

Phnom Penh Communique on Land Rights and Human Rights in ASEAN
16-17 September 2014
Himawari Hotel, Phnom Penh, Cambodia

We, the 45 participants of this Conference held in Himawari Hotel, September 16-17, 2014 with the theme "*Mainstreaming Land Rights as Human Rights in ASEAN*", have brought together information, research results and experiences, both personal and coming from communities with whom we work and serve, share with you our unities.

Corporate investments, both national and international, focused on natural resources have been increasing in Asia. This is evident in the growth of Foreign Direct Investments in South, East and Southeast Asia, and the steady rise of trade across and within Asia's borders.

Asian governments are primarily responsible for this trend by providing policy and fiscal incentives with the view of improving local agriculture economy and reducing poverty. However, the assumption that there is abundant, unused land for agricultural development is unfounded.

Increased land investments are putting great pressure on fertile, cultivable lands and on communities who depend on them. Most of these investments have resulted to the conversion of agriculture, forest, indigenous peoples' territories and foreshore lands into plantations, mining, dams, , tourism and conservation areas, industrial centers and urban development activities or projects. These processes have resulted displacement of peoples and migration. Reports have shown that these investments, when they do not consider equity, justice and respect to the human rights of individuals and communities, with specific impacts on women, series of violations of human rights ensue. Consequently, conflicts arise and the hard fought struggle for a more equitable distribution of land is reversed.

With the ASEAN Integration happening in 2015, investments shall increase which would threaten among them sources of food and land rights, and degradation of environment.

Affected communities continue to search for proper venues where violations of their rights to land and dignity will be heard and acted on. While there have been plenty of discussions on land grabbing and its causes especially at the international arena, there is much to be done in surfacing land grabbing experiences and actually finding solutions to these community-based cases, including the discrimination of indigenous peoples and other vulnerable groups.

After two-days of deliberation, we have found common grounds with which we could inspire and guide ourselves in future advocacies in our countries and convergence of efforts in the region and at the international level.

We commit ourselves and to persuade the broadest number of human rights defenders, particularly those involved in land rights issues, to work for the progressive realization of the following:

- *Respect and uphold human rights, including indigenous peoples rights, and environmental standards and commitments.*
- *Address structural injustices at regional and national levels.*
- *Ensure access to information, participation and decision-making at the regional, national, and local levels.*
- *Support small-scale, sustainable, self-reliant local economies and livelihood opportunities.*
- *Ensure that the investments being secured are fair, equitable and transparent investments and fully respect human rights.*
- *Ensure access to justice, appropriate remedy and redress for the people's grievances.*
- *Provide effective remedies for all people displaced from their lands and livelihoods.*
- *Ensure coherent, consistent and harmonized legal, policy and regulatory frameworks at the regional and national levels.*

Of particular recommendation addressed to the Association for Southeast Asian Nations (ASEAN) include:

- Ensure that people can chart their own development based on their human dignity and their rights
- Develop common legal/policy/regulatory framework for ASEAN to level the playing field and to prevent investors from depriving people from their sources of subsistence, livelihoods and development
- Adopt Right to Information laws and measures in the national and regional level
- Establish a regional mechanism for investigating and adjudicating complaints, including transnational operations including the definition of legitimate mechanisms to implement the ASEAN Human Rights Declaration and concerned UN resolutions
- Provide a space for civil society to engage in the three pillars of ASEAN Community (political-security, economic and socio-cultural)
- Encourage other Member States to set-up their own national human rights institutions based on the 1993 Paris Principles
- Establishment of a mechanism dealing with land issues

State and intergovernmental bodies have primary obligation to respect, promote and protect human rights of their constituencies. Corporations should respect human rights, including the sustainability of peoples' livelihoods. They should be made accountable for the violations and must provide proper remedies. Thus, we shall work for an international binding treaty to ensure the accountability of corporations.

Finally, we strengthen the capacities and capabilities of the peoples with whom we work and serve through building formations of human rights defenders to better engage concerned authorities through a human rights-based approach in matters of governance, security, environment and development.

National Human Rights Commissions of Indonesia, Malaysia, Myanmar, Thailand and Timor Leste

South East Asia National Human Rights Institutions Forum (SEANF)

ADHOC, AIPP, ANGOC, CARRD, CCHR, CLEC, CSRC, Ekta Parishad, ILC-Asia, KONTRAS, KPA, Land Coordination Group, NGO Forum on Cambodia, OHCHR-SEA, PAFID, PAHRA, RMI, STAR Kampuchea, XSF