I. Background and justification

The ILO and indigenous and tribal peoples

The ILO has been working with indigenous peoples since the 1920s, aiming to promote social justice, and to improve their living and working conditions. The ILO’s Indigenous and Tribal Peoples Convention, 1989 (No. 169) is internationally recognized as the foremost instrument on the subject that is in force today. This Convention is a revision of an earlier Convention: The Indigenous and Tribal Populations Convention, 1957 (No. 107). Convention No. 169 is a comprehensive instrument covering a range of issues pertaining to indigenous and tribal peoples, including land rights, access to natural resources, health, education, vocational training, conditions of employment and contacts across borders. The fundamental concepts of Convention No. 169 are consultation and participation, and respect for the cultures and traditions of indigenous and tribal peoples. These peoples have the right to be consulted, and to participate in policy, legislative, administrative and development processes affecting them, and to decide their own priorities for the process of development as it affects them. However, in many cases, these fundamental rights are not respected and indigenous peoples around the world are victims of severe human rights abuses as well as generalized social and political marginalisation. The particularly vulnerable situation of indigenous women and children has been the focus of recent international discussions under the UN Permanent Forum on Indigenous Issues. It is well known that indigenous women’s access to political participation is severely limited and that they, along with the indigenous children, have very little access to fundamental services such as health care and education. Among the specific concerns of the ILO is the trafficking of indigenous women and the situation related to indigenous child labour. The project will integrate the concern for indigenous women and children as a cross-cutting issue in the components, in close cooperation with other ILO initiatives in these fields.

Indigenous and tribal peoples in Cambodia

There is no current active policy in Cambodia concerning indigenous peoples. A Highland Peoples Development Policy was drafted in 1997, but has not yet been adopted. The main reasons for this are the low capacity of the government agencies, the adoption in 2001 of the Land Law, and the passage of the decentralization process, which has affected the governance structures on which the draft policy was based. Work on the reformulation of this policy is currently underway.

The decentralization process has become the focal point of most ongoing activities of relevance to indigenous peoples. However, there is a number of factors that limit indigenous peoples’ capacity to take an active role in decision-making through the local commune councils, such as limited access to and cultural inappropriateness of education, lack of acknowledgement of indigenous languages in decision-making bodies, and problems of physical access to indigenous communities. Subsequently, indigenous people are often proportionately under-represented in these local councils. Indigenous under-representation, or complete lack of participation, is also an issue at the national level. There is one small indigenous organization in Cambodia – the Khmer Loeu Association in Ratanakiri. Aside from this, decisions are made for, as opposed to by, indigenous peoples.

There is a potential for the new decentralized governance structure to form the basis for strategic interventions for policy development and capacity-building. However, there is a distinct disconnect between the needs at the grassroots level, and developments at the national/policy level, and there are no structures in place whereby indigenous representatives can influence policy making and implementation. There is thus a pressing need to build capacity and facilitate consultative and participatory procedures between the local, the provincial, and the national levels, based on the
principles of ensuring prior, informed, culturally appropriate and representative consultation with the peoples concerned. The specific vulnerabilities of indigenous women and children will be addressed through participatory mechanisms. There is a need to ensure that there is not only an equal participation of men and women in the consultative processes with indigenous communities, but that indigenous women are provided with a space to voice their concerns that might not be heard without specific interventions to ensure this.

The ILO was initially approached by the Government of Cambodia to undertake technical cooperation activities to promote the rights of indigenous and tribal peoples. This goodwill on the part of central government constitutes a comparatively progressive approach, considering the current standing of indigenous issues within the Asian context in general, where they remain comparatively controversial.

II Objectives

Development Objective

To contribute towards the development of national legislation and policies that integrate the rights, needs and priorities of indigenous and tribal peoples in Cambodia, and to build capacity to implement them.

Immediate objectives

1. Improvement of the legislative and policy environment concerning indigenous and tribal peoples in Cambodia and facilitation of the effective implementation of such policies and legislation.

2. Strengthening of indigenous and tribal peoples’ own representative organizations to play a more active role in decision-making and development processes.

III Project strategy

Given the situation, and problems outlined above, as well as the ILO’s long experience in working on indigenous peoples questions it is very clear that the ILO has a comparative advantage to address the problems in an appropriate way – both in terms of the application of standards and in terms of technical cooperation.

This project will constitute an initial phase of activities in respect of indigenous and tribal peoples in Cambodia. Possibilities for follow-up at the end of 2005, with expanded activities on local livelihoods and poverty reduction strategies, will be explored during the implementation of the project.

As outlined in the ILO Policy Paper on promoting the rights and reducing poverty of indigenous and tribal peoples, and in response to the issues identified above, the project strategy in Cambodia will be twofold, comprising strategic activities and assistance at both grassroots and national levels, and making linkages between the two through provincial level facilitation. The main means of project assistance will be through capacity building and policy advice for indigenous and tribal peoples and their representative institutions, and government.

IV Target groups

4.1 Intended beneficiaries
The intended beneficiaries of the project are indigenous and tribal communities and their representative organisations. The project is intended to have a national impact through its work on the policy-level but will, at the provincial level focus primarily on Ratanakiri, Mondulkiri, Stung Treng, Kratie, Preah Vihear, and other provinces in which there are populations of indigenous and tribal peoples.

4.2 Direct recipients

Direct recipients of capacity building and training will be governmental institutions at various levels, indigenous peoples’ representatives, NGOs and other relevant organizations such as other UN agencies and donors working on questions pertaining to indigenous peoples. These will include selected representatives of the following:

- Staff of the Department for Ethnic Minority Development (DEMD), Ministry of Rural Development;
- The Council of Ministers;
- The Ministry of Land Management and Urban Planning (MoLM);
- The Ministry of Agriculture;
- The Ministry of Education (MoE);
- The Ministry of the Interior;
- The Council for Social Development in the Ministry of Planning;
- The Inter-Ministerial Task Force for the Study of the Registration of Indigenous Land Rights;
- The NGO Forum (and specifically key NGOs such as CLEC and the RNRM network);
- The Highland Peoples (Khmer Loeu) Association;
- Relevant NGOs working with indigenous and tribal peoples;
- Indigenous representatives at the national, provincial and local levels; and
- Provincial and district government officials, particularly from the Provincial Department of Rural Development, the Provincial Departments of Land Management and Urban Planning, Provincial Departments of Education, and provincial departments of local administration.

V Institutional framework

The project will be facilitated by an ILO national project coordinator and implemented by project partners. The national coordinator will be based in Phnom Penh. The National coordinator will oversee technical and capacity building assistance, with a view to creating conditions for sustainability. He or she will play a coordinating role.

Monitoring of the project will be undertaken by the ILO Sub-regional Office in Bangkok, via the Local Strategies for Decent Work Senior Specialist, in consultation with Standards and Enterprise Specialists, when appropriate. Technical backstopping, including methodological and legal advice, and final approval of project outline and workplan, will be undertaken by the C169 project and the INDICSO Programme.

The project comprises partners from government, civil society, and indigenous and tribal peoples. Partner organizations, their roles and responsibilities and the linkages between them will be as follows:

1 The Ministry of Rural Development – namely the DEMD - as this is the central body responsible for the highland peoples policy. Although this will constitute the central focus of capacity-building and policy advice at the level of Central Government, it will be necessary that work undertaken in collaboration with this body will be with a view to ensuring coordination with other relevant ministries and the Council of Ministers. Through capacity-building for these bodies, they will be in a position to implement more effectively the Highland Peoples Policy, and work directly with indigenous and tribal peoples’ representatives and organizations.
2 NGOs working on indigenous issues, including members of the NGO Forum. At the national level, these NGOs will undertake training and information dissemination to other relevant NGOs, through the NGO Forum network. At the provincial level, these NGOs will work through provincial counterparts and resource persons.

3 Relevant indigenous organizations, including the Khmer Loeu Association will be in a position to facilitate further training in indigenous languages in a culturally appropriate manner.

In addition, care will be taken to ensure coordination and sustained cooperation with other relevant UN agencies working on relevant issues.

VI Implementation arrangements

At the national level, the project will be guided by a national steering committee of 7 persons comprising the following:

- Facilitator: ILO representative (national project coordinator).
- 3 indigenous members (including at least one from the Khmer Loeu Association)
- 1 member of the NGO Forum
- 2 government representatives (from the DEMD and Council of Ministers).

At the grassroots level, local project management will be based on the traditional decision-making structures of the communities involved in the projects. The structure and mechanisms for steering the project activities at this level will be ascertained following participatory consultations with the communities concerned.

The project will coordinate with other relevant UN agencies and organizations when necessary.

VII Main indicators

- The national policy on Highland Peoples Development will be revised, and will reflect core principles of Convention No. 169, as well as the views of indigenous and tribal peoples. The policy will be at least in the process of adoption;
- Indigenous peoples will be meaningfully involved in other policy processes of relevance to them, and their needs will be reflected in those processes (including the drafting of the sub-decree on community land ownership);
- As a result of capacity-building and training, relevant government officials are capable of providing training on indigenous and tribal peoples’ rights, and are aware of the need to implement fully participatory, consultative and culturally appropriate projects with these peoples; and
- As a result of capacity-building for indigenous peoples, indigenous and tribal leaders are capable of replicating training on human rights, organization building and advocacy, and are capable of conducting advocacy work to promote and protect their rights.

VIII Outputs and activities

Development Objective

*To contribute towards the development of national legislation and policies that integrate the rights, needs and priorities of indigenous and tribal peoples in Cambodia, and to build capacity to implement them.*

Immediate objective 1

*Improvement of the legislative and policy environment concerning indigenous and tribal peoples in*
Cambodia and facilitation of the effective implementation of such policies and legislation.

**Output 1.1** Capacity-building and training for national and provincial government officials with responsibility for issues concerning indigenous and tribal peoples.

*Activity 1.1.1.* Assessment of training needs of government officials involved in indigenous questions

*Activity 1.1.2.* Adaptation and translation of existing tools and training materials into Khmer, or development of new training materials as necessary.

*Activity 1.1.3.* Undertake training of trainers on indigenous peoples’ rights, rights-based development, project implementation, research on indigenous peoples, information dissemination strategies, and consultative and participatory approaches to working with indigenous and tribal peoples at local and national levels in a culturally appropriate way.

*Activity 1.1.4.* Study visit to the Philippines for selected government officials.

**Output 1.2** Assistance in the formulation of the Highland Peoples Policy

*Activity 1.2.1.* Provide technical, legal and policy advice on the formulation of policies on Highland Peoples issues.

*Activity 1.2.2.* Research on the compatibility between national legislation, policies and programmes and international standards and policies concerning indigenous and tribal peoples.

*Activity 1.2.3.* Research (building on already existing information) on the situation of indigenous and tribal peoples with focus on the impact of legislative frameworks and policies at the local level, socio-economic conditions, fundamental rights, traditional social and governance structures, indigenous perceptions of poverty and strategies for poverty reduction.

*Activity 1.2.4.* Facilitate national dialogue, through consultative and information dissemination workshops with relevant government bodies, NGOs and indigenous and tribal peoples for providing inputs to the policy revision.

**Output 1.3** Capacity-building at the national level for NGOs and indigenous organizations

*Activity 1.3.1.* Adapt and translate existing tools and training materials into Khmer (and indigenous languages where necessary), or develop new training materials.

*Activity 1.3.2.* Undertake training of trainers on indigenous peoples’ rights, rights-based development, information dissemination and networking strategies and advocacy.

*Activity 1.3.3.* Exchange visit to the Philippines carried out for selected indigenous and NGO representatives

*Activity 1.3.4.* Establishment of structured linkages between national fora to discuss indigenous issues and indigenous representation at the provincial or community level.
Immediate Objective 2

*Strengthening of indigenous and tribal peoples’ own representative organizations to play a more active role in decision-making and development processes.*

Output 2.1  Strengthening of indigenous peoples’ representative institutions.

*Activity 2.1.1.* Participatory research on traditional governance and social structures of indigenous communities.

*Activity 2.1.2.* Establishment of linkages between local indigenous representative organizations and facilitation of linkages between grassroots indigenous organizations and national structures or processes.

*Activity 2.1.3.* Workshops to strengthen indigenous participation and decision-making in commune councils and provincial decision-making.

Output 2.2  Training and capacity-building undertaken for indigenous representatives and communities in human rights, the policy process and advocacy.

*Activity 2.2.1.* Participatory assessment of training needs of communities.

*Activity 2.2.2.* Participatory development of culturally appropriate training/education kits and translation into indigenous languages, or audio/video form where necessary. Use or adaptation of existing tools where available or appropriate.

*Activity 2.2.3.* Training of community members in national legislation and policy of direct relevance to them (in particular land, forestry, natural resource and education policies and laws), and in other relevant fields identified by themselves during the participatory training needs assessment.

*Activity 2.2.4.* Training of indigenous leaders and representatives at provincial level on advocacy and indigenous rights.

*Activity 2.2.5* Study visit to the Philippines for selected indigenous representatives.

Output 2.3  *Capacity building for indigenous representatives on the national poverty reduction efforts, with focus on the MDGs and PRSP process*

*Activity 2.3.1.* Case study on indigenous perceptions of poverty and participation in the PRSP process.

*Activity 2.3.2.* National workshop to determine the scope and manner of facilitation of indigenous participation in national consultations on the PRSP and MDG process, and in relevant ongoing work on these subjects, and the manner of follow-up to the case study.

Activity 2.3.3.  Follow-up to recommendations of the case study and national workshop.

*Activity 2.3.3.* Participatory development of culturally specific indicators and tools to address poverty reduction.
Activity 2.3.4. Presentation of findings to Permanent Forum on Indigenous Issues, with the participation of indigenous representatives from Cambodia