

Report Submitted to the United States Agency for International Development

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Workshop on Community
Level Impacts of Forest
and Land Conflicts in
Mondulkiri



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26 - 27 May 2004

ឧបត្ថម្ភសេវាដោយគ្រឹះស្ថានអភិវឌ្ឍន៍សេដ្ឋកិច្ចជាតិ
សហរដ្ឋអាមេរិក (USAID)
ស្នាក់នៅសេវាដោយគ្រឹះស្ថានអភិវឌ្ឍន៍ជនបទ
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(ABIC)



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Acronyms and Abbreviations

ABiC	Agri-Business Institute of Cambodia
ANE/SPO	USAID Bureau for Asia and the Near East/Office of Strategic Planning and Operations
BIOFOR	Biodiversity and Sustainable Forestry
CBNRM	Community-Based Natural Resource Management
CDC-DANIDA/NREP	Council for the Development of Cambodia-Danish International Development Agency/Natural Resources and Environment Program
CFAC	Community Forestry Alliance for Cambodia
CIDSE	<i>Coopération Internationale pour le Développement et la Solidarité</i> (International Cooperation for Development and Solidarity)
CLEC	Community Legal Education Center
DAP	Draft Action Plan
FA	Forest Administration
FFI	Flora and Fauna International
GPS	Global Positioning System
ICC	International Center for Cooperation - Cambodia
IQC	Indefinite Quantity Contract
MIME	Ministry of Industry, Mines and Energy
MLUPC	Ministry of Land, Urban Planning, and Construction
MOE	Ministry of Environment
NGO	Nongovernmental Organization
NTFP	Non-Timber Forest Product
PDOE	Provincial Department of Environment
PDLMUPC	Provincial Department of Land Management, Urban Planning and Construction
PLUP	Participatory Land Use Planning
RGC	Royal Government of Cambodia
Seila/PLG	Seila/Partnership for Local Government
SSP	<i>Strei Santipheap Deumbei Paristhan</i> (Women for a Peaceful Environment)
UNDP	United Nations Development Program
USAID	United States Agency for International Development
WCS	Wildlife Conservation Society
WWF	World Wildlife Fund

1. Background

1.1. Introduction

An assessment of community-level conflicts over forest and land resources in Cambodia was recently completed under the sponsorship of the United States Agency for International Development (USAID) (see Annex 1 for the Executive Summary of the Assessment Report). The assessment team worked in the Kratie, Mondulakiri, and Koh Kong provinces. The team identified the need for a workshop where community members, local government officials, and nongovernmental organizations (NGOs) could interact to improve their understanding of the nature of forest and land conflicts and to identify actions to reduce future conflicts. It was envisioned that the workshop would provide an environment for open discussion to build better relationships among the stakeholder/actors.

Due to the dramatic increase in the level of natural resource-related conflict in Mondulakiri coupled with the relatively low level of awareness among the province's indigenous people of their land and forest use rights, Mondulakiri was identified as the best site for the workshop. Because Snoul District of Kratie Province is adjacent to Mondulakiri and shares many of the same conflict issues, it was recommended for inclusion in the workshop.

1.2. Objectives

The objectives of the workshop were to:

1. Inform primarily ethnic minority communities of their land and forest use rights;
2. Give communities the opportunity to describe the forest and land use conflicts they have experienced and explain how these conflicts have affected their lives and livelihoods; and
3. Identify follow-on actions that could be employed by the communities, NGOs, government agencies and other actors to avoid or mitigate conflicts.

1.3. Funding and Implementation

Funding for the workshop was provided by the United States Agency for International Development (USAID) under the Managing Conflict in Asian Forest Communities BIOFOR Task Order managed by the Asia and Near East (ANE) Bureau. Technical guidance and local support was provided by USAID/Cambodia.

The workshop was implemented by Agri-Business Institute of Cambodia (ABiC), a Cambodian NGO, under the supervision of ARD, Inc, a US-based consulting firm. The Phnom-Penh-based Community Legal Education Center (CLEC) assisted with presentations; and *Strei Santipheap Deumbei Paristhan* (Women for a Peaceful Environment [SSP]), a grassroots NGO working in Mondulakiri and Kratie, assisted with workshop organization.

1.4. Participants

The ABiC team worked closely with local government institutions, NGOs at national and local levels, and donor-funded projects to identify and invite potential participants. Eighty-nine people were invited to attend the workshop. The participants included a broad array of stakeholders, including forest communities; commune councils; local, national and international NGOs; donor-funded projects; and

government officials at the provincial and district levels. A few alleged illegal loggers and land grabbers were invited to attend the workshop to present their viewpoint, however, none of them attended.

The ABiC team coordinated closely with provincial government departments, in particular the Mekong Regional Inspectorate of the Forest Administration, to ensure participation of provincial line departments, local authorities, and the governor, and with local NGOs and community networks to ensure participation of local communities. In total, 77 people participated in the workshop (see Annex 2 for a list of workshop participants).

1.5. Method

The two-day workshop used a participatory approach to ensure active and meaningful participation from participants. Following opening remarks on the first day, CLEC legal trainers provided a brief overview of individual and community land rights under the Land Law. In the early afternoon, the CLEC trainers provided a similar overview of the provisions of the Forestry Law. The remainder of the first afternoon was devoted to presentations by NGOs working in Mondulhiri on issues related to natural resource conservation, conflict, and management.

The second morning of the workshop was devoted to small group discussions of forest and land conflict. Three of these groups comprised community members while the fourth group was composed of NGO, provincial and district-level government representatives.

Group discussions were facilitated by the ABiC team using a participatory cause-effect-solution methodology. Group discussions focused on causes and effects of conflicts, types of conflicts, parties involved in conflicts, measures already taken to reduce or avoid conflict, and recommended measures to be taken in the future to avoid conflicts. The groups were asked to identify which stakeholders should implement the identified actions.

Outputs of the group discussions were presented at a plenary session on the second afternoon, followed by a write-shop session to formulate a draft action plan (see Annex 5 for the Draft Action Plan [DAP]) to avoid and/or reduce conflict over use of forest and land in Mondulhiri.

2. Workshop Outputs

The workshop was conducted on 26 and 27 May 2004 in Mondulakiri Province. It was the first attempt to bring communities, government, and NGO stakeholders into one forum to discuss forest and land conflict in Mondulakiri province. The workshop consisted of five sessions over the two-day duration of the workshop (see Annex 3 for the workshop agenda) aimed at attaining the three objectives stated above.

2.1. Day 1 (26 May 2004)

2.1.1 Opening Session

The workshop opening session was chaired by H.E. Khoy Khun Hour, First Deputy Governor of Mondulakiri; Mr. Chan Chesda, Deputy Inspector of the Mekong Forest Administration Inspectorate; Ms. Beng Ren, Director of the Provincial Land Department; Ms. Susan Merrill, Director of the Office of General Development, USAID/Cambodia; and Dr. Mary Melnyk, Senior Advisor for Natural Resources Management, Asia and Near East Bureau of USAID.

Dr. Melnyk opened the session (see Annex 4 for her full speech). She explained USAID's concern about the increase in conflicts over forest and land use in Asia. She told the workshop that 11 of the Asian countries in which USAID works are experiencing conflict over natural resources. She lamented that violent conflict over resources is increasing as forests are being rapidly degraded and cleared through destructive logging practices and plantation establishment. Forest destruction results in the loss of forest resources and biodiversity. Forest communities suffer through the loss of forest foods, products and income. Dr. Melnyk said that, in response to these challenges, USAID has begun to explore ways to reduce forest conflicts, and that this workshop is an important opportunity for stakeholders at the local level to discuss and define the actions needed in Mondulakiri to reduce conflicts.

Dr. Melnyk's opening address was followed by the opening remarks of H.E. Khoy Khun Hour, the First Deputy Governor of Mondulakiri province (see Annex 4 for his full opening speech). He welcomed the USAID representatives as well as national and international participants. He stressed that conflicts over the use of natural resources such as forest and land has affected rural livelihoods in the province because rural people depend on land for agriculture production and on the forest for non-timber forest products (NTFPs). Loss of access to these resources through conflict has a negative impact on achieving government policy goals related to poverty reduction. To avoid and reduce conflict, the government has taken various measures and actions including approving and implementing the Land Law, the Forest Law, and the Sub-Decree on Community Forestry.

The First Deputy Governor informed workshop participants that through the Ministry of Land Management, Urban Planning and Construction (MLUPC), the Royal Government of Cambodia (RGC) is conducting pilot projects to design provisions of the Sub-Decree on Registration and Titling of Collectively/Communally Owned Land. One of these pilot projects is being implemented in Mondulakiri Province. He stated that the involvement of all stakeholders in the process is necessary for the success of the government's policy on communal land ownership. He also said that the workshop would provide an opportunity to identify conflicts, understand the laws intended to reduce these conflicts, and help to find solutions/strategies to avoid conflict in the future.

At the end of the opening session, Dr. James Schweithelm, a senior natural resources specialist at ARD, Inc., presented background information on the workshop and introduced its three objectives.

2.1.2 Session 2

Following the opening session, Day 1 continued with a legal training session, which was intended to provide communities and workshop participants with an understanding of community rights to forest and land use. Legal trainers from the Community Legal Education Center (CLEC) provided the training. The trainers introduced general concepts of law and how it is based on the Cambodian Constitution. They explained the hierarchy of the legal framework, from the highest to lowest order of legal instruments; the Constitution, international conventions, laws or codes, royal decrees, sub-decrees, *prakas*, and *deika*. Relevant legal terms such as possession, possessor, ownership, owner, use rights, sale rights, management rights, and usufruct rights to land were explained. The types of land ownership were elaborated by the trainers and they drew the attention of the audience to the distinction between individual and collective ownership.

The trainers described the land registration process and explained that there are two registration processes currently being applied in Cambodia: sporadic and systematic.

2.1.3 Session 3

In the afternoon session, the trainers discussed the Forestry Law. Two key concepts, private and state reserved forests, were presented. They told the participants that indigenous communities have the right to collect NTFPs in accordance with their traditions and culture.

Mr. Robert Oberndorf, an expert on Cambodian natural resource law on the staff of the Community Forestry Alliance for Cambodia (CFAC), briefly explained the provisions of the Community Forestry Sub-Decree and the status of community forestry pilot projects in Cambodia. He said that he sees a good future for the communities in the next five years as it relates to community forestry, even though he could not predict what might happen over the longer term.

The first day of the workshop concluded with presentations by NGOs and projects working in Mondulkiri, describing their activities and experiences related to the topic of the workshop (see Figure 2.1). Presentations were made by the following organizations: SSP, CLEC, Flora and Fauna International (FFI), *Coopération Internationale pour le Développement et la Solidarité* (CIDSE), World Wildlife Fund (WWF), and Seila/Partnership for Local Government (Seila/PLG).

Figure 2.1. NGO Presentations

Presentation by *Strei Santipheap Deumbei Paristhan* (SSP)

Speaker: Ms. Prak Chanthy

SSP is currently working in the provinces of Mondulkiri, Kratie, and Stung Treng. SSP was created in 2001 and focuses on four activities: (i) community forestry; (ii) indigenous community rights; (iii) women's rights; and (iv) small community development. In Mondulkiri, SSP is working in the O Raing and Keo Seyma districts. In the Sen Monorom Commune of O Raing and Srae Khtum Commune of Keo Seima, SSP helps communities to develop community sketch maps and community land and resource use regulations and provides them with relevant training. SSP is now expanding into the Srae Chouk Commune of Keo Seima. SSP organizes a district-level meeting every two months and a provincial-level meeting every three months to give communities an opportunity to meet and discuss conflict issues and identify solutions.

Presentation by Snoul Community Network's Representative

Speaker: Ms. Mom Sakin

The Community Forest Network was created in 2001 and is comprised of Phnong, Kuoy, Stieng, Moel ethnic minority communities in Mondulakiri, Kratie, and Stung Treng Provinces. The forests in Snoul were part of a timber concession, but many high-value trees still stand, although important species of wildlife have been lost. Local communities depend on NTFPs such as resin, wild vegetables and herbs to provide income and supplement the rice they grow. Community forests have been established and committees elected. NGOs, the Department of Environment and the Forest Administration have been involved with community forest development. Each committee of five to nine members meets monthly, recording the minutes of their meetings. Representatives of communities and committee members meet every month to report on illegal logging and other illegal activities in the forest.

A meeting at provincial level is conducted every three months, attended by community representatives and local authorities such as village chiefs, commune councilors, and provincial department representatives.

A network has been established including neighboring communities that have community forest committees. More committees need to be created, especially in neighboring communities that use the same forest. The network has conducted extension activities to reduce illegal logging and fishing, working with offenders and disseminating information about the law. The network works closely with local residents, and most communities have volunteer forest patrol teams. People report to the patrol teams when they encounter illegal activities while conducting their livelihood activities in the forest. Illegal operations include cutting of high-value tree species, especially resin trees, and poaching wildlife. The network works closely with relevant government agencies and local authorities. Local government officials assist in community organization processes. Cooperation among neighboring communities makes the network more effective in cracking down on and stopping illegal operations.

Due to the strong commitment of the community network, offences have been reduced, wildlife is more abundant, and community members participate more actively in community network activities. In the past, people did not want to join the network; now they volunteer because they want to protect and use natural resources sustainably, and they can see that community action is effective in protecting NTFPs and spirit forests.

Presentation by Human Rights in Cambodia Project/Community Legal Education Center (CLEC)

Speaker: Mr. Am Sokha, Lawyer (Representing Brian Rohan of the USAID-funded Human Rights in Cambodia Project)

CLEC provides legal training and legal services to communities free of charge. CLEC now has lawyers to help local residents to protect their rights to land and forest according to the laws, and in defending communities' interests in the courts.

Presentation by Seila/Partnership for Local Governance (PLG)

Speaker: Mr. Prak Muny, Senior Provincial Program Advisor

Seila is the government's decentralization program, and began working in Mondulkiri in March 2003. Seila is supported by the Partnership for Local Governance. Seila/PLG was derived from the United Nations Development Program (UNDP)-funded CARERA program that began in 1992. During Phase 1 (1992-2000), the program focused on emergency relief operations and later focused on sustainable development.

Phase 2 (2001 – 2005) supports decentralization through Seila. Seila was an experiment that led to the commune council elections in February 2002. In Mondulkiri, Seila/PLG works closely with the councils of all 21 communes to build their capacity in local development planning, monitoring and evaluation. The commune planning process consists of 11 steps including natural resource management planning. The commune councils are required to prepare two maps: one administrative and the other of natural resources. Eighty percent of the communities in Mondulkiri rely on forest/natural resources. If there are conflicts over the use of natural resources, local people will have serious livelihood problems, and will need support and immediate resolution.

Seila/PLG has a provincial investment fund to support sector departments in addressing priorities identified in the commune plans. Seila/PLG has supported the Department of Environment to protect natural resources and manage protected areas. The Department uses the fund to disseminate information about protection of natural resources and the environment.

Seila/PLG also grants investment funds to the Department of Tourism to develop community ecotourism. Tourists come to Mondulkiri—not for ruins or five-star hotels—but for natural attractions such as waterfalls, forests, and mountains. The opportunity in the province for ecotourism is huge. There is no need to replant trees, but simply to protect them (natural resources are threatened, for example, by the development of animal rearing). Seila/PLG contributes to protection of natural resources and the environment.

Presentation by Flora and Fauna International (FFI)

Speaker: Mr. Chhieng Nak, Research Coordinator

FFI works on wild elephant conservation in Mondulkiri. Its target areas are in the districts of Koh Nhek and Keo Seyma. Approximately 200 wild elephants live in the wilderness of Mondulkiri. FFI tranquilizes the elephants, puts ear tags and transmitters on them, and then releases them. The elephant movements are monitored by satellite and the information is reported and recorded.

Presentation by *Cooperation Internationale pour le Developpement et Solidarite'* (CIDSE)

Speaker: Mr. Chrea Ieng Ky, Coordinator

CIDSE began its program in Mondulkiri in 2003 and is currently working in the Srae Preah Commune of Keo Seyma District. CIDSE piloted a project for six months in two villages consisting of three components: (i) natural resource management; (ii) health; and (iii) sustainable agriculture.

In terms of natural resource management, CIDSE assists communities to map their lands and organize for management through election of a committee. In terms of health, it focuses on water and sanitation, providing communities with education about health and sanitation. After the six-month pilot, a full-fledge three-year project will be implemented to include sustainable agriculture activities.

Presentation by World Wildlife Foundation (WWF)

Speaker: Mr. Cheam Mony, Participatory Land Use and Planning (PLUP) Coordinator

WWF's program in Mondulkiri focuses on the Sre Pok wilderness area, the eastern plains dry forests, and the Phnom Prich wildlife sanctuary. The Phnom Prich sanctuary is under the jurisdiction of the Ministry of Environment and the Forest Administration, who cooperate with WWF in its Mosaic project both at the national and provincial levels. WWF's Community-Based Natural Resources Management (CBNRM) program works closely at the national level with both agencies to draft laws and sub-decrees on protected areas management. In addition, CBNRM works closely with other programs and NGOs such as NOMAD, FFI, and Seila/PLG.

In Mondulkiri, WWF conducts research in wildlife sanctuaries and works to improve protection of these areas. WWF also provides training on PLUP, including support for relevant agencies at provincial level. It develops training materials for natural resource management in close collaboration with NGOs in the province. Participatory biodiversity assessments are carried out, building trust with target communities. WWF works with all concerned stakeholders to protect natural resources and environment, conduct participatory planning, promote livelihood development and ensure sustainability of natural resource use. (continued on next page)

Presentation by World Wildlife Foundation (WWF) – continued

WWF builds local capacity to manage natural resources through helping communities to create and train natural resource management committees. Part of the committees' work is to disseminate information about sustainable use and management of natural resources. Community extension teams at the commune level are created to ensure participation, ownership and sustainability of activities.

WWF trains communities on zoning and using satellite imagery combined with the research results for planning. Information about zoning is disseminated at various levels to avoid land conflict. Conservation agreements with communities are drafted through a consultative process. WWF assists communities to advocate for legal recognition of community-based natural resource management committees.

Studies have shown that upland communities, like their counterparts in the lowland areas, also rely on fishing. However, destructive fishing practices such as electro-fishing, and use of explosives is threatening fishery resources. Customary and traditional practices should be recognized, however; according to the studies, there are traditions that would help protect natural resources and the environment, and those that would create problems. In addition, WWF reports on poaching and the illegal wildlife trade.

WWF's short to medium-term objectives are to build trust and help people to understand and apply sustainable management principles for natural resources and the environment. The immediate objective is to build target community capacity. Evaluating natural and biodiversity resources will continue, as well as improving the livelihoods of indigenous communities.

Land grabbing in the Pou Chri Commune, located on the border between the districts of Monorom and Koh Nhek is increasing as the road is being rehabilitated to allow year-round access. Wild elephants pass through this area as they move from Phnom Prich to Srae Pok. Because land grabbing is intensive in this area, both elephants and the indigenous people will be negatively affected.

Legal extension activities are also carried out by WWF including the Land Law, the Forest Law, and community rights to use, protect, and sustain natural resources and the environment. Training for communities and local authorities in the use of geographic positioning systems (GPS) is provided. In the future, local communities will be able to use this skill to define and map management zones on village lands. Many villages are not shown on any official maps, so WWF uses satellite imagery to accurately map the location of villages and submits these to national authorities for their consideration.

2.2. Day 2 (27 May 2004)

2.2.1 Session 4

Workshop organizers opened the second day's proceedings with a recap of the previous day's activities. The participants split into four small groups to discuss forest and land conflict. Three of these groups comprised community members while the fourth group was composed of NGO, provincial and district-level government representatives. After their discussions, each group presented its results to the plenary session (see Table 2.1).

Table 2.1. Results of Group Discussions

Group 1: Community Participants

Causes of Conflict	Conflicts	Parties Involved	Impacts	What's Been Done	What Must Be Done
<ul style="list-style-type: none"> ▪ Personal profit ▪ Lack of respect for the laws ▪ Collusion in illegal sale of land ▪ Loss of local people's land & culture 	<ul style="list-style-type: none"> ▪ Illegal purchase of logs & land ▪ Cutting of resin trees ▪ Wildlife poaching & illegal logging ▪ Anarchic land clearing for plantations 	<ul style="list-style-type: none"> ▪ Businessmen ▪ Powerful figures ▪ Illegal operators ▪ New settlers ▪ Government agency personnel 	<ul style="list-style-type: none"> ▪ Loss of forest-based livelihood opportunities ▪ Loss of local people's land-based livelihood opportunities ▪ Loss of indigenous culture & tradition ▪ Loss of wildlife & fish ▪ Negative impacts on environment (due to drought & heat), & loss of grazing land 	<ul style="list-style-type: none"> ▪ Negotiations between conflict parties facilitated & witnessed by elders & tribal leaders ▪ Settlements by village, commune, & district authorities & courts ▪ Dissemination of information about laws & bans by community groups ▪ Communities' crackdown on illegal activities, & agreements to stop illegal activities were made between perpetrators & communities ▪ Interventions of NGOs ▪ Workshops to identify solutions with all concerned agencies 	<ul style="list-style-type: none"> ▪ Land registration in accordance with Land Law ▪ Strict & proper enforcement & implementation of laws by government agencies ▪ Armed security forces must recognize community rights & respect laws ▪ Organization of workshops to engage all stakeholders in identifying solutions ▪ Dissemination of laws & strengthening capacity of local communities in legal understanding & compliance

Group 2: Community Participants

Causes of Conflict	Conflicts	Parties Involved	Impacts	What's Been Done	What Must Be Done
<ul style="list-style-type: none"> ▪ Local people have no knowledge about forest law ▪ Shifting cultivation ▪ Powerful people oppress disadvantaged/local communities 	<ul style="list-style-type: none"> ▪ Lack of compliance with /respect for land & forestry laws ▪ Land grabbing on local people's land ▪ Illegal commercial logging ▪ Land clearing without respecting local authorities 	<ul style="list-style-type: none"> ▪ Local communities ▪ Police ▪ Military ▪ Forest administration authorities ▪ PDOE/biodiversity conservation teams 	<ul style="list-style-type: none"> ▪ Loss of resin trees/resin harvesting livelihoods ▪ Damage to spirit/sacred forests & local culture/tradition ▪ Loss of habitat ▪ Loss of livelihoods ▪ Negative impacts on environment (scarcity of rain) 	<ul style="list-style-type: none"> ▪ Creation of community groups to use, manage & protect land & forest ▪ No discrimination in law enforcement ▪ Local communities cooperate with local authorities to resolve land problems/conflicts ▪ Negotiations between local people to settle conflicts 	<ul style="list-style-type: none"> ▪ Government & NGOs provide communities with handbooks/ information about land & forestry laws ▪ NGOs such as SSP help in demarcating boundaries ▪ Land registration with participation of provincial authorities & NGOs

Group 3: Community participants

Causes of Conflict	Conflicts	Parties Involved	Impacts	What's Been Done	What Must Be Done
<ul style="list-style-type: none"> ▪ Local abusers in the communities ▪ Lack of high-value tree species ▪ Families need cash ▪ Greed ▪ Lack of shelter ▪ Corruption ▪ Price hikes for land 	<ul style="list-style-type: none"> ▪ Illegal logging ▪ Cutting of resin trees ▪ Poaching of wildlife & fish ▪ Cutting of trees for home construction using chain saws ▪ Grabbing land for sale/land speculation 	<ul style="list-style-type: none"> ▪ Middlemen & armed illegal loggers with walky-talkies ▪ Small middlemen from within & outside communities ▪ Commercial buyers/outside ▪ Villagers ▪ Police & military (illegal operators) ▪ PDOE (conservationists) ▪ Land grabbers, speculators 	<ul style="list-style-type: none"> ▪ Degradation of natural resources ▪ Loss of habitat ▪ Loss of family livelihoods/incomes ▪ Soil erosion (when trees on riverbanks are taken) ▪ Decline in population of wildlife & fish ▪ Lack of shelter ▪ Villagers lose land 	<ul style="list-style-type: none"> ▪ Dissemination of information & raising of awareness but the illegal loggers never care & believe (SSP, CIDSE, WWF have helped) ▪ Illegal loggers/criminals were asked by local communities & commune councils to agree to stop their activities ▪ Reports have been filed with police & military institutions ▪ Reports have been filed with biodiversity protection teams ▪ Negotiations have been conducted with biodiversity conservation teams ▪ Villagers have reported problems to authorities 	<ul style="list-style-type: none"> ▪ All concerned stakeholders need to strictly abide by the laws, cooperate with commune councils ▪ Give legal rights/titles to communities to protect forest and natural resources (in legal terms) ▪ Need to clearly demarcate communities & natural resources for communities to protect ▪ Continue negotiations with biodiversity conservation teams ▪ Government needs to give rights to communities for shelter

Group 4: NGO and government participants

Causes of Conflict	Conflicts	Parties Involved	Impacts	What's Been Done	What Must Be Done
<ul style="list-style-type: none"> ▪ Traditional relocation of villages ▪ Traditional practices (keeping village name) ▪ Lack of knowledge of laws ▪ War, insecurity, relocation of villages ▪ Unclear boundaries of communes & state's reserve land/areas ▪ Environmental laws were established after existing villages in some cases ▪ New settlers never ask for permission for their settlements with local authorities ▪ Personnel of technical agencies do not enforce /implement the laws properly ▪ Lack of transparent decision-making process & cooperation between ministries 	<ul style="list-style-type: none"> ▪ Traditional taboos/discrimination ▪ Land grabbing ▪ Villages in wildlife sanctuary ▪ Illegal logging ▪ Gold mining 	<ul style="list-style-type: none"> ▪ Villagers ▪ Outsiders ▪ Environmental agencies ▪ New settlers from the province ▪ Illegal loggers backed by armed men ▪ Gold mining firm ▪ Ministry of Environment (MOE) ▪ Ministry of Industry, Mines & Energy (MIME) 	<ul style="list-style-type: none"> ▪ Loss of livelihoods for indigenous groups & local communities ▪ Loss of forest land for local people & state ▪ Negative impact on biodiversity (loss of habitat, wildlife & fish) ▪ Loss of water sources ▪ Land erosion & landslide ▪ Degradation of local people's health 	<ul style="list-style-type: none"> ▪ Commune reported the problems to the district authorities ▪ Reconciliation/arbitration at commune & district levels ▪ Crackdown & dissemination of laws (on environment & forest), rights & responsibilities of local communities, reforestation ▪ Creation of community-based natural resources management, & community forest groups ▪ PDOE filed reports to MOE ▪ Investigation by PDOE at local level ▪ Negotiation between MOE & MIME 	<ul style="list-style-type: none"> ▪ Create temporary land ownership certificate/ registration in accordance with laws ▪ PLUP teams work at local & provincial levels ▪ Promote biodiversity conservation ▪ Strengthen law enforcement/ implementation (Forestry Law), respective departments respect laws & perform their own responsibilities, good collaboration between concerned agencies & local authorities in natural resource management ▪ Create an inter-ministerial committee to resolve the problems ▪ Provide clear distinction between communities & commercial exploitation ▪ Local people file complaint with the government about the impacts

2.2.2 Session 5

Following presentation of each group's outputs, a Draft Action Plan for the Avoidance and Mitigation of Land and Forest Conflict in Mondulakiri Province (DAP) was formulated. The Draft Action Plan was developed by a selected group of representatives from communities, NGOs, provincial departments, and local authorities based on outputs from the morning's group discussions. Only the highest priority actions were incorporated into the DAP (see Annex 5 for the full draft). Formulation of the DAP was facilitated by the workshop organizers and presented to the plenary session.

The DAP addressed the workshop's objective "to identify follow-on actions that could be employed by communities, NGOs, and other actors to avoid or mitigate conflicts." There was a high level of consensus among the various stakeholders represented at the workshop that the actions identified below are priorities and should be acted upon immediately, but there was also agreement that the action plan should be discussed further and modified as needed in consultation with stakeholders. The plan is also intended to cover the Snoul District of Kratie Province, which shares conflict problems and a border with Mondulakiri's Keo Seyma District.

Actions presented to the plenary session by each group were numerous, but four main actions were selected for implementation and were presented again to the plenary session following a brief write-shop session with representatives from communities, government agencies, and NGOs. The four priority actions identified were:

1. Disseminate Information about Legal Instruments to Improve Law Enforcement.
2. Prepare for Collective Ownership – the Participatory Land Use Planning Process (PLUP).
3. Strengthen the Communities.
4. Obtain Additional Support.

The workshop concluded with closing remarks by Ms. Susan Merrill of USAID/Cambodia and H.E. Khoy Khun Hour, First Deputy Governor of Mondulakiri.

In her closing comments, Ms. Merrill extended her thanks to the workshop organizers, and expressed her appreciation for the active participation of the workshop participants as well as their honesty, outspokenness and dedication to their communities. She reiterated the objectives of the workshop, and cited the many challenges facing communities, including illegal destruction and misuse of forest resources including NTFPs; encroachment on local people's land; confusing and unclear regulations on land possession and/or ownership; and unclear boundaries between individual property, community land, and protected areas.

The First Deputy Governor recognized the efforts of the workshop organizers and participants. He again presented the policy and efforts of the government to reduce conflict over land and forest resources. He highly commended the workshop outputs, and was hopeful that the Draft Action Plan would help reduce conflicts over use of forest and land successfully and sustainably. In concluding his closing address, the First Deputy Governor extended his best wishes to all the participants (Annex 6 for his closing remarks).

Annex 1. Executive Summary of Assessment of Forest Conflict at the Community Level in Cambodia Report

The vast majority of Cambodians live in rural areas, earning their livelihoods through agriculture and depending on natural resources for daily needs and as an economic safety net. Indigenous communities living in the forested uplands are almost totally dependent on forest resources and forestland. Resource tenure is still insecure despite initial steps by the Royal Government of Cambodia (RGC) to provide legal guarantees. The current situation of legal uncertainty has encouraged land grabbing by the elites in Cambodian society as well as encroachment on forestland by the landless. Forest and wildlife resources are being lost steadily through illegal harvesting at a range of scales. These trends are causing conflict between the communities that rely on land and resources for their livelihoods and the outsiders that are seizing them or using them illegally.

Natural resource conflict is an important development issue in Cambodia because it is very closely related to government efforts to reduce poverty and improve governance. Forest resources are an important source of illegal income for corrupt civil government officials and the military. The next few years will be a pivotal period for improving natural resource governance as a means to reduce conflict, fight poverty, and avoid human rights abuses. This assessment is intended to provide an overview of forest-related conflict in Cambodia to help the RGC, USAID, other donors, and nongovernmental organizations (NGOs) to take effective steps to avoid or mitigate conflict. It is also intended to identify important lessons learned from the Cambodia experience that can be applied more broadly in Asia.

Actual conflict over forest resources and forestland is increasing in Cambodia and the rate of increase appears likely to accelerate over the next several years unless steps are taken to reduce the underlying and direct causes of conflict. The ability to reduce conflict has important implications for the RGC's efforts to reduce poverty and improve governance in the country. The Case Studies in Appendix A were chosen to give the reader an indication of the various conflict scenarios in Cambodia. Conflict caused by land grabbing, encroachment, and land concessions are increasing rapidly in the country, while those driven by timber harvesting have been reduced. The primary locus of conflict has shifted from forest resources to land.

Purpose of the Assessment

This assessment of community-level forest conflict in Cambodia was conducted within the context of a task order under the Biodiversity and Sustainable Forestry Indefinite Quantity Contract (BIOFOR IQC) entitled "Managing Conflict in Asian Forest Communities." The purpose of the task order is to understand the types, causes, and impacts of conflicts over forest resources at the community level in selected Asian countries and to assess current or proposed methods to avoid, reduce, and monitor conflict. This assessment is intended to provide regionally relevant information while also identifying opportunities to address forest conflict in Cambodia.

The tasks of the Cambodia Conflict Assessment are as follows:

- Describe the context of forest conflict in Cambodia.
- Assess the nature of forest conflict including causes, scenarios of conflict, how conflict is expressed, and examples of conflict.

- Describe and evaluate current and proposed methods used to avoid, mitigate, or monitor forest conflicts at the community level in Cambodia.
- Identify additional actions to be taken by the RGC, donors, and NGOs to support or expand efforts to reduce conflict. Identify follow up actions that could be taken under this task order or by USAID/Cambodia and its implementing partners.
- Identify key lessons or innovations in Cambodia that might be applied to other Asian nations to reduce forest conflict.

Approach to the Assessment

Issues related to forest conflict are multidimensional and often complex, and cannot be addressed in isolation from larger issues of natural resource management, national economic development, rural development, land tenure, and poverty alleviation. We found that issues related to forest resource access by forest communities and their tenure over land are closely linked and are addressed as such in the assessment.

Conflict over forest resources at the community level can occur in many forms and at many levels of severity. The **working definition of conflict** used in this paper is:

Denial or restriction of community use of forest resources or forestland necessary for their material or spiritual needs through forest degradation/clearance, access restrictions, or land appropriation.

Under this definition, a livelihood or social impact constitutes a conflict even if the conflict is not expressed publicly or does not lead to direct confrontation between the parties. We argue in this assessment that the best way to prevent conflict is to develop mechanisms and criteria for assigning use and tenure rights to communities, make the rules for obtaining these rights clear, and enforce these rules.

Forest conflict must be viewed from the perspective of Cambodia's recent history and trends in economic and social conditions in rural areas, including:

- Cambodia's 30-year history of warfare and violence has led to massive displacement of rural people and destruction of property records.
- The majority of Cambodians live in rural areas below or near the poverty line, struggling to earn their livelihoods through subsistence agriculture. A significant proportion of families are landless or nearly so.
- The population is growing rapidly with the age distribution heavily skewed toward children and young adults.
- Weak governance of land and natural resources is exploited by the powerful and politically well connected, who illegally "grab" land and natural resources.
- The forest and land concession systems have thus far failed to meet the real need to use rural land and natural resources to promote economic growth and provide rural jobs.

They have instead diminished livelihood options for the rural poor and degraded natural resources while failing to capture economic benefits for the nation.

- Degradation of common or community property resources has weakened the traditional social safety net.
- Most ethnic minority forest communities are unable to defend their land or forest use rights due to their marginal status in Khmer society, widespread illiteracy and poor understanding of the Khmer language, lack of knowledge of the law, and self-perceived powerlessness in the face of the authority figures or outsiders.
- The RGC lacks the political will to guide and control migration to sparsely populated forest areas.

The Context of Forest Conflict in Cambodia

Cambodia is one of the poorest countries in Asia with a per capita gross national income of US\$ 297 and was ranked 130th on the United Nations Development Program's (UNDP) Human Development Index in 2003. Approximately 36% of the population live below the poverty line. In a nation where 85% of the population lives in rural areas, with 63% earning their living by subsistence agriculture, more land is needed to accommodate young families each year. The stage is set for forest conflict as population growth, landlessness, and lack of alternative income opportunities are pushing poor people out of the rice-growing lowlands to settle in resource frontier areas, putting them in conflict with indigenous forest communities. Forest communities are also competing for land and resources with land grabbers and land concessionaires, who are also converging on the forest-rich upland provinces.

Sparsely populated, forested uplands are located in the east and north of the country, particularly in the provinces of Mondulakiri, Ratanakiri, Stung Treng, Preah Vihear, and Oddar Meanchay, and in the Cardamom Mountains in the southwest, within Koh Kong and Pursat Provinces. The forested uplands are home to an ethnically diverse group of people, including Khmer and ethnic minorities. As is the case in the lowlands, forest farmers cannot grow enough rice to last the entire year, and usually rely heavily on collection of non-timber forest products (NTFPs) to provide food, building materials, cash to buy rice and other household necessities, and funds to meet family emergencies.

The disparity in population density between the lowlands and forested uplands is stark. For land poor lowlanders, the forested uplands appear to offer a wealth of underutilized land and resources, a view shared by entrepreneurs and the government. Landless lowlanders are attracted to the resource frontier provinces where land and resources are seemingly abundant, putting them into conflict with the people who already live there.

The Nature and Use of Cambodia's Forests

Forest of some type is estimated to cover 10 million ha of Cambodia, approximately 60% of the nation's land area. There are a diversity of forest types reflecting various combinations of rainfall, soil type, elevation, and human disturbance. Virtually all of Cambodia's forests have been disturbed by shifting cultivation, logging, fires, and warfare. Many valuable forests have

been logged past the point of commercial viability and others are seriously degraded. Over the last decade it has become apparent to all that Cambodia's forests are finite and are rapidly being depleted. Like a game of musical chairs, the various groups of players are trying to lay claim to one of the remaining forest areas while the rules of the game remain weakly enforced and unknown to many of the players. As forests are degraded and converted to other uses, demands on remaining forestlands and resources are in rapid transition, creating an environment conducive to greater conflict over forests and the land they grow on.

A fast-growing, young, rural population has surpassed the carrying capacity of the nation's lowland rice-growing areas, creating a large number of landless and land poor people who are attracted to sparsely populated forests, already degraded by three decades of unmanaged logging. Powerful people, entrepreneurs, and agricultural settlers have strong incentives and few constraints to grabbing or encroaching on forestlands. Forest communities typically lack the political power, knowledge, and resources to contest illegal takeovers. The structure of a legal framework for forestland allocation is in place, but the means, capacity, and will to implement it remain weak. Allocation decisions are made without any real effort to evaluate competing uses based on economic, social, or environmental criteria. In an effort to conserve remaining areas of forest, the RGC has designated approximately 30% of the country as protected areas,¹ in some cases creating conflicts with communities over forest resource access. A protected area system covering 3.3 million ha was established under the management of the Ministry of Environment (MoE) and additional areas of Protection Forest have been declared by the Forestry Administration.

Between 1994 and 1997, the Ministry of Agriculture, Forestry, and Fisheries (MAFF) awarded more than 30 forest concessions covering 6.5 million ha. Logging was conducted during the mid-1990s on a massive scale, with virtually no concern for sustainable management or impacts on the environment and local communities. The forest concessions had an enormous impact on the lives and livelihoods of people living in or near them. The concessionaires viewed the forest resources within the concessions as their property and routinely hired armed guards, including police and military personnel, to guard the concessions, resulting in intimidation of local people and often direct conflict with them. Communities were affected even after logging was halted because important resources, particularly resin trees, were either depleted or totally lost and the overall quality of the forest was degraded. Roads cut into the forest for log extraction provide continuing access for illegal loggers and agricultural settlers into the forest, both of which continue to threaten the livelihoods of local people.

The Legal Framework for Forest and Land Management

The combined effect of the weak observance of the rule of law, the incentive to harvest forest resources and claim forestland, and the inability of traditional users to gain recognition of and defend their use rights creates a climate for conflict. Among these, the most serious and difficult to address is the failure to enforce laws that allocate and protect forest resource access rights in a transparent, rational, and equitable manner.

¹ This includes the flooded area of the Tonle Sap (Great Lake) which covers about 8% of Cambodia's land area.

The legal framework for allocating and managing Cambodia's forest resources and forestlands were recently put into place and the remaining structural elements are being formulated. The two key pieces of legislation are the Land Law approved in 2001 and the Forestry Law approved in 2002. These laws are in the process of being elaborated through sub-decrees that clarify specific provisions of the laws and *prakas*, which are implementation guidelines issued by the responsible ministry. The procedures and criteria for land classification and allocation spelled out in the sub-decrees and *prakas* will determine how difficult it will be for communities to obtain land and forest use rights, which will largely determine how much conflict there will be in the future.

Local government has an important role to play in reducing community-level forest conflict, and provincial governments have in fact done so, most notably the provincial government of Ratanakiri. A law has been passed describing the responsibilities of the newly formed commune councils, but there is as yet no law that states the roles of provincial and district government or their relationship with sectoral ministries.

The Causes of Forest and Forestland Resource Conflict

Conflicts over forest resources in Cambodia result from direct causes that are driven by multiple underlying causes related to the following enabling factors:

Enabling Factors of Conflict

- Timber is valuable and relatively easily harvested and sold in relation to other natural resources, making logging an attractive source of cash to a wide range of groups including the military, government officials, and businessmen. Ready markets for timber exist in neighboring countries.
- The land upon which the forests grow is becoming increasingly valuable for both subsistence and commercial agriculture.
- The political elite has little reason to observe existing laws because doing so would eliminate an important source of funds and political patronage.
- The landless have nothing to lose and much to gain from encroaching on forestland.
- Communities that most depend on forest resources make up a relatively small portion of the national population and have very little power because they are socially, linguistically, and politically marginalized.

Direct Causes of Conflict

- **Land grabbing** (the illegal appropriation of land) is taking place at a wide variety of spatial scales.
- Agricultural settlers are **encroaching** on forestland.

- **Economic Land Concessions** have major impacts on forest communities in terms of reducing or eliminating access to both forest resources and forestland.
- **Forest concessions** have been put on hold by the logging moratorium, leaving a management vacuum that in many cases is being filled by illegal loggers and agricultural migrants.
- **Illegal timber and NTFP harvesting** is a chronic and difficult to control source of conflict.
- **Forest use restrictions related to protected area management and protection forest** have mixed results for communities living in or near protected areas. In some cases, protected area status has reduced illegal encroachment and harvesting by outsiders, while in others it has not. Enforcement of protected area regulations also places restrictions on forest use by communities, or may simply create uncertainty over what their rights are within protected areas.

Underlying Causes of Conflict

- **Weak governance and observance of the rule of law** puts forests at the disposal of the powerful. This results from the uncertainty surrounding the still-evolving legal framework and role of provincial and lower levels of government in land and natural resource management, the weak enforcement capacity and will to enforce by government agencies, little judicial involvement in land and forest cases, and no effective extra-judicial mechanism to settle land and resource conflicts. Weak governance is also related to the following three causes:
 - **Forest communities** in most cases do not understand their rights and are unable to defend them.
 - **Forest use classification and comprehensive land use planning** for forest areas has not yet been started as required by the 2002 Forestry Law. Forestland and resource allocation decisions continue to be made on an ad hoc basis without consideration of the full range of forest values for actual and potential uses.
 - **Economic incentives** for illegally harvesting timber and grabbing forestland are enormous since much can be gained with a small investment risking little chance of prosecution. The military has a particular incentive because their personnel are poorly paid, field units have limited operational funds, there is an excess of armed soldiers in rural areas, and military units have a history of financial dependence on forest resources.
- **A growing population of young, landless people** who have limited employment and livelihood options in their home areas are increasingly attracted to encroaching on forestland.
- **Forest access has been improved** by the extension and upgrading of the nation's primary road network including major links with neighboring countries providing easy access to remote forest areas and a means to move timber quickly. Forest roads that were

built by concessions and have been abandoned now provide forest access for spontaneous migrants, commercial agriculture firms, and illegal loggers.

- **Social Concession Sub-Decree** could cause conflict if landless people are settled in forest areas without adequate prior planning and mitigation measures.

The Nature of Forest Conflict and Approaches to Reducing It

There are several common scenarios for forest conflict at the community level in Cambodia. Most conflicts are with outsiders, but are sometimes with neighboring communities or within a community. In some cases the conflict is limited to forest resources and in others conflict includes both forest resources and land. Most of the scenarios are asymmetrical in that the communities have limited political and economic power in comparison to opposing groups in the conflict.

Conflicts between communities and outsiders over land and forest resources are viewed by many donors and NGOs as a fundamental rural development issue in Cambodia and a major human rights and governance issue as well. There seems to be broad recognition among those working on forest and land conflict that a comprehensive strategy comprised of a number of approaches is needed to successfully reduce forest and land conflicts. This strategy is comprised of the following interventions:

- Finalize the national **legal and spatial planning framework** for allocating forest resource and land use/tenure rights. It is absolutely critical that forestland be comprehensively and rationally allocated in order to create a spatial framework within which to allocate forestland for community forestry, timber production, protection, conversion to other uses, and small-holder settlement.
- Instill **respect for the rule of law** regarding forest and land allocation, tenure, and use. Accelerate political reform to reduce corruption and political interference in administrative decisions and strengthen the judicial branch of government, which is currently very weak.
- Develop the **capacity of forest communities** to effectively demand their rights. A number of NGOs are helping communities to improve their capacity to understand and demand their forest use rights through education, empowerment, organization, networking, advocacy, and training. The Forest Network, comprised of local NGOs and forest communities and facilitated by the NGO Forum, acts as a mechanism for communities to report forest crimes and conflict, and coordinate with each other.
- Develop **mechanisms and procedures** for conferring tenure and use rights and assist the government to confer these rights. The ultimate means to halt community-level forest conflict is by legally protecting community land and forest use rights through community land titles combined with community forestry agreements.
- Improve **natural resource governance** at the province, district, and commune levels including detailed land use planning at the village and commune levels. The Participatory Land Use Planning (PLUP) methodology is now being modified for use in indigenous forest communities and communes.
- Avoid conflict before it occurs by **providing alternative livelihoods** for potential or actual land encroachers.

- **Monitor and report forest crimes** and community-level conflict.

The Role of Government in Reducing Conflict

The role of the RGC in reducing forest conflict is clear, but will require considerable effort and political will to achieve. Necessary actions are:

- Complete the legal framework established by the Land Law and the Forestry Law, especially with regard to community land titling, community forestry, and forestland classification.
- Enforce and implement existing laws as well as the provisions of the Land and Forestry Laws.
- Begin and complete the process of nationwide forestland classification as soon as possible.
- Accelerate the review and approval of existing and pending community forests.
- Make a good faith effort to control land grabbing, encroachment, and illegal timber harvesting.
- Recognize and respect community land and forest use rights in the process of identifying and awarding economic land concessions.
- Clarify community forestland use rights in protected areas.
- Support the judiciary to uphold the law through the judicial reform process.

The Role of Donors and NGOs in Reducing Conflict

The combined donor and NGO community has played a large role in the dialogue over forest management in Cambodia and has also been actively involved in assisting forest communities through efforts to secure their rights to land and forest resources. These efforts must be continued and increased to take advantage of the legal framework that is now being put into place. Key actions include:

- Assist the Forestry Administration to expand community forestry nationwide.
- Facilitate the issuance of land titles for indigenous communities.
- Continue dialogue and advocacy with the RGC, emphasizing respect for the rule of law.
- Educate, organize, and empower communities to demand their rights.
- Continue/strengthen the Forest Network.

The Role of USAID in Reducing Conflict

USAID/Cambodia, through the following existing activities of implementing partners, contributes significantly to the effort to reduce forest conflict at the community level:

- The **Human Rights in Cambodia Project** (East-West Management Institute/American Bar Association) pursues “impact litigation” cases focusing on forest or land conflicts to raise the level of compliance with the rule of law. They will also train people in legal advocacy, using the media and lobbying.
- The **Community Forestry Alliance for Cambodia** (CFAC) brings strong regional and Cambodian expertise to community forestry and is assisting communities to establish community forests. CFAC is also working on policy and procedural aspects of implementing the Community Forestry Sub-Decree.
- There are important opportunities for follow-up activities under the *Managing Conflict in Asian Forest Communities* (MCAFC) BIOFOR Task Order that provided funding for this assessment. The MCAFC task order sponsored the **Workshop on Community Level Impacts of Forest and Land Conflicts in Mondulkiri** on 26 and 27 May 2004. The objectives of the workshop were to give forest communities the opportunity to explore their experiences with forest conflict, learn their forest and land rights, and to develop a preliminary action agenda to be carried out by the communities, NGOs, and local government. The workshop participants developed a Draft Action Plan to avoid and mitigate forest and land conflict in the province, which prioritized several follow-on activities including the need to educate indigenous communities about their forest and land rights and to help them to organize to protect these rights.

What Has been Learned in Cambodia That May be Applicable to Other Countries?

The nature of conflict over forest resources varies considerably among Asian countries, largely in relation to the extent and quality of the forest resource and the amount of pressure being put on it. These differences indicate that there can be no single blueprint for addressing forest conflict, but rather a toolbox of approaches that can be tailored to particular situations. It is clear that the multifaceted efforts now being employed to protect resource access and decrease conflict in Cambodia provide an important body of experience from which to draw lessons, if only preliminary ones. The overarching lesson from Cambodia is the importance of a comprehensive approach that addresses all aspects of the problem including:

- A sound legal basis to protect forest resource and land rights;
- Political will and capacity of government to implement the laws;
- Respect for the rule of law in all sectors of society and support for the judiciary to uphold the law;
- Capacity of communities to demand their rights through education, organization, and empowerment;
- Mechanisms at the community level to monitor conflict and report this information to higher levels of government; and
- Technical and administrative skills to manage community forests.

Annex 2. Workshop Participant List

Name	Position	Commune or Agency	Telephone
Hour Pilil	Farmer	Saen Monourom, Ou Reang	
Yot Chanthan	Farmer	Saen Monourom, Ou Reang	
Seng Yet	Farmer	Saen Monourom, Ou Reang	
Peut Herb	Farmer	Saen Monourom, Ou Reang	
Sot Sarin	Farmer	Sokh Sant, Kaoh Nheaek	
Ngeul Kreunh	Farmer	Sokh Sant, Kaoh Nheaek	
Proeurk Thoeurn	Farmer	Sokh Sant, Kaoh Nheaek	
Bun Thoeurn Ngoy	Farmer	Sokh Sant, Kaoh Nheaek	
Srong Chret	Farmer	Ourna, Srae Khtum, Kae Meima	
Khveut Vana	Farmer	Srae Ampil village, Srae Khtum, Kae Seima	
Soeurn Tong	Farmer	Srae Lvi village, Srae Khtum, Kae Seima	
Ping Kren	Farmer	Srae Khtum, Kae Seima	
Yot Saroeurn	Farmer	Srae Lvi village, Srae Khtum, Kae Seima	
Pork Salorn	Farmer	Andong Kraloeng, Ou Reang	
Lav Yin	Farmer	Srae Preah, Kae Seima	
Thach Sido	Farmer	Me Mang, Kae Seima	
Pum Nhorum	Farmer	Srae Preah, Kae Seima	
Breub Bul	Farmer	Pou Kong village, Kae Seima	
Neuv Kanong	Farmer	Ou Chra, Kae Seima	
Sros Voeurn	Farmer	Chong Phlah, Kae Seima	
Heang Narin	Farmer	Chong Phlah, Kae Seima	
Eng Kong	Farmer	Chong Phlah	
Proch Meul	Farmer	Pou Kong, Srae Preah, Kae Seima	
Bagn Kos	Farmer	Pou Kong village, Kae Seima	
Prot Nin	Farmer	Srae Veang	
Yaeng Chatha	Farmer	Srae Khtum, Kae Seima	
Sborng Sitha	Farmer	Chnaeng village, Srae Khtum, Kae Seima	
Chen Cheat	Farmer	Chnaeng village, Srae Khtum, Kae Seima	
Khiev Pril	Farmer	Dak Dam, Ou Reang	
Hang Samai	Farmer	Sokh Dom, Saen Monourum	
Khin Sarut	Commune Council	Monourum, Saen Monourum	
Cheang Ngam	Farmer	Srae Char, Snuol	855 250 031
Kreang Yun	Farmer	Sraechar, Snuol	
Noun Somart	Farmer	Khsuem, Snuol	
Mum Sakin	Farmer	Khsuem, Snuol	
Chea Kimset	Farmer	Pou Chri, Pechr Chrenda	
Ing Yiv	Farmer	SraeKhtum, Kae Seima	
Commune Participants			
Ouch Sara	Commune Council	Srae Char, Snuol	
Dy Sokhan	Commune Council	Khsuem, Snuol	
Yan Kek	Commune Council	Me Mang, Kae Seima	
Ouk Phoeurn	Commune Council	Chong Phlah, Kae Saima	
Pyeub Pe	Commune Chief	Srae Preah, Kae Seima	
Kranh Chrob	Commune Chief	Pou Chri, Pechr Chenda	
Seat Na	Commune Council	Bu Sra, Pechr Chrenda	
Eut Mony	Commune Chief	Dak Dam, Ou Reang	

Name	Position	Commune or Agency	Telephone
Out Saroeurn	Commune Chief	Saen Monourum, Ou Reang	
Pau Socheat	Commune Council	Sokh Dom, Saen Monourum	
Chhim Chan	Commune Council	Monourum, Saen Monourum	
District Participants			
Chhuk Saen	District Governor	Saen Monourum	855 12 978 298
Ngam Pheng	District Governor	Ou Reang	No
Sau Sarim	Deputy District Governor	Kae Seima	855 12 739 327
Participants from Phnom Penh and Provincial NGO			
Oum Sovanna	Manager	Cambodia Corps Ine	855 12 236 442
Keo Dare	General Assistant	Cambodia Corps Ine	855 12 507 619
Pet Peaktra	PLUP	Wildlife Conservation Society	855 23 217 205
Va Moeurn	Director	MLUP Baitong	855 23 214 409
Cheam Mony	Team Leader	World Wide Foundation	855 23 218 034
Roth Sovan	Staff	World Wide Foundation	855 12 309 918
Meub Nhorra	Staff	International Cooperation Cambodian	855 11 775 650
Steven Hietf	Project Manager	International Cooperation Cambodian	855 12 655 971
Prak Chanthy	Staff	Satrey Santepheap Daoembei Parethan (SSP)	855 12 242 935
Hour Lim Chhun	National Advisor.	CDC-DANIDA / NREP	855 23 981 197
Susan Merrill	USAID	USAID	
Mary Melnyk	USAID	USAID	
James Schweithelm	Senior Natural Resources Specialist	ARD, Inc.,	
Chrear Eang Ky	Counterpart	<i>Cooperation Internationale Pour le Developpement et Solidarite</i>	855 12 665 009
Seng Rithy	Legal Assistant	Legal Aid of Cambodia	855 12 775 562
Robert Obernoorf	Legal/Policy	Community Forest Alliance for Cambodia	855 23 220 714
Cheang Nak	Staff	Flora and Fauna International	855 12 276 007
Am Sokha	Project Officer	Community Legal Education Center / PILAP	855 12 837 554
Mom Thana	Trainer	Community Legal Education Center	855 23 211 723
Tuek Tiro	Trainer	Community Legal Education Center	855 23 211 723
Prak Munny	Senior Provincial Program Adviser	Partnership for Local Governance	855 12 555 486
Sam Sarin	Coordination	Association for Development and Human Rights of Cambodia	855 12 705 732
Provincial and district department			
Khoy Khun Hour	First Deputy Governor	Mondulkiri Province	na
Chan Chesda	Deputy Inspector	Mekong Forestry Administration Inspectorate	855 12 722 007
Im Choern	Director	Environment	855 12 988 519
Beng Ren	Director	Provincial land Title	855 12 960 038
Chrey Chanri	Deputy Director	Woman's Affair	855 12 665 009
Bu Sovut	Deputy Director	Mondulkiri Forest Administration Cantonment	855 12 765 545
Bu Sokhom	Officer	Forest Administration (district)	855 12 731 69
Thaung Chen	Officer	District Environment	855 12 491 926
Lim Sok Heng	Officer	District Land Title	

Annex 3. Workshop Agenda

Workshop on Community-Level Impacts of Forest and Land Conflicts in Mondulkiri

26 – 27 May 2004

AGENDA

Venue: Arun Reah Hotel, Mondulkiri Province

Day 1

07:30 – 08:00 Registration

08:00 – 09:30 Introductory Session

- 08:00 – 08:10 Dr. Mary Melnyk, USAID
- 08:10 – 08:30 H.E Khoy Khun Hour, First Deputy Governor of Mondulkiri Province
- 08:30 – 08:45 Presentation of workshop objectives and agenda by Mr. James Schweithelm
- 08:45 – 09:30 Presentation on community forest and land use rights by CLEC trainers Mr. Mom Thana and Mr. Tuek Tiro

09:30 – 09:45 Tea/Coffee break

09:45 – 12:00 Session 2: Presentation of community forest and land use rights by CLEC trainers Mr. Mom Thana and Mr. Tuek Tiro

12:00 – 14:00 Lunch break

14:00 – 17:30 Session 3

- 14:00 – 15:30 Presentation on community forest and land use rights by CLEC trainers Mom Thana and Mr. Tuek Tiro
- 15:30 – 15:45 Tea/Coffee break
- 15:45 – 17:30 Presentations by NGOs working in Mondulkiri on their activities to reduce or avoid conflict
 - 15:45 – 16:00 *Strey Santepheap Daoembei Parethan* (SSP) by Miss Prak Chanty
 - 16:00 – 16:15 Snuol Community Network's Representative by Mrs. Mom Sakin
 - 16:15 – 16:30 Human Right in Cambodia Project/Community Legal Education Center (CLEC) by Mr. Am Sokha
 - 16:30 – 16:45 Seila/Partnership for Local Governance (PLG) by Mr. Prak Munny
 - 16:45 – 17:00 Flora and Fauna International (FFI) by Mr. Cheang Nak
 - 17:00 – 17:15 *Cooperation Internationale le Development et Solidarite* (CIDSE) by Mr. Chrea Ieng Ky
 - 17:15 – 17:30 World Wildlife Foundation (WWF) by Mr. Cheam Mony

Day 2

08:00 – 08:15 Brief review of Day 1 by Mr. Khann Kanha

08:15 – 12:00 Session 4

- 08:15 – 09:30 Small group discussions (expression and description of types, nature, and severity of forest and land conflicts, and identification of ways to avoid or reduce conflict in addition to actions already being taken)
- 09:30 – 09:45 Tea/Coffee break
- 09:45 – 12:00 Small group discussions (expression and description of types, nature, and severity of forest and land conflicts, and identification of ways to avoid or reduce conflict in addition to actions already being taken (cont'd); and preparation for presentation of results)

12:00 – 14:00 Lunch break

- 14:00 – 15:30 Session 4 (continued): Plenary session to present results of group discussions

15:30 – 15:45 Tea/Coffee break

15:45 – 18:00 Session 5

- 15:45 – 17:15 Write-shop (Draft a Conflict Avoidance Action Plan for Mondulkiri)
- 17:15 – 17:30 Wrap-up by Mr. Khann Kanha
- 17:30 – 18:00 Closing Remarks
 - 17:30 – 17:45 Ms Susan Merrill, USAID/Cambodia
 - 17:45 – 18:00 H.E Khoy Khun Hour, First Deputy Governor of Mondulkiri Province

Workshop organizers' contacts

Khann Kanha **012-72-72-15**
Srey Chanthy **012-94-36-09**
Katam Sonavan **012-89-06-95**

Annex 4. Opening Addresses

**Opening Remarks of Mary Melnyk, Ph.D.,
Natural Resources Advisor, USAID/Washington**

It's a great pleasure to be here and support this workshop on the impact of forest and land conflicts on communities.

USAID has been concerned about the increase in conflicts over forest and land resources in the Asia region. Eleven countries in which we work in Asia are experiencing conflict. We see a trend in increasing violent conflict, particularly as forests continue to disappear rapidly through destructive logging practices and plantation establishment. Unfortunately, not only are forests and their wildlife lost, the local communities also suffer through a loss of forest foods, production and income.

In response to these challenges, USAID has begun to explore ways to reduce these conflicts over forest and land. This workshop provides a very important opportunity for stakeholders at the local level to discuss and define the actions needed in Mondulkiri to reduce conflicts.

Thank you very much for your attendance at the workshop and we look forward to its results.

**Opening Remarks of H.E Khoy Khun Hour, First Deputy Governor of Mondulakiri at the
Workshop on Community Level Impacts of Forest and Land Use in Mondulakiri Province on 26
May 2004**

Ms. Susan Merrill, USAID Representative in Phnom Penh,
Dr. Mary Melnyk, USAID Representative from the USA,
Distinguished national and international guests,
Ladies and gentlemen,

Today, on behalf of the provincial authority, I am happy and honored to preside over the opening of the Workshop on Community-Level Impacts of Forest and Land Conflicts in Mondulakiri Province. I would like to warmly welcome Ms. Susan Merrill, Dr. Mary Melnyk, the representatives of the USAID, distinguished national and international guests, and all the participants for your visit to the province of Mondulakiri.

Conflicts over use of forest and land have negative impacts on our rural Cambodian populations; because, in general, rural Cambodians live off land for farming, and forest for non-timber forest products (NTFPs). Such conflicts are a cause of great concern of the Royal Government of Cambodia (RGC), and a source of threat to achieving the RGC's policy on poverty alleviation. To curb and completely halt the threat, the RGC has taken many actions. The actions include, but are not limited to, approving and implementing the Land Law, the Forestry Law, the community forest sub-decree, and other relevant legal instruments.

Currently, the RGC with the Ministry of Land Management, Urban Planning and Construction (MLUPC) as its executive branch, is piloting communal/collective land titling processes that will provide legal titles to indigenous communities. One of the pilots is being implemented here, in Mondulakiri Province.

However, participation, cooperation and assistance of all stakeholders is necessary to ensure and accelerate the success of the RGC's policy and efforts. In order for us to be able to reduce and avoid conflicts, especially those related to use and management of forest and land, we must understand, be aware of, and abide by the laws and legal frameworks and policy of the RGC.

I firmly believe that this workshop will provide all of us with the opportunity to not only understand the conflicts that have occurred, but also to understand and be aware of the RGC's legal instruments, and to identify practicable solutions/strategies that will help us reduce and avoid future conflicts. This is truly a golden opportunity for all of us.

As such, I hope that the workshop and discussions are conducted successfully and fruitfully. May I now declare the opening of the workshop.

Thanks.

Annex 5. Draft Action Plan for the Avoidance and Mitigation of Land and Forest Conflict in Mondulkiri Province

AVOIDANCE OF FOREST AND LAND USE CONFLICT AT COMMUNITY LEVEL DRAFT ACTION PLAN FOR MONDULKIRI PROVINCE

This Draft Action Plan (DAP) was formulated by participants at the Workshop on Community-Level Impacts of Forest and Land Conflicts in Mondulkiri held in Sen Monorum on 26-27 May 2004. One of the workshop's three objectives was "to identify follow-on actions that could be employed by communities, NGOs, and other actors to avoid or mitigate conflicts." This action plan is the result of the group effort of the workshop participants to address that objective. There was a high level of consensus among the various stakeholders represented at the workshop that the actions identified below are priorities and should be acted upon immediately, but there was also agreement that the action plan should be discussed further and modified as needed in consultation with stakeholders. The workshop groups intend that this plan also cover Snoul District of Kratie Province, which shares conflict problems and a border with Mondulkiri's Keo Seyma District.

The draft action plan was developed based on the results of small group discussions presented at the plenary session on 27 May 2004. Actions presented to the plenary session by each group were numerous, but four main actions were selected for implementation and were presented again to the plenary session following a brief write-shop session with representatives from communities, government agencies, and NGOs. The four priority actions identified were:

1. Disseminate Information about Legal Instruments to Improve Law Enforcement

The dissemination of information about legal instruments, specifically the provisions of the Land and Forestry Laws and their implementing regulations, will help build the capacity and confidence of communities, local government, and law enforcement personnel. This will allow all actors, including those who illegally use forest, land and natural resources, to reach a common understanding of what is legal and what is not. At present this level of transparency is not possible because of widespread ignorance of the law. The workshop participants identified the following specific information dissemination activities: implement community and provincial level legal training, develop legal training materials including simple handbooks and posters, and produce and distribute tape or video recordings describing the provisions of the Land and Forestry Laws in local languages.

Legal training should be conducted at the community and provincial levels involving villagers, government officials, and violators of the law including middlemen, illegal loggers, military and police personnel, community people, provincial/district officials, buyers/consumers, land grabbers, and speculators.

The purpose of legal training for community people is to ensure that they know their legal rights to use land and natural resources, and to give them the confidence to safeguard these resources from perpetrators. The perpetrators should be engaged to inform them that their illegal acts will not be tolerated and that they will be brought to justice.

Currently, only directors and deputy directors of provincial departments receive legal training on the Land Law, the Forestry Law, and the Community Forestry Sub-Decree. Training is still needed at provincial level for staff of enforcement departments such as provincial and regional Forest Administration (FA) units, Provincial Department of Environment (PDOE), and Provincial Department of Land Management, Urban Planning and Construction (PDLMUPC).

Community legal training has been done sporadically in Mondulkiri by WWF, CIDSE, CWS, SSP, and PDOE in their target communities, leaving the majority of communities unserved. PDOE has access to

funding from Seila/PLG to provide community legal training within protected areas under Ministry of Environment (MOE) jurisdiction.

Legal Information Materials such as posters, comic books, leaflets, T-shirts, and legal handbooks that explain community rights to use and manage natural resources are not available, and in most cases have not been developed. These materials can help raise awareness and build capacity of all concerned stakeholders. They can also help build the self-confidence of local communities and remind perpetrators that they are breaking the law. These materials cost relatively little to produce and distribute and can have an immediate impact in those communities that have not received legal training.

During the presentation of his group discussion results to the plenary session, a community representative explained:

“A handbook on the legal rights of our people to natural resources would be considered a Bible. Although not many of us can read Khmer, some elders who read Khmer can spread what they read to community members in our local languages. When we have the Bible with us and we know which articles in the Bible define our rights, and specify illegal operations, we can just show that to the perpetrators to warn them. If we can do that we can show to the illegal operators/perpetrators that we are knowledgeable of our rights under law, and that they can be punished by laws. This will detract them from their illegal activities...If we have posters that depict the spirits or gods residing in or protecting trees we can place them on trees. This will scare the loggers. Because this tells the loggers that if they cut trees they will destroy the spirits/gods’ place/homes and bad luck will come to them.”

Legal handbooks on the Forestry Law can be provided by the regional FA unit but they must be distributed to communities and their contents explained. No other government agency has materials that depict community rights to natural resources. PDOE will produce leaflets/pamphlets with Seila/PLG’s financial support this year to be distributed to communities within MoE-managed protected areas.

Tape or video recordings in local languages are a very effective way for indigenous communities to learn about land and forest laws because their communication is almost exclusively verbal and the majority of them cannot read Khmer well nor do they fully comprehend it in spoken form. The dominant indigenous group in Mondulkiri is the Phnong. Other indigenous groups include Kraol and Stieng. No verbal or visual communication materials on legal rights to natural resources have been produced in the languages of these ethnic groups. Tape and video recordings should be developed in local language and distributed to communities.

2. Prepare for Collective Ownership – the Participatory Land Use Planning (PLUP) Process

Community members and most other workshop participants agreed that registration of land, in particular land that is collectively owned, is a high priority means for indigenous communities to protect their rights and avoid conflict. Clear boundary demarcation of community land, and clear ownership will avoid conflict and reduce negative impacts on livelihoods. The process of obtaining collective ownership has not yet been defined in a sub-decree under the Land Law, but it is clear that community boundaries must be demarcated, and community use of natural resources within those boundaries must be identified and defined. These steps can be taken effectively using the PLUP process. It is assumed that the sub-decree on collective ownership will also require that communities establish a committee which will become the legal entity that is entitled to represent the community for collective ownership. A statute the procedures and rules for collective ownership must be formulated and accepted by each community.

Pilot projects are currently being implemented to adapt the PLUP process to indigenous forest communities such as that which is being implemented in the Andaung Kraloeng village of Mondulkiri by the Wildlife Conservation Society (WCS) in collaboration with the FA, PDOE, and PDLMUPC. The lessons learned during the pilot projects will become input for the sub-decree on collective ownership, and lead to the formulation of a modified PLUP process intended specifically for use in indigenous communities.

NGOs in Mondulkiri such as WWF, WCS, CIDSE, and SSP, in collaboration with PDOE, FA units, and PDLMUPC, are introducing PLUP to their target communities as a temporary means to help them protect their natural resources from degradation and encroachment by outsiders. Communities in the Snuol District of Kratie Province used a similar planning process to establish a community forest in Snuol Wildlife Sanctuary which is now officially recognized by MOE.

3. Strengthen the Communities

Communities can protect their land and forest resources from outsiders if they are organized to resist this threat. While waiting for the legal framework to be finalized, the communities' legal rights are being ignored, their natural resources are being degraded, and their land is being grabbed. During this period of transition, communities should get organized to protect their rights. As examples of the need for organization, WWF wishes to help people in Pou Chri Commune to organize their communities against the threat of massive encroachment along a newly constructed road, but lack the financial resources to do so. In Dak Dam commune, a community-based natural resource management committee was informally organized by the local people and they have asked for assistance from NGOs and the Seila/PLG program for capacity building and strengthening. No agency has answered the community's request. SSP works in this area and has expressed interest in helping the community, but is constrained by insufficient financial support.

NGOs are currently doing some extension activities in community legal rights to natural resources in their target villages. These activities, however, are considered unsustainable because they are generally project-based and have not been internalized by the communities. It is recommended that community-based mechanisms and capacity be developed to ensure that the activities can be sustained. To make this happen, communities will need to get organized, which will require external support initially. Once community committees are created, legal extension activities should be made part of the community committees' role.

WWF, WCS, CIDSE, and SSP have already begun creating capacity in the community committees they help to create in their target areas. Snuol communities are doing the same and have established their network to solidify their existence and share information and experiences.

4. Obtain Additional Support

Support from other funding sources will be welcomed and complementary to current efforts to assist local communities. Additional funding and technical support will be needed for:

- Legal rights training;
- Organization of regular conflict forums;
- Production and distribution of informational materials about laws and community rights to natural resources;
- Tape or video recordings on community natural resource legal rights in local languages;

- Community organization in Pou Chri and Dak Dam Communes, which are both under high threat from encroachment; and
- Revision of this DAP in consultation with Stakeholders and advocacy in support of its implementation.

Annex 6. Closing Address of the First Deputy Governor

Closing Address of H.E Khoy Khun Hour, First Deputy Governor of Mondulakiri at the Workshop on Community Level Impacts of Forest and Land Use in Mondulakiri Province on 27 May 2004

Ms. Susan Merrill, USAID Representative in Phnom Penh,
Dr. Mary Melnyk, USAID Representative from the USA,
Distinguished national and international guests,
Ladies and gentlemen,

Today, on behalf of the provincial authority, I am honored to preside over the closing session of the Workshop on Community-Level Impacts of Forest and Land Conflicts in Mondulakiri Province, which has been held during 26–27 May 2004. Taking this opportunity, I would like to thank USAID, ARD Inc, and ABiC for their material and financial support and effort to the workshop that has made it a successful and fruitful event.

All of you may be aware that currently forest and land conflicts have caused a great concern for the Royal Government of Cambodia (RGC). The RGC is committed to reducing and avoiding such conflicts. These conflicts have strong negative impacts on livelihoods of poor people in the rural areas, who generally rely on agriculture and non-timber forest products (NTFPs) that exist in their localities. The impacts have implications for the RGC's policy on rural poverty reduction. To reduce and halt these, the RGC has taken various measures such as approving and implementing the Land Law, the Forestry Law, the community forest sub-decree, and other legal instruments related to use and management of land and forest. As well, the RGC with the Ministry of Land Management, Urban Planning and Construction as its executive branch, is piloting communal/collective land titling process that will provide legal title to indigenous community. One of the pilots is being implemented here, in Mondulakiri province.

Ladies and gentlemen,

Seeing all these difficulties and impacts, the provincial authority of Mondulakiri and concerned departments have been collaborating with USAID, ARD Inc., and ABiC to organize the workshop that is aimed to provide information to indigenous communities on their rights to use of forest and land, to identify factors causing conflicts in their localities, to give opportunity to the communities to present their experiences in tackling with the conflicts over use of forest and land, and to identify activities/actions that can be implemented to reduce and avoid conflicts in the future.

Based on the summary of the workshop results reported by the workshop organizers, I hope that conflicts arising from use of forest and land will be significantly and totally reduced.

Finally, I would like to extend to all of you all Buddha's wishes.

May I now announce the closing of the workshop.

Thanks.

Annex 6. Photos



Participants of the Community-Level Impact of Forest and Land Conflicts in Mondulkiri Workshop



Opening Session



Comment from Participant during Plenary Session



Small Group Discussion



Indigent Villager Presents Results of Group Discussion