

PROMISING PRACTICES

COMMUNAL LAND TITLING FOR INDIGENOUS PEOPLES IN STUNG TRENG, CAMBODIA

DEVELOPMENT AND PARTNERSHIP IN ACTION



Acknowledgements

The work outlined in this publication would not have been possible without the collaboration of partners in Cambodia, especially GIZ and ILO, who provided guidance and technical support to DPA staff at both a national and provincial level.

We would like to thank the villagers and local and national authorities of the Royal Government of Cambodia, especially the Ministry of Land Management, Urban Planning and Construction (MLMUPC), Ministry of Rural Development (MRD) and Ministry of Interior (MoI), who have been so helpful throughout the registration process.

SCIAF

The Scottish Catholic International Aid Fund (SCIAF) is the official overseas aid and development charity of the Catholic Church in Scotland. SCIAF runs projects in 15 countries in Africa, Asia and Latin America, helping thousands of people of all faiths and none to overcome hunger, poverty, war and natural disasters every year.

Inspired by the Gospel, our mission is to help the poorest free themselves from poverty by equipping them with the tools they need to survive and thrive. Working with the Scottish public, we put pressure on governments and big business to change the political and social systems that keep people in poverty.

DPA

Development and Partnership in Action (DPA) is a Cambodian NGO. DPA promotes community development in partnership with communities, emerging community based organisations and agriculture cooperatives, through natural resource management, food security and financial sustainability. DPA was established in 1979 as part of a regional programme of a consortium of International Catholic NGOs from Europe, Canada, Australia and New Zealand, before becoming an independent Cambodian NGO in 2006.

Big Lottery Fund

The Big Lottery Fund is one of the biggest charitable funders in the UK, financed through a national lottery. It operates an international funding programme that supported this project.



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Acronyms

CLT	Communal Land Title
DPA	Development and Partnership in Action
ELC	.....	Economic Land Concession
GIZ	.....	Deutsche Gesellschaft für Internationale Zusammenarbeit (German International Aid Agency)
ICDP	.....	Integrated Community Development Programme
ICDST	.....	Integrated Community Development Project in Stung Treng
ILC	.....	Indigenous Land Committee
ILO	.....	International Labour Organization
IPCC	.....	The Indigenous People Community Committees
IPM	.....	Interim Protection Measure
MLMUPC	.....	Ministry of Land Management, Urban Planning and Construction
Mol	.....	Ministry of Interior
MRD	.....	Ministry of Rural Development
NGO	.....	Non-Governmental Organisation
PP	Partnership Programme
SCIAF	Scottish Catholic International Aid Fund

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SCIAF: www.sciaf.org.uk
DPA: www.dpacam.org



**“QUOTE HERE?
LOREM IPSUM ET
DOLOR ET AMET”**

FOREWORD



SCIAF is proud of our long-standing partnership with Development Partnership In Action (DPA) in Cambodia, and our joint vision for a holistic, participatory, community-led approach to development.

Our work focuses on poor and marginal communities, primarily in rural areas. Land is essential to all aspects of life for indigenous communities and fundamentally linked to livelihoods, traditions and culture. Yet, a turbulent political history and challenges in the implementation of an effective land registration system, mean that poor communities in Cambodia are vulnerable to losing land that is rightfully theirs.

Through a three year project, implemented by DPA from 2013 to 2016, we worked to support indigenous communities to retain ownership of their land through communal land titles. Funded jointly by the Big Lottery Fund and SCIAF, the project made use of Cambodian land legislation and worked collaboratively with communities, local government, ministries, NGOs and international agencies.

An independent, external evaluation found that supported communities benefitted in a number of ways, including increased protection and management of natural resources, improved health, hygiene and sanitation and increased resilience to climate change. In addition, communities were more knowledgeable about land laws on land, and better able and more confident to exercise their rights.

The project yielded many learnings, including the importance of collaborative working and education at all levels.

However, perhaps the most important lesson was the need to work consistently with communities, and to support them through a long and often challenging process that can test the internal connections and solidarity of the community. It became clear that strong, inclusive community structures and leadership is critical to success.

This report examines essential steps in the process, alongside learnings, successes and challenges, with the aim of contributing to emerging good practice in the field.

SCIAF thanks everyone who has made our work in Cambodia possible, including our generous supporters in schools and parishes across the country, the Big Lottery Fund, and the communities in Cambodia who so warmly welcomed us into their villages and homes.

Alistair Dutton
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Executive Director
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INTRODUCTION

The Scottish Catholic International Aid Fund (SCIAF) and Development and Partnership in Action (DPA) have worked together to support indigenous people in rural areas of northern Cambodia for over ten years.

Together, we support communities to protect their natural resources, increase and diversify livelihood incomes and food security, and develop strong and resilient community organisations that have the capacity to lead and deliver community development.

With financial support from the UK's Big Lottery Fund, DPA and SCIAF implemented a three-year integrated community development project with indigenous people in two districts of Stung Treng province, in northern Cambodia, between 2013 and 2016. This report outlines one aspect of that project – the efforts to obtain formal, legal title to community lands in two villages.

Based on interviews with villagers, local government officials and DPA staff, this report sets out the work, the achievements and challenges, the lessons learned, and what we feel is emerging good practice. These findings are relevant for DPA and SCIAF's future work, and for other NGOs who are working with indigenous people in Cambodia to secure their land rights.



OVERVIEW: SETTING THE SCENE IN CAMBODIA

Indigenous people in Cambodia

Cambodia ranks 143 out of 188 countries in terms of human development (UNDP 2016).



While the country has seen national income poverty rates fall dramatically from 48% in 2007 to 14% in 2015 (ADB 2017), and Gross Domestic Product per capita was recorded at \$1,078 US dollars in 2016 (2017 Trading Economics), “the vast majority of families who escaped poverty were only able to do so by a small margin” (WB 2016).

Over 78% (11.53M) Cambodians live in rural areas and over 8.5 million, especially indigenous people, depend on natural resources for the survival of their traditional culture and livelihoods. Income poverty remains obstinately high in rural areas (40%).

In Cambodia, there are as many as 190,000 indigenous people, comprising 24 different indigenous ethnicities. They inhabit 15 of the country’s 24 provinces. The majority reside in the northern provinces of Ratanakiri and Mondulakiri. The indigenous communities continue to follow their traditions and customary laws, usually overseen by a Council of Elders.

Figure 1: Map of Cambodia, showing location of Stung Treng province



They are often geographically isolated, living near forests and rivers that sustain their livelihoods and culture, with little access to towns and associated services.

Seven of Cambodia’s 25 provinces are judged particularly poor – among them is Stung Treng province (population 138,000) which is the focus of this report (See Figure 1). The majority of households live in poverty and 85% are engaged in small scale farming. Literacy rates are low (65%) and few households have access to paved roads, water or basic sanitation (18%), or electricity (14%).

Land ownership is a major issue, especially for indigenous villages. Stung Treng has a relatively high population of indigenous peoples (Kuy and the Brao ethnic groups), whose distinctive culture, traditions, and taboos, enrich the cultural heritage of the province.

The majority of households in Steung Treng province live in poverty



85% are engaged in small scale farming.



Literacy rates are low **65%**



and few households have access to paved roads, water or basic sanitation **18%**

INDIGENOUS PEOPLE AND LAND IN CAMBODIA

Indigenous people have a history of oral culture, leaving little documentary evidence of their ownership of traditional lands. In addition, land is normally seen to be owned by the community, and not by individuals, and therefore land titling is uncommon.

In most countries the legal framework of land ownership is predicated on the concept of private ownership, leaving indigenous communities vulnerable to the loss of land and natural resources.

These problems are compounded by the loss of almost all land registration records during the Khmer Rouge regime, the mass movement of people, and the disruption of legal systems. Since the end of the Khmer Rouge, successive Cambodian governments have sought to create an effective legal framework through both the Constitution and the 2001 Land Law.

The 2001 Land Law made specific provision for the collective ownership of land by indigenous communities, offering a legal definition of indigenous peoples which acknowledges the inherent link to the cultivation of land, according to customary rules of collective use.

The subsequent 2009 Sub-Decree defined principles, procedures, and mechanisms for the registration of land by indigenous communities.

Providing indigenous communities with collective ownership over land grants them the legal right to occupy and the opportunity for sustainable long-term livelihoods and the preservation of cultural identity, customs and traditions.



INDIGENOUS PEOPLE AND TYPES OF LAND IN CAMBODIA

Land in Cambodia is a complicated legal and administrative issue. A turbulent political history has enabled different types of land to be recognised under the law. Many people have limited legal and enforceable rights to land they've had use of for generations.

Types of land ownership under the law:

- **State private land:** owned by the State but can be sold to any private individual.
- **State public land:** owned by the State for use by all people, in the public interest (there are, however, ways to change the status of State public land to State private land).
- **Privately owned land:** owned by private individuals.
- **Communally owned land:** owned communally by indigenous communities. This can include both state private and state public land.

In addition to types of land, there are also different land titles attributed to owners:

- **Hard Titles:** issued by the central government or their agents, giving strong rights to the land.
- **Soft Titles:** issued by other, usually local, arms of government and have limited legal force.

CHALLENGES TO COMMUNITY LAND TITLING

While Cambodian law provides for communal land titling and offers protection against land grabs, the administrative process for gaining community title to land is complicated and extensive.

It is also largely inaccessible to physically remote communities who have had little education or training on the law or its administration. These factors mean that, in practice, the law has rarely been implemented.

Indigenous communities have attempted to work through the process of communal land titling but have failed to navigate the process successfully, due to “the length of time for completing the process, a lack of awareness of the process, and difficulties in fully engaging with the process because of language and cultural issues.” Few initial applications are successful. As of May 2016, 121 indigenous communities had been recognised by the Ministry of Rural Development as having ‘Indigenous People Identity’; 109 were recognised as legal entities by the Ministry of Interior, although only 11 communal land titles had been issued. At the time of writing, a further 10 titles were due to be awarded to indigenous communities by 2018.

There have been a number of cases where indigenous peoples have lost their traditional land to companies operating economic land concessions (ELCs). Indigenous people have generally lacked awareness of land laws, their rights and the looming threat to their land from ELCs. These were granted by the central government to businesses in order to exploit the land for economic purposes and boost the national economy. Yet, land is key to protecting and maintaining the traditional ways of life of these communities. Yuon Dy, leader of the Indigenous People’s Land Committee in Anlong Chrey village, explains, “We can only support our lives and identity as long as our land remains.”

In 2015, the EU Working Group on land issues reported that indigenous peoples are estimated to be “informally” managing more than four million hectares of Cambodia’s forests, lands and ecosystems, and have preserved stable environmental conditions in many other parts of the country. However, over the last two decades at least 1.59 million hectares of the country’s land has been transferred to over 200 ELCs or companies from various countries, for commercial large-scale agricultural investments.

It is clear that a lack of education and familiarity with the land titling system and the powerful forces of influential people, mean that securing collective title to land is an uphill struggle for the indigenous peoples of Cambodia. Additionally, communities may be faced with further difficulties, where some in a community may want to register individually, causing difficulties for others who wish to register communally. Solutions can be found, but only if those who are working to defend the rights and livelihoods of indigenous peoples share their knowledge and experience. It is hoped that this report can contribute to that exchange of experiences and to generating innovative solutions to help those who need it most.

“We can only support our lives and identity as long as our land remains.”

Yuon Dy

INDIGENOUS TRADITIONAL LAND USE

Land within communally-held areas is put to a range of different uses, which add value to the community. These can include:

Residential land: land used by indigenous communities for housing, temporary or permanent residence, and community buildings such as meeting halls, schools, and/or traditional/cultural centres.

Traditional agricultural land: land used for agriculture which is recognised by the administrative authorities and agreed by neighbouring communities. Such land is normally located near forests, mountains and streams, where the ground is more fertile and agriculturally productive.

Reserved land necessary for shifting or rotational agriculture: land that is periodically left fallow and used to grow short-term crops such as rice, corn, and sugarcane.

Spiritual forest land (restricted to no more than seven hectares): land reserved for worship or traditional ritual celebration. This land is taken care of and respected by family for generations. It is a spiritual site, a place they believe will bring them happiness, prosperity and good health, where they go to offer prayers for the good of their people.

Forest lands for cemeteries or burial forest land (restricted to no more than seven hectares): land used by the community for ritual celebration and traditional burial.

Forest lands for food and gathering (and non-timber products for food and livelihoods): land which communities can continue using and benefiting from according to their own tradition. Communities need to make special agreements with the relevant government department that holds the mandate to manage the land.

PROGRAMME STRATEGY

DPA and indigenous people's land titling

DPA has worked in Stung Treng province since 2006, using an Integrated Community Development (ICD) approach, which emphasises the active involvement of villagers and engaged ownership of their community's development. Projects are based on community identified needs and incorporated into their annual local administration or traditional development plans at village, district and provincial level. Activities include:

- Strengthening community organisations and networks to advocate for indigenous people's issues;
- bringing about sustainable change in forest, fisheries and land titling;
- the promotion of health education;
- providing access to safe water;
- improving income from agriculture and off-farm activities;
- training on disaster preparedness;
- alternative livelihoods to build adaptive capacity to climate change.

Over time, DPA identified the need for community titling in two villages: Anlong Chrey in Thala Barivat district (population 642 - 316 women) and Katot in Sesan district (302 people - 148 women). The needs assessment highlighted both the community's dependence on agricultural and forest land to sustain their culture and livelihoods and the increasing threats from illegal logging and land grabbing by outsiders, and economic land concessions to large corporates.

DPA recognised and supported the community's needs for something to be done to protect the village's traditional land and livelihoods. They identified two necessary steps - gain indigenous peoples status as a legal entity, then secure legal title to their communal land.

IMPLEMENTATION

Steps on the road to communal land titling (CLT)

The following conditions are required for the successful registration of a communal land title:

1. The village community(ies) must be formally recognised as an Indigenous Community by the Ministry of Rural Development;
2. Once recognised as an Indigenous Community they must be registered as a legal entity by the Minister of Interior;
3. Once these steps are completed, indigenous communities can begin the application process for community land titling to the Ministry of Land Management, Urban Planning and Construction (MLUPC);
4. All pieces of land wishing to come under the communal land title in a particular community must be registered for the CLT together;
5. The community must have internal regulations stipulating the management and use of the land, as well as community-level dispute management and resolution mechanisms;
6. The communal title certificate indicates the name and location of the community, the reference number, the location, size, boundary and classification, and coordinates of all the parcels of land under the collective title.

Experience has shown that to successfully register land as communally-owned with minimum conflict and to ensure individual rights of both women and men are protected, there must be open engagement, inclusiveness, participation and dialogue with the community and its neighbours, over a number of years. Different interests and priorities within the community, including those between women and men, must be taken into account.

Taking land titling forward

Securing communal land titles for the two villages depended on a strong community understanding and commitment to the process. It also required effective engagement with government bodies and other stakeholders, over a number of years. It was quickly found necessary to link up with other organisations who held the expertise required to successfully navigate the registration process.

As part of this process, it was necessary to:

- Increase awareness within the communities of the laws and policies governing forests and rivers and how to use them;
- build the skills and confidence within indigenous communities to engage with government and other actors, to carry out indigenous community registration and land titling and to lobby them on related issues;
- strengthen traditional community structures and networks for the protection and sustainable management of natural resources, and;
- sustainably and effectively support the communities to go through the processes of community and land registration.

The three stage community land titling process

There are 3 legal stages for communities to acquire a collective land title:

Stage 1: IP self-identification and determination

- The Ministry of Rural Development issues a letter of recognition that the community is an indigenous community or IP self-identification

Stage 2: Registration of the indigenous community as a legal entity

- The Ministry of Interior registers the community as a legal entity

Stage 3: IP land registration or issuance of communal land title

- The Ministry of Land Management, Urban Planning and Construction surveys the land and ultimately issues titles.

Stage 1: IP self-identification and determination

- DPA recognised that they had limited expertise for the indigenous people's self-identification process. They therefore collaborated with the local office of the International Labour Organisation (ILO), who had the experience and necessary capacity to lend support. The IP process was completed within a year.
- DPA then supported the communities to collaborate with the Provincial Department of Rural Development (PDRD), and the Ministry of Rural Development (MRD) in charge of identifying and determining indigenous peoples' identity.

THE INDIGENOUS PEOPLE COMMUNITY COMMITTEES (IPCC)

- DPA carried out community education work on the policies and regulations on land rights and the registration process of CLT. In each of the villages meetings were held to select representatives to a new body, the IPCC, whose initial function was to draft internal regulations related to the Committee and the community's land use. Internal rules were developed to guide IPCC management and decision-making on setting land boundaries, land use, land ownership the specific conditions of the ownership and land resolving conflicts.

OFFICIAL RECOGNITION

- The IPCC also set out gathering the evidence required to support the application to be recognised as an Indigenous Community. This included details of ethnic language or dialects, traditional practices, traditional cultivation techniques, and details of village members. Each item had to be notarised by the Commune Chief (the head of Commune Council). Once accepted by the Commune Council, an official acknowledgement letter of their identity was issued.
- Once this was obtained, an application was made to the Ministry of Rural Development for formal recognition, supported with a list of all community members again duly authorised by the commune council.

Stage 2: Registration of the Indigenous community as a legal entity

- Once the MRD had approved their self-identification, each community began the process of gaining recognition as a legal entity in order to apply to own communal land or other community assets. They were supported to submit applications for legal recognition to the Ministry of Interior (MoI).
- Such applications must go through various administrative levels of government, supported at each level by the Commune Council, the District Administration and the Provincial Governor respectively.
- The process of establishing the Indigenous communities as legal entities began in 2014 and was completed in 2015.



Stage 3: IP land registration or issuance of communal land title

- As the legal processes for identification and registration are lengthy, DPA began work on IP land registration while waiting for the conclusion of the application to register the Indigenous community as a legal entity. DPA sought technical support from the provincial department of land, MLMUPC, and the German international aid agency GIZ, who have significant technical skills and experience of GPS and mapping in Cambodia.
- The newly formed IPCCs were trained in the communal land titling process and how to engage not only with local authorities, but also their own village members and neighbouring villages. The leaders and members of the IPCC were trained on land law, principles and process of CLT, conflict resolution and indigenous rights and policies. To further build their knowledge; in 2015 they took part in an exposure visit on CLT implementation, stakeholder involvement in the CLT process, and community land management.

TRAINING

- To help them do this, education work was carried out with all community members, especially women, to make them aware of the regulations and application process. A series of meetings were held at village level to select advocacy focal persons and gender focal persons, to strengthen their ability to protect their gender and indigenous people's rights, through representation in local authorities and provincial networks.
- Training was also provided on land and forest law and conflict resolution. Internal rules for members of the community needed to be developed and agreed, outlining how land would be used and governed by the communities in a sustainable way, keeping it in trust for future generations.

MAPPING

- Following this training, community members were supported to conduct participatory rural appraisal exercises to develop draft maps of their own villages. They also worked with members of neighbouring villages to demarcate village borders.

- Alongside participatory mapping, DPA worked with GIZ to carry out GPS based mapping. In 2014 the two IP committees were trained on primary mapping using GPS tools and data collection. The community members learned how to use the GPS tool and collected data to demarcate the border between neighbouring villages and different types of land. Although this was new for the villagers, they picked it up quickly and became very adept.
- It was vitally important that GPS was used to ensure accuracy of borders and land use.
- A range of stakeholders were involved in the data mapping, including members of the indigenous land committee, community leaders, district cadastral, district forestry administration, GIZ experts and DPA staff. The communities' sketch maps were used alongside the GPS data to generate computerised primary maps, colour coded and to scale, showing the demarcation and land use.
- These maps were used as part of the application to the Provincial Department of Land for their permission to move to the registration (Indigenous People Land Registration) phase.
- Unfortunately, in 2014, another step in the process was added by the government - the IP communities were required to provide internal rules before submission of the maps. DPA and GIZ provided the relevant training to the IPCC members on how to do this and the rules were submitted and endorsed by the Provincial Department of Rural Development and the Ministry of Rural Development in 2014.

SUBMISSION

- Finally, in 2015, the Prov and Kuy indigenous communities submitted their CLT applications with support from DPA to the Provincial Department of Land and MLMUPC. Both received Interim Protection Measures/orders (IPMs) from the Stung Treng provincial governor in 2015. These IPMs secure temporary communal land ownership for these indigenous villages. DPA provided training to the communities on Interim Protection Measures and how best to enforce them in 2015.



TARGET VILLAGE CLT STATUS

In October 2017, 85 Brao IP households (342 people; 167 women) in Katot village received the Communal Land Certificates from the MLMUPC to permanently secure, manage and use 685 hectares as a community. These were received during the CLT Certificate Awarding ceremony (presided over by the Provincial Governor of Stung Treng province).

The villagers in Anlong Chrey are still awaiting official recognition to receive CLT certificates from MLMUPC. The delayed receipt of the CLT certificate from MLMUPC is due to some members of the community in Anlong Chrey village voicing a preference for individual land titling rather than communal land titling, in order to protect the rights of all community members. The MLMUPC have postponed the verification boundary survey until the situation is resolved. DPA are working with the government and all community members to try to address these conflicting views and reach a solution that will satisfy everyone.



Brao IPs participate the celebration of receiving CLT Certificates in Katot village- Sept2017.JPG



Provincial Governor of Stung Treng Province gives CLT Certificate to IPCC Leader (Mr Van Veang) in Katot village- Sept2017.



Provincial governor, the Brao IP beneficiaries and the DPA Stung Treng Team

Timeline for Brao CLT status



The Certificate of CLT issuance by the MLMUPC for Brao IPs in Katot village-Sept2017

Mr. Van Veang, 67, a Brao IP community leader of Katot village said

“Communal Land Title is very important to my family and the Brao community because it provides security of our land and keeps maintaining our culture. We are no longer afraid of losing it that causes by outsiders, powerful men or companies to grab our land.

We are very happy, now. We can cultivate rice, cash crops and collect NTFPs without fear. However, I and my community still need DPA to help increasing our management capacity to effectively manage and sustainable use of those resources.”

CASE STUDY 1:

The last hope for my village

Katot Village,
Sesan District,
Stung Treng Province



Katot village is one of four villages in Sesan district, Stung Treng province. The population of the village is around 342 villagers (167 females) of 85 families, of which 58 families are from the Brao ethnic minority.

Aged 37, Samun Navy is a Brao villager from Katot and a member of the Indigenous People Community Committee (IPCC). She has three daughters, 16, 12, and six years old. Samun Navy is very involved in the community and devoted much time to taking part in the CLT registration process. She is interested in learning and understanding the work and participated in many meetings, trainings, patrolling, mapping, and exposure visits to other provinces to learn about the CLT process – all supported by DPA.

She explains, “After returning from meetings we always try to find some time to share what we have learned with the villagers, especially the members of the IPCC, so that we can help one another to make the process successful. However, the other villagers should make the effort to take part in the meetings and the process. If we are only a few people, we cannot protect our land and achieve the CLT.”

Previously, villagers mainly relied on the land for income. But, in recent years, the weather changed and agriculture became less productive. Additionally, villagers’ access to their other source of livelihood, non-timber forest products, has been reduced. A large part of the village land was taken by two companies who cleared the forest to grow rubber, cassava, and other kinds of plantation crops. The villagers worried that companies may one day occupy more of their land.

To reduce that risk, 502 hectares of land was registered for the CLT. In September 2017, 58 Brao IP households (177 people; 79 women) in Katot village received the Communal Land (CL) Certificates from the MLMUPC to permanently secure, manage and use of the CL 685 hectares during the CLT Certificate Awarding ceremony.

“We learned a lot from DPA about land management and the process of land registration. Before we lost our land to companies and we didn’t know what to do, how to do it, or who we should ask for help” says Samun Navy.

TAKING STOCK POSITIVES



Protecting land rights: Two IPMs issued by the Provincial Governor in July 2015 helped stop land sales, transfers, and encroachment and grabbing on registered communal land. Subsequently, in February 2016, the IPCC in Katot village used the IPM to prevent a non-IP member household from building a house within the registered communal land in the village.

Stronger livelihoods: 91% of the community members in the two villages implementing CLT indicated that they are satisfied with the level of agricultural income from CLT land, which will in turn help to protect traditional farm land and livelihoods.

Sustainable management of resources: Community members mobilised to protect and sustainably manage their land, forest and rivers, therefore preserving their cultural and traditional sources of food and livelihood. IP members in Heang will help improve this. mment refer to?ct with cadastral officer) and for copyibng document.ing positionicipatory way, Katot voluntarily participated in boundary land patrols within the CLT and actively mobilised contributions from villagers to support the patrol and land registration process. The two communities expressed high levels of satisfaction with the protection of their natural resources.

70% of community members feel confident that they can protect community land.

Confidence in the future: The issuance of Interim Protection Measures (IPMs) was a concrete demonstration to the IP community that it was possible to have their rights acknowledged and respected, and raised confidence that continuation of traditional lifestyles and livelihoods is a valid option for the future.

Growing confidence at a community level: 69% of IPCC committees felt confident in meeting with local authorities to address land.¹ 70% of community members feel confident that they can protect community land. For example, faced with lack of action at commune level on land grabbing and illegal logging, the communities took the issue to the next level of administrative authority.

Growing capacity at a community level: The establishment of the IPCCs demonstrated the value of communal action and decision-making. Katot IPCC has been mobilising community members in regular monthly land patrols and communications between the IPCC and local authorities, to address any issues arising. In 2015, the IPCC in Anlong Chrey was able to raise issues of land encroachment inside the CLT boundary, to be addressed by the Thalabarivat district authority.

Strengthening women's place in society: The role of women in the CLT process was important in drawing out and demonstrating the value of women in decision making and bolstering gender equality in the communities. Women represented 34% of the CLT committee members in the two target CLT villages.

Exchanges and visits: The exchange visits and networking meetings for the community members strengthened their capacity and confidence to engage with government staff and escalate problems to the next level.

DPA's ways of working: DPA's approach was instrumental to the project's achievements, and has sown seeds for wider levels of community empowerment. Specifically:

- Their close relationship with target communities. Communities view DPA as a partner in their development process and engage and consult with them at all stages of programme implementation;
- Their collaboration with relevant institutions, government ministries (MLUMPC, MRD and MoI) and provincial departments, local authorities and external agencies;

¹ Evaluation report, p16.

CHALLENGES

Difficulties in demarcating Land: In some areas private land was interspersed with land being claimed by the villagers under the CLT, leading to difficulties in demarcating land. This required many discussions and negotiations with different stakeholders, detailed boundary mapping, and interventions by the village chief.

In-migration: In recent years there has been in-migration of new villagers from other areas which has complicated social interactions within villages and triggered conflicts. DPA has limited capacity to help deal with these issues and local/ national authorities have made little effort to help the villagers solve these conflicts.

Detailed knowledge and understanding of the law and its administration: All parties, including DPA staff, local authority personnel and villagers, were initially hindered by limited knowledge and understanding of the CLT process, leading to slow progress. Sufficient time needs to be given to enabling partner organisations to understand the process, to confirm a similar understanding by local authority staff, and to prepare appropriate materials and communication strategies for awareness raising and training of indigenous villagers. The intervening agency should ensure its staff have an adequate understanding before work begins with the communities and other stakeholders.

Provision of inconsistent or inaccurate information to communities causes confusion and demotivation: Information about each step of the CLT registration process at times differed from one authority/ department/ministry to another. Inevitably this caused confusion among villagers and led some to leave the process because of a loss of confidence in DPA and the process itself. It is therefore critical that information is accurate, objective, consistent and clear.

Difficulties in raising awareness and understanding of the law throughout communities: Although many training sessions and meetings were organised, they had limited impact on villagers' understanding of the process. Awareness-raising materials were limited. Different approaches and materials need to be developed for the varying audiences/target groups, to ensure that methods and techniques are appropriate for each audience.

Interests differ within the community: Accommodating the rights of all community members was difficult. Some community members were attracted by the option of private land ownership, which was incompatible with the CLT. Competing interests and wishes within the community therefore need to be considered and managed.

There are currently 82 in-migration families in the two villages, while some others have land in the villages but are not living there. However, since they are not part of the indigenous community, their land plots were excluded from the CLT. Within its ability and experience, DPA has supported indigenous communities in the two villages to implement CLT and to safeguard the existing community forest in Katot village. This action will help prevent their land and forest from the threats of on-going in-migration in the future.

CASE STUDY 2:

Our land is our lives

Anlong Chrey Village, Thala Barivat District, Stung Treng Province.



"We can only support our lives as long as our land remains."

Anlong Chrey village is one of five villages in Thala Barivat district in Stung Treng province. The village has 137 families (642 people, including 317 females) and is in the process of applying for CLT for around 10,000 hectares, for the Kuy indigenous group. The IP make up 86 of the village's families. Their livelihoods rely on growing rice, cassava, and cashew trees on small plots of land, and hunting and collecting non-timber forest products.

Between 1998 and 2000, the land in the north part of the village was assigned under an ELC to a Vietnamese company exploring for iron ore. Others have also logged the village's forest land, with weak and limited interventions from both local and national authorities.

Yuon Dy said, "The villagers may lose their land if the registration process for the CLT takes much longer, because rich people are trying to influence villagers to sell land to them. It is very difficult to keep up the villagers' spirits so that they do not sell land just to fulfill their short term financial needs."

Aged 45, Yuon Dy is one of the Kuy ethnic villagers in Anlong Chrey who has been involved throughout the CLT registration. So far the Anlong Chrey villagers have been issued with an interim Protection Measure by the Ministry of Interior and are in the last step of the process – waiting for an official CLT.

Yuon Dy says he will never want to leave his village. It is where he has grown up and spent all his life. He'd rather die there than give the village to companies or outsiders who want the land for agricultural investments. "The village is under grave threat from outsiders. I hope the local authority can help to deal with these illegal actions and protect our village."

Yuon Dy is trying hard to ensure that people do not change their minds and sell the land, but he is alone and cannot maintain the villagers' motivation single-handedly. He hopes that DPA, with support from donors like SCIAF and the Big Lottery Fund, will continue helping to complete the CLT process so that the land can be retained for future generations.

LESSONS LEARNED AND PROMISING PRACTICES

Collaboration

Collaborating to access expertise and support: The clearest and most significant promising practice is the collaborative approach adopted under the ICDST (especially the partnerships with ILO and GIZ), with organisations able to use particular technical skills to address challenges. The complexity of the CLT process means that no one organisation is likely to have all the required expertise and capacities, so collaboration is essential.

Working collaboratively with government to build capacity and implement the law: The project was able to recognise the capacity constraints of local government officers and staff who had rarely, if ever, been trained in the required processes. This had multiple benefits, not only accelerating progress but also building a sense of partnership between communities and the government.

Making use of external expertise: Some parts of the CLT process required specialist knowledge. For example, expertise with mapping using GPS was contributed by GIZ and the process of indigenous determination was supported by ILO.

Communication

Not everyone needs the same level of information: While the IPCC must have a clear grasp of all that is required and be fully involved at all stages, it is not necessary that all community members understand the technical complexities of the CLT. However, each step of the process needed to be communicated well to the villagers to maintain their confidence in the process.

Broader awareness raising and strong communications mechanisms: Awareness raising at all levels is crucial, yet, despite the ICDST's strenuous efforts, awareness of the process among villagers was still low. There is a need to find more effective communication methods for target audiences. Awareness raising materials need to be culturally appropriate, taking account of local language and literacy rates, and their impact monitored to check their effectiveness.

Managing expectations through communication: A clear proposed timeline of the CLT process should be established at the start and communicated clearly to villagers. The timeline should be kept under constant review and, if deviations are considered likely, mitigation measures should be designed and communicated clearly to villagers.

Empowerment

Capacity building: The ICDST placed great emphasis on capacity building, investing in exposure visits with other villages, awareness raising and training. This contributed to the confidence that villagers had in the process. Both the local authorities and villagers now understand the CLT process better. Additionally, the capacity of local government officials is likely to be low, resulting in potentially conflicting and inaccurate information being issued. Therefore investment in capacity building for sub-national government officials is also essential.

Empowering communities – useful techniques: Many of the challenges faced throughout the process relate to empowerment. Several promising tried and tested practices were adopted:

- Exposure visits to other indigenous communities, who are going through or have gone through the same process, helped build confidence among the villagers. By looking at good CLT management, villagers developed a deeper understanding of the process. Such visits can also increase villager's self-awareness and community ownership.
- Careful selection of influential community members who can provide strong leadership is essential to empowerment.
- Focused and continuous awareness raising, using culturally-appropriate materials and taking account of language capability and literacy, is essential.

Involving women for credibility and empowerment: Empowering women as equal members of the community is not easy given cultural norms. The ICDST project ensured that, in target villages, women serve on ILCs and are closely associated with all steps of the process. As a result, it was possible to overcome cultural barriers and build the credibility of the process.



Advocacy and protection: As a result of the increased capacities and confidence of both villagers and local authorities, pre-existing grievances, such as illegal invasion from outsiders, were dealt with by the local authorities with the support of villagers themselves. It is likely that without engagement in the CLT process, these grievances would have remained unaddressed.

A holistic approach: CLT was used as part of an integrated, holistic programme. This is important for a number of reasons, not least because land plays a central role in livelihoods and traditional culture. For example, in Anlong Chrey community involvement in the CLT process (land demarcation/mapping, legal application to register their land, patrolling activities) increased their commitment to traditional farming practices. They were secure in the knowledge that their land would no longer be encroached by outsiders and would still be available for cultivation when they returned after two or three years.

The project evaluation report confirmed that, in 2016, 70% of community members were confident in the protection and management of their community land. Their village chief stated that, "At least 60% of community members still practice shifting cultivation in the village."²

In contrast, in Katot village, only 7.5% of community members still practice rotational farming, due to limited land availability as a result of in-migration of non-indigenous people from other areas. The 11 target villages who do not implement CLT have indicated that indigenous people have shifted from rotation farming to permanent land. This is because, in many cases, land was encroached on by outsiders or sold by local people.

Practicalities

Using practice to improve the law:

Significant learning has emerged about the way the law is administered and how community, civil society actors, and local and national government bodies, need greater knowledge about the law and its implementation. Experience highlighted some limitations of the procedures specified by Anukret 83. For example, the need to engage three different ministries at different stages of the process and the lack of capacity among ministry staff at local levels. These experiences could be useful in identifying suggested improvements to the processes specified in Anukret 83. These are important points to take forward and to work with the Cambodian Government and others to address.

Adapt and flex to changing needs: It is important to adapt to changing circumstances. For example, the granting of Interim Protection Measures (IPMs) was not anticipated at the beginning. In order to protect the villages from land encroachment, it was important for the team to re-plan after the IPMs were issued, and work with the local authorities and disseminate information to community members on their use.

Documentation: Comprehensive and well-structured compilation of all required documents accelerates the process and

avoids problems that would otherwise arise. It is recommended that all signed letters, documents, and mappings, etc. should be stored both electronically and in print copies to avoid any loss of important documents and letters which would compromise the process.

Plan for the long-term: Securing long-term support through NGOs is vital to long-term empowerment. The process of securing CLTs is not quick, even though the practices adopted cut the total processing time compared with experiences in other organisations. Even after the CLTs are secured, this is only the first step in ensuring sustainable management of communal lands. DPA has been pursuing further funding to allow their engagement with communities to continue.

Plan for sustainability of support: Any process tied to a discrete project funding cycle runs the risk of termination of funding before the process is completed. To some extent, this risk can be accommodated by flexible and far-sighted project funding arrangements on the part of the donor, but this is not a complete solution. Sustainable partnerships (not tied to project funding) with other organisations who share similar values, can also help to overcome this risk. Networking among such organisations is, in any case, valuable for sharing experiences and exchanging knowledge.

CONCLUSION

Community development is a long-term and uncertain process, subject to many tensions and challenges, as well as opportunities.

It offers the possibility of long-term, sustainable improvements that are defined and achieved by community-members and leaders. This is a vision of development that DPA and SCIAF share, and have sought to achieve in this project.

It is clear that Cambodian land legislation offers valuable opportunities to secure rights for indigenous people. However, administration of the law is complex and laborious and knowledge within communities, civil society and government on the law and its implementation, is limited. Changes should be made which would simplify the process and reduce the time and cost involved, significantly improving the ability of communities to secure their rights under the law.

Important lessons have also been learned about how to successfully work with government at national and local levels to advance community development. The challenges communities face in maintaining cohesion and solidarity in the face of economic and social change were clear, and the need for competent and sustained assistance was evident.

We continue to support these indigenous communities to protect and manage their land, building on the achievements of this project. Community development is a process and not an end. We aim to work with communities, and the women and men within them, so that they are better able and confident enough to shape that process.

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