembly and association.

Free, prior and informed consent

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 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 effective, independent mechanisms put into place to ensure that all right holders provide their free, prior and informed consent and that full compensation is awarded for any losses of lands and livelihoods.

Contract farming arrangements should be fair, transparent and non-discriminatory and they must provide for impartial and independent dispute resolution and grievance mechanisms. The FAO Guidelines on Responsible Agricultural Investment (RAI), the Right to Food Guidelines and the Voluntary Guidelines on the Governance of Tenure (VGGT), the UN Guiding Principles on Business and Human Rights (UNGPR), as well as other relevant human rights standards should be used to inform and monitor company policies and practices.

Equality and non-discrimination

Peasants and other rural people in Cambodia experience overlapping forms of discrimination based on factors including their gender, age, socio-economic status and ethnicity. This must be acknowledged and redressed in policies and guidelines.

All levels of government should work together with civil society to ensure that rural women equally enjoy the human rights and fundamental freedoms set out in national laws and in international and national instruments, including UNDROP, and the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Localization and the realization of the SDGs

Human rights recognized in UNDROP reinforce many activities being undertaken by different levels of government, inter-governmental organizations and civil society for the achievement of the 2030 Agenda for Sustainable Development. The full realization of peasants' rights requires that all levels of government (local, sub-national, national) 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.



Recommended policy priorities for the realization of UNDROP in Cambodia

In line with UNDROP, all relevant national and sub-national laws and policies should contain provisions to recognise the rights of peasants and other rural people to food, food sovereignty, social protection, decent work, fair market prices for their products, seeds, land and natural resources, including water, forests and fisheries.

Participation and accountability

- Ensure equal participation and representation of traditionally marginalised social groups (e.g. women, Indigenous peoples', smallholders and agricultural wage labourers) in political, economic and social institutions, including farmers' associations, agricultural cooperatives, community protected area, community forestry, indigenous communal land title committees and local government.
- Enforce common national guidelines for social and environmental impact assessment (EIA) prior to granting 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.
- Develop independent and participatory review procedures and guarantee non-discriminatory access to justice in relation to the rights to food, land, social security and employment.

Non-discrimination and policy coherence

- Systematically integrate policies and laws on human rights and non-discrimination into all sectors relevant to the implementation of UNDROP including trade, rural development, land use planning, environmental protection, employment, social protection, food and nutrition, and access to information.
- Collect data and monitor the impact of legislation and policies on the equal access of peasants and people living in rural areas to food, social protection, employment, justice, land, water, seeds and other resources.

Ensure capacity and resources for human rights-based land governance initiatives

- Provide information and training to government officials at the national and sub-national levels as well as to civil society organisations on the provisions of UNDROP and how to implement them in their activities.
- Allocate adequate budgets and design capacity-building programmes for government officials and for civil society organisations at the sub-national and national levels to enable them to conduct participatory consultations on land, environmental and resource issues and monitor their implementation in accordance with UNDROP.

Guarantee protection for the rights of smallholder food producers

- Increase policy and legislative support for peasant and other smallholder food producers, particularly in the area of land registration and access to secure collective and individual land rights.
- Facilitate Collective Land Title (CLT) and protect this form of title against claims under Economic Land Concessions (ELC) and other individual and social land titling processes.
- Ensure that new contract farming, revised Community Protected Areas (CPA) guideline and land laws and policies support the implementation of the human rights of peasant farmers, Indigenous and local communities.

Clarify and implement strong, secure and long-term land tenure rights for Indigenous peoples and local communities

- Human rights standards contained in UNDROP should be applied to land registration. Processes for obtaining both CLT and establishing CPA must be streamlined and made quicker and more readily accessible to Indigenous and local rural communities.
- Clarify the relationship between CLT and CPAs. As a general rule, CPAs should not be used as a substitute for CLT.
- Reform the 2017 Guidelines on Community Protected Areas Establishment (CPA guidelines) and the sub-decree on CPAs and adopt policies to make these more sustainable, transparent and representative. It is recommended that the duration of CPAs be extended to 25 years in line with the Environment and National Resource Code. In addition, revised CPA guidelines should outline rules for their renewal and include details about the responsibilities of authorities to provide timely responses for renewal requests. More broadly, legislative protections for CPAs against encroachments from other activities should be enhanced, representation of local community members within management committees be strengthened, and effective monitoring mechanisms for implementing human rights-based CPAs created.
- Ensure that Social Land Concessions (SLC) provide effective and genuine opportunities for landless and land poor peasants to obtain sustainable and secure access to agricultural land.

This Policy Brief is based on a background study produced by Dr. Joanna Bourke Martignoni and Dr. Christophe Golay, available on the web page of the Geneva Academy of International Humanitarian Law and Human Rights: [Background Study on the Implementation of UNDROP in Cambodia](#).

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