



Case Study

Communities at the Core of Protected Area Management :

Learning from customary tenure
documentation experiences in Cambodia

Jean-Christophe Diepart and Oeur Il

June 2023

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Cover image: Villagers patrol the forest of a community protected area (CPA) in Chhaeb Wildlife Sanctuary in Preah Vihear province (Photo: Natalie Y. Campbell/MRLG)

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ACRONYMS AND ABBREVIATIONS

CPA	Community Protected Area
ELC	Economic Land Concession
FPIC	Free, Prior and Informed Consent
HA	Highlanders Association
ICLT	Indigenous Communal Land Title
IP	Indigenous Peoples
MAFF	Ministry of Agriculture, Forestry and Fisheries
MFI	Micro Finance Institution
MoE	Ministry of Environment
MRLG	Mekong Region Land Governance project
NGO	Non-Governmental Organisation
PA	Protected Area
PDoE	Provincial Department of Environment
REDD+	Reducing Emissions from Deforestation and forest Degradation
WCS	Wildlife Conservation Society

EXECUTIVE SUMMARY

The role that forest-dependent smallholders play in protected area (PA) management is the subject of a long and yet-to-be-settled debate. In Cambodia, this discussion has gained momentum due to the territorial expansion of the PA system and the intensification of PA-related reforms such as zonation, the promotion of community-based resource management and the demarcation of indigenous communal land titles, among others.

An alliance of organisations supported by the Mekong Region Land Governance Project (MRLG) chose to examine the contribution of smallholders in PA management. The assumption is that working closely with local communities to document their customary practices and institutions, and mapping the resources they use inside PAs, will inform PA management towards greater inclusivity of forest-dependent smallholders.

In 2020 and 2021, the alliance launched initiatives relating to customary tenure documentation in three locations. The three initiatives aimed to inform one of three different PA-related processes:

- Zonation of Chhaeb and Preah Roka Wildlife Sanctuaries in Preah Vihear province, implemented by the Wildlife Conservation Society.
- Management of Indigenous Communal Land Title areas in Mondul Kiri province, implemented by the Wildlife Conservation Society
- Advocacy campaign activities on land and environmental rights and issues in Ratanak Kiri province, implemented by the Highlanders Association

Each initiative used a different approach to achieve the diverse objectives relevant to the context around PA management. This case study examines these interventions under four components: (a) the context and objective of the intervention, (b) the methods used to document customary tenure, (c) the extent to which it has delivered on its objectives, and (d) the broader outcomes (intended and unintended/positive and negative). The analysis is based on fieldwork

conducted in July and August 2022 that involved consultations and interviews with a wide range of State and non-State actors involved in the implementation of the three initiatives.

While analysis of the case studies shows varying degrees of success against the stated objectives of each initiative, it provides key insights into the importance of recognising the practices and tenure rights of forest-dependent smallholders inside PAs for both community well-being and conservation efforts. The lessons from the three initiatives lead to several recommendations relevant to the legal and policy framework or to PA management practices. These recommendations aim to contribute to debates taking place in Cambodia to enhance nature conservation efforts.

We see the documentation of customary tenure as a necessary condition to enhance PA management. Although documentation on its own is not sufficient, we identify its contribution under three important themes. Customary tenure should be widely viewed as the relationship between people and their entire resource landscape, mediated through local institutions. For customary tenure documentation to deliver on its objectives, it is essential to create coordination mechanisms with State agencies right from the beginning of the process and ensure that the outputs of the documentation inform PA-related processes. There is the potential to use documentation as a capacity development opportunity to build knowledge within the community—thereby enabling and empowering community members to deal with internal conflict and to negotiate with outside actors.



The members of a CPA in Chhaeb District discuss their plans and activities. (Photo: Natalie Campbell/MRLG)

1. BACKGROUND AND STUDY OBJECTIVES

In Cambodia, debate surrounding the areas made available to forest-dependent smallholders and their role in the management of protected areas (PAs) is long and unsettled (Milne & Mahanty, 2015). Development aspirations do not always align well with efforts for nature conservation and often results in trade-offs between different land uses and stakeholder groups (Beauchamp et al., 2018). Balancing these competing objectives and claims requires a policy environment where diverging outcomes can be discussed, weighed up and harmonised.

Central to this conversation is the question of land and forest tenure security, which defines how the rights of different actors – including smallholders – are granted, recognised, enforced and upheld with respect to access, use and control of PA resources. These rights can be held individually, collectively or in a hybrid form that includes individual use rights controlled collectively. Land tenure security is often associated with positive forest outcomes because secured rights are thought to prevent encroachment by outsiders and incentivise people to invest in self-owned land, as opposed to expanding their land by clearing forest (Adler, Porter, & Woolcock, 2008; Diepart & Sem, 2018). In practice, however, the relationship between tenure (in)security and forest outcomes is not straightforward. Tenure security is often considered a necessary (but not sufficient) condition to protect and sustainably manage forests because it is linked to socio-economic and governance factors that positively or negatively influence forest outcomes (Robinson, Holland, & Naughton-Treves, 2014).

Tenure security is always produced through relationship networks among different social groups, by ensuring consistency between the rules assigned to the forest resource users and the specific social, economic and land use context in which they evolve (Gilmour, 2016). In that sense, it differs from land property rights recognised by the State – land titling and types of formalisation by definition imply a simplification of the underlying social-ecological relations and dynamics in land tenure. Land tenure security is an outcome that is contingent on local social-ecological dynamics. Seen through this lens, understanding and documenting customary

tenure is key to ensuring that recognition and formalisation of customary arrangements embrace people's reality and institutions, giving them increased land tenure security.

This whole debate about the role of smallholder farmers in nature conservation has gained attention in Cambodia in the context of reforms relating to PA management, particularly the debate on whether tenure security can result in better forest outcomes. A number of processes and mechanisms have opened up spaces for the inclusion of forest-dependent people in PA management: the process of zonation of PAs, the establishment of community protected areas (CPAs) and the possibility of granting indigenous communities titles to manage land collectively in specific PA areas. A central question is how a rigorous documentation of customary tenure can inform the recognition and formalisation of the land rights of forest-dependent smallholders for more inclusive PA management.

Members of the MRLG-supported alliance for customary tenure collectively tackled this question. In 2020 and 2021, the alliance launched initiatives relating to customary tenure documentation in three locations. The three initiatives aimed to inform one of three different PA-related processes:

- Zonation of Chhaeb and Preah Roka Wildlife Sanctuaries in Preah Vihear province, implemented by the Wildlife Conservation Society (WCS)
- Management of Indigenous Communal Land Title (ICLT) areas in Keo Seima Wildlife Sanctuary in Mondul Kiri province, implemented by WCS
- Advocacy campaign activities on land and environmental rights on the border of Virachey National Park in Ratanak Kiri province, implemented by the Highlanders Association (HA)

All three initiatives have been working closely with local communities to document their customary practices and institutions and map the resources they use in the PA. The underlying assumption is that this approach will inform the processes for PA zonation or the demarcation of CPAs or ICLT areas. In turn, these mechanisms can lead to better recognition of people's actual

land and resource use and management practices. Making customary tenure and related livelihood dimensions available to outsiders can help ensure that government and private actors, for example, apply free, prior and informed consent (FPIC) standards in a more meaningful and informed manner. The process of documentation can also increase the capacity of communities to better articulate, negotiate and thus defend their customary rights. Bringing customary uses and practices into focus and discussion by the communities themselves can provide an opportunity to air issues, concerns or conflicts; make adjustments to clarify and improve the management of those rights in practice; and strengthen adherence to rules and norms that have been agreed on locally within the communities.

The case study examines the implementation of all three initiatives and has the following objectives: to get an overview of the context and objective of the intervention, to analyse the methods and processes followed in each intervention, to identify to what extent the documentation of customary tenure has

contributed to the processes it aimed to inform and to draw key lessons for further replication.

The study is organised into six sections, including this section on the background and objectives. Section 2 presents the research methods. Section 3 describes the evolution of PA management in Cambodia, with an emphasis on the issues and different government mechanisms in place to address forest-dependent tenure rights. Section 4 contextualises the three initiatives and their objectives by examining land use and land tenure regime changes and the drivers of these transformations. The section also includes the process designed for each intervention, assesses the effectiveness in achieving the stated goals and analyses any direct and indirect implications in practice and for public policy. Section 5 moves beyond the individual lessons from the three initiatives to examine their collective contribution to enhancing PA management. Section 6 draws lessons from the findings and provides recommendations for practitioners and stakeholders involved in policy-making and implementation processes.



A man maneuvering a power tiller, also used as transport, inside the community protected area (CPA) in Chhaeb District in Preah Vihear, Cambodia (Photo: Natalie Y. Campbell/MRLG)

2. METHOD AND RESEARCH PROCESS

The research process for the case study took place between June and October 2022 and was conducted using a variety of data collection methods: a review of related documents, site visits and collection of primary data through focus groups discussions and in-depth interviews with key stakeholders in the three intervention areas (see Figure 1).

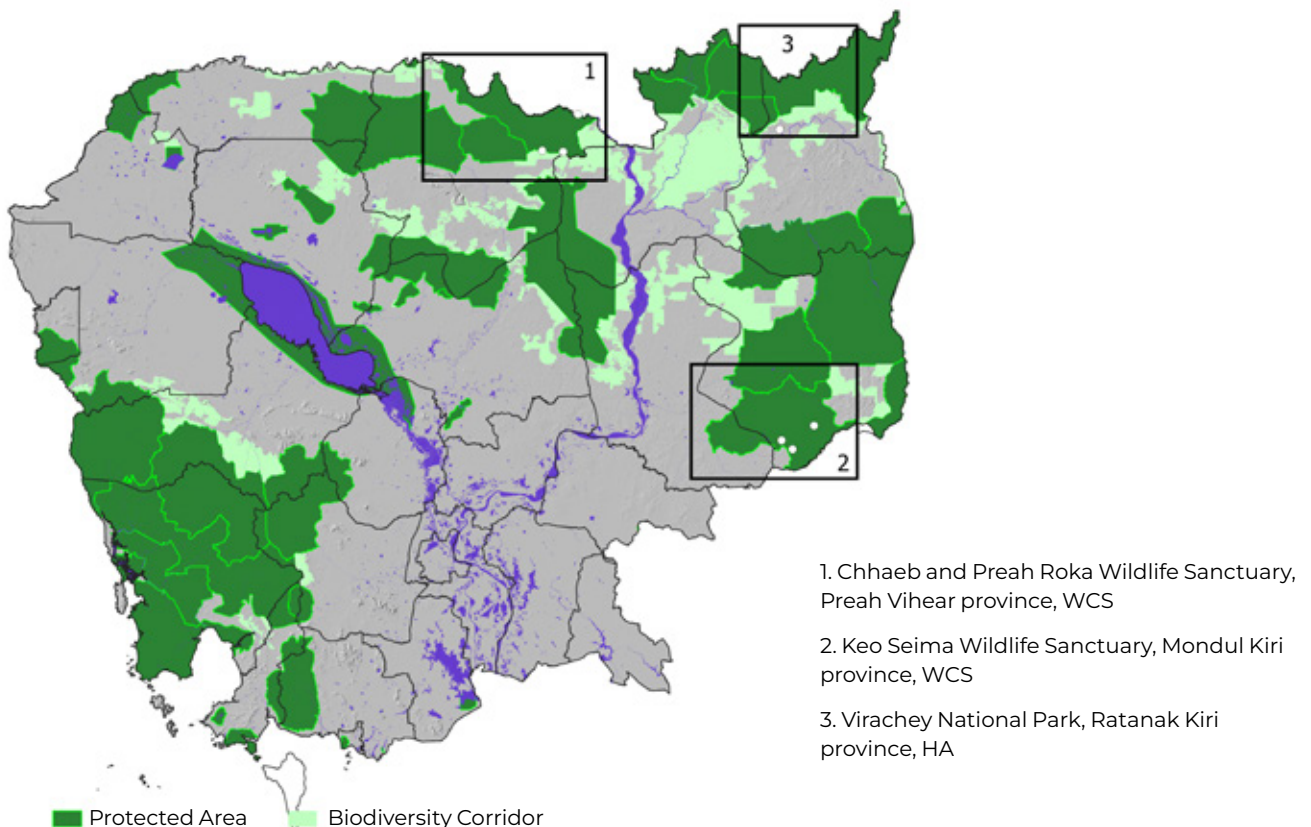
Before the fieldwork, we organised an online orientation meeting with project participants from WCS and HA to contextualise their initiatives and to better understand the objectives. We conducted fieldwork over three weeks (one week per pilot) in July and August 2022.

A similar process for interviews and research was followed in each province. The first step was a consultation with WCS and HA project staff to get a picture of the overall process of customary tenure documentation implemented under each initiative. The aim of this step was to assess the level of achievement to date, to gather perspectives on strengths and weaknesses and to organise the fieldwork. Consultations in the three days following involved groups of villagers

in areas where the documentation had been conducted as part of the initiative and with government partners and representatives from territorial authorities involved in the activities. To facilitate some of these discussions, we used maps showing land use and land tenure in each pilot site to make the information spatially explicit. While in the field, we also had a chance to meet ministry representatives, researchers and representatives from a range of non-governmental organisations (NGOs) to understand their perspectives on the contexts and issues addressed in the pilot projects. By staying in the village for one or two nights, the team was able to talk to people informally and conduct specific site visits. This helped the team to gain more insights, which interviews alone would not have allowed.

On the final day of fieldwork, we met with WCS and HA project staff again to present and discuss our findings. In total, we consulted 130 people. We presented and discussed the findings of the study to members of the alliance in October 2022 during a reflection workshop of the Customary Tenure Alliance in Phnom Penh.

Figure 1. Location of the three intervention sites on customary tenure documentation in Cambodia, 2020–2022



3. PROTECTED AREA MANAGEMENT IN CAMBODIA: A PLACE FOR FOREST-DEPENDENT SMALLHOLDERS?

In this section, we review the recent history of PA management in Cambodia. We examine the issues and government mechanisms in place to address forest-dependent land rights inside areas delineated for forest protection.

3.1. PROTECTED AREA CORE LEGISLATION

In an effort to promote nature conservation, the **Royal Decree on the Establishment of Natural Protected Areas** was issued in 1993 to grant power to the Ministry of Environment (MoE) to lead, manage and develop a PA system to preserve Cambodia's land, forest, wildlife, wetlands and coastal zones (Royal Government of Cambodia, 1993). The decree included 24 areas and covered a total area of 3.2 million ha (see Figure 2). In addition, between 1997 and 2008, a total area of 1.5 million ha was classified as protected forest and was managed until recently under the mandate of the Forestry Administration of the Ministry of Agriculture, Forestry and Fisheries (MAFF).

In 2008, the **Law on Protected Areas** (Royal Government of Cambodia, 2008a) provided a framework for the management of PAs in Cambodia under the jurisdiction of MoE. The law opened up two main spaces to accommodate smallholders' rights to land and resources inside PAs. It proposes that each PA be structured into four spatial zones each having specific regulations regarding what is and is not allowed.

- **Core zone:** an area containing biodiversity, natural resources, ecosystems and genetic resources of high value for scientific research and for sustaining the environment. Access to the core zone is prohibited except for officials and researchers with prior permission from the Ministry of Environment.
- **Conservation zone:** areas adjacent to the core zone to which access is allowed for local communities and people living within and next to the PA to use resources in accordance with the appropriate circular issued by MoE.

- **Sustainable use zone:** an area where livelihood activities are permitted and it is possible to build infrastructure, under restrictions and authorisations from MoE, unlike the core and conservation zones. These areas are of great economic value for national development and the development of PAs.
- **Community zone:** the area to be utilised in the socio-economic development of local communities. It might contain residential land, rice fields and other crop fields (*chamcar*), and should protect the rights of ethnic minorities (and Indigenous peoples [IP] in particular). The issuing of land titles is possible for these areas but there should be authorisation from MoE in accordance with the Land Law.

The Technical Guidelines for the Zoning of Protected Areas in Cambodia (GDANCP, 2017) were only released in 2017 but the possibility to integrate forest-dependent smallholders into PA management has been specifically outlined since the release of the Law on Protected Areas back in 2008.

The law stipulates the possibility of allocating part of the land in the sustainable use zone to communities. This would require an agreement to be signed between MoE and local communities to give them the rights to manage and utilise CPAs for a period of 15 years (renewable). As of 2021, there were 183 CPA schemes across the country, covering a total area of 0.31 million ha¹ (MoE, 2021).

3.2. ADDITIONAL LEGISLATION RELEVANT TO FOREST PROTECTION

In 2009, **Sub-Decree 83** was brought into effect to establish the legal foundation to grant collective titles (ICLTs) to indigenous communities. The procedure outlined in the sub-decree consists of three main steps: the designation of the community as 'indigenous' by the Ministry of Rural Development, the registration of the village

¹ In production forest areas, there are 636 community forestry schemes, covering a total area of 0.52 million hectares.

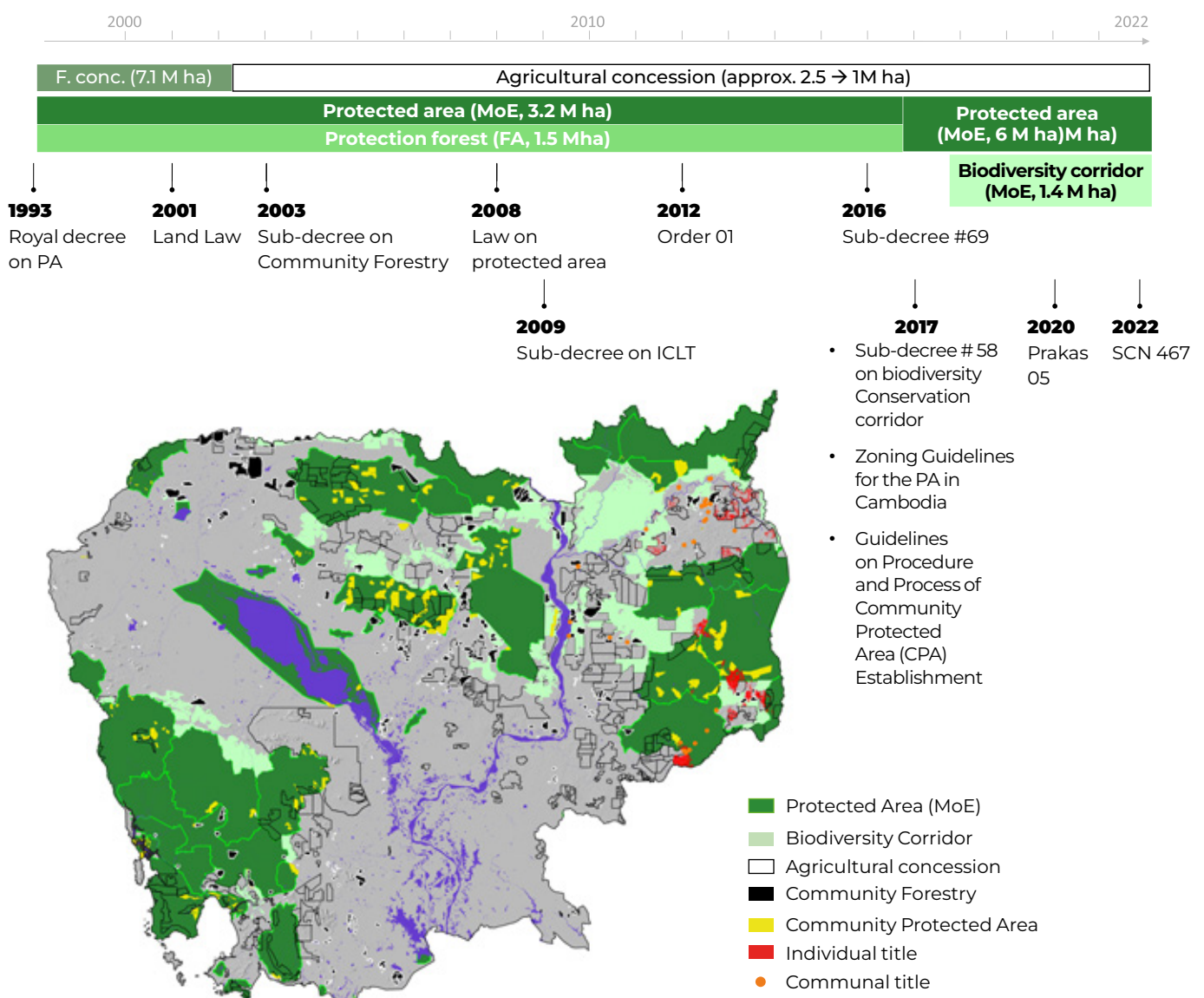
as a legal entity by the Ministry of Interior, and the actual issuance of the communal land titles by the Ministry of Land Management, Urban Planning and Construction (Royal Government of Cambodia, 2009). By November 2022, 38 communities had completed the costly and lengthy process and had received a title. These titles cover a total area of approximately 40,000 ha (see Figure 2).

At the same time, a sub-decree on economic land concessions (ELC) issued in 2005 paved the way for agro-forestry concessions to be granted to companies that overlapped with land and forests used and claimed by indigenous and local communities. These ELCs were issued much faster than ICLTs and covered a much larger area, including inside PAs under the jurisdiction of MoE. By 2012, MoE had signed 73 concession

agreements with companies for agro-industrial development projects inside many PAs. This placed limitations on access to land and forest resources for local communities. In 2012, however, Order 01 established a moratorium on new concessions and initiated a country-wide titling campaign to tackle overlapping land claims between companies and smallholders and to formalise land ownership in areas classified as State land. The campaign granted individual private titles, including in provinces where ICLTs were initially prioritised. The offer of private land titles during the Order 01 campaign was instrumental in dividing communities between those who favour communal land titles and others who prefer private land titles (Milne, 2013).

In 2016, **Sub-Decree 69** abolished this dual responsibility for ELCs under MAFF and MoE,

Figure 2. Chronology of laws and rules relevant to the management of protected areas in Cambodia, 1993–2022



and the management of 73 ELCs inside PAs was transferred from MoE to MAFF (Royal Government of Cambodia, 2016). The sub-decree also officially created eight new PAs but two of these have recently been cancelled (Royal Government of Cambodia, 2018).

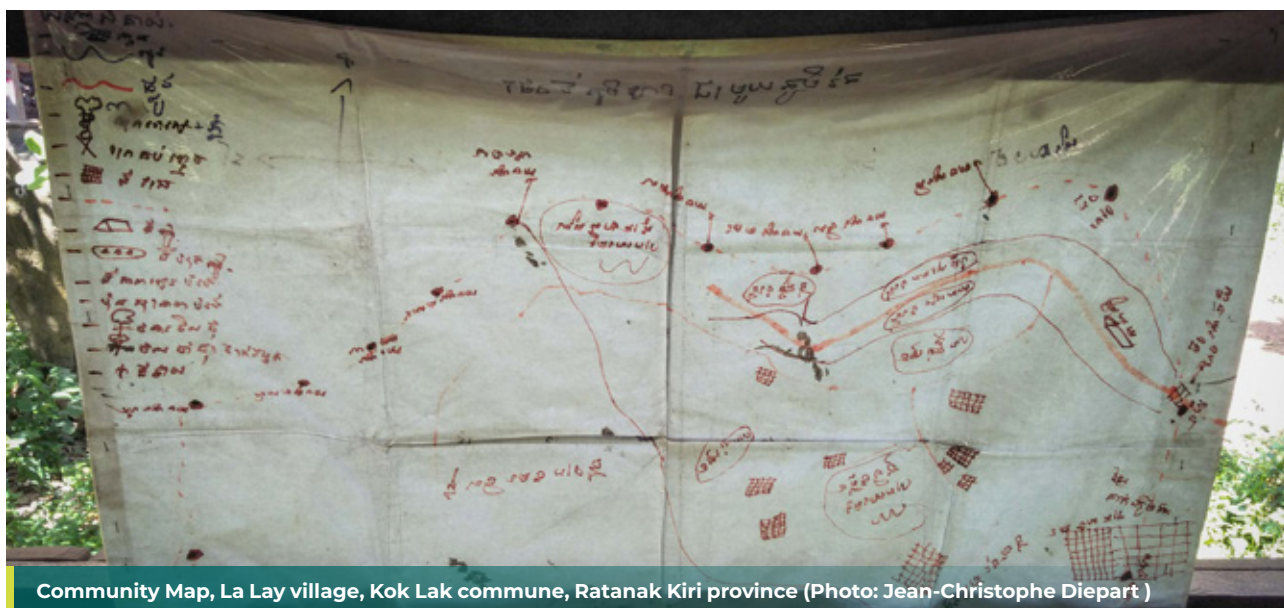
In 2017, three new biodiversity conservation corridors, covering a total of 1.5 million ha, were added to the system of PAs (Royal Government of Cambodia, 2017b). The total area under PA management now equals 7.4 million ha (41% of Cambodia's total national territory) (see Figure 2). However, as the biodiversity conservation corridors have limited access to areas used and managed by local communities since well before 2017, there is much uncertainty surrounding their management at the local level.

Regulations to enhance PA management intensified in 2020 with the release of **Prakas 05** (Royal Government of Cambodia, 2020). Issued by the Council of Ministers, this rule suggests that land rights should be granted to people who have enjoyed usufruct rights or use rights for a long time on land located inside a given PA. The prakas also encourages the preservation of 10% of the existing area for the current and future use of the community.

In 2022, a **Decision by the Council of Ministers** (SCN 437) further emphasised the need to conduct zonation of PAs, modify the boundaries of the biodiversity corridor to avoid impacts on people's land and resources, and proceed with the State land registration of PAs (Royal Government of Cambodia, 2022). The decision also places responsibility for this work under the provincial State Land Management Committees.

3.3. CARBON FINANCING

The REDD+ framework (Reducing Emissions from Deforestation and forest Degradation, plus the sustainable management of forests and the conservation and enhancement of forest carbon stocks) has become an important instrument in Cambodia to mitigate the dangers of climate change. The aim is to estimate the extent of forest loss that would have taken place in the absence of a REDD+ forest protection project. This baseline is compared with the actual extent of forest loss in a given period using satellite data. The difference between the baseline and the actual forest loss generates verified emissions reductions units, which are purchased by individuals, organisations and businesses who want to offset their carbon emissions. The funding raised from this sale is used to sustainably finance the management of wildlife sanctuaries and to support the development of livelihoods for communities in and around PAs. Cambodia has produced a national REDD+ strategy (2017) that aims to reduce its annual deforestation by half compared with the rate during the period 2006–2014 (Royal Government of Cambodia, 2017a). There are currently five REDD+ projects validated in the country: Oddar Meanchey REDD+, Prey Lang REDD+, Keo Seima Wildlife Sanctuary REDD+, Tumring REDD+ and Southern Cardamom REDD+. However, many projects are under development, particularly inside PAs, that can positively influence forest-dependent communities living inside these PAs.



Community Map, La Lay village, Kok Lak commune, Ratanak Kiri province (Photo: Jean-Christophe Diepart)

4. LEARNING FROM CUSTOMARY TENURE DOCUMENTATION IN PRACTICE

This section examines the three initiatives in customary tenure documentation. Each initiative is explored under four components:

- Context and objectives of customary tenure documentation: contextualisation of the challenges and opportunities that shape the management of the PAs in which they are embedded and the objectives of the customary tenure documentation against this backdrop
- Process design and implementation: how the different stakeholder groups (project teams and their local partners) designed and implemented the documentation process and their relevance and coherence within the institutional context in which they are embedded
- Effectiveness of the initiative: the extent to which the interventions have delivered on their objectives
- Outcomes for communities: intended and unintended/positive and negative results to keep communities and their use and access to forests at the centre of PA management

4.1. CHHAEB AND PREAH ROKA WILDLIFE SANCTUARIES, PREAH VIHEAR PROVINCE

Context and objectives of customary tenure documentation

Under this initiative, WCS and partners from MoE selected Chhaeb and Preah Roka Wildlife Sanctuaries to conduct zonation. This selection was based on prior experience with the Northern Plains Landscape programme developed in the Phnom Kulen Promtep Wildlife Sanctuary in 2012. The team wanted to document and map customary tenure so that the actual management of the PAs could reflect the use of resources by local communities as opposed to limiting access to natural resources and creating exclusions.

The two PAs are located at the border with Laos and Thailand and are home to important

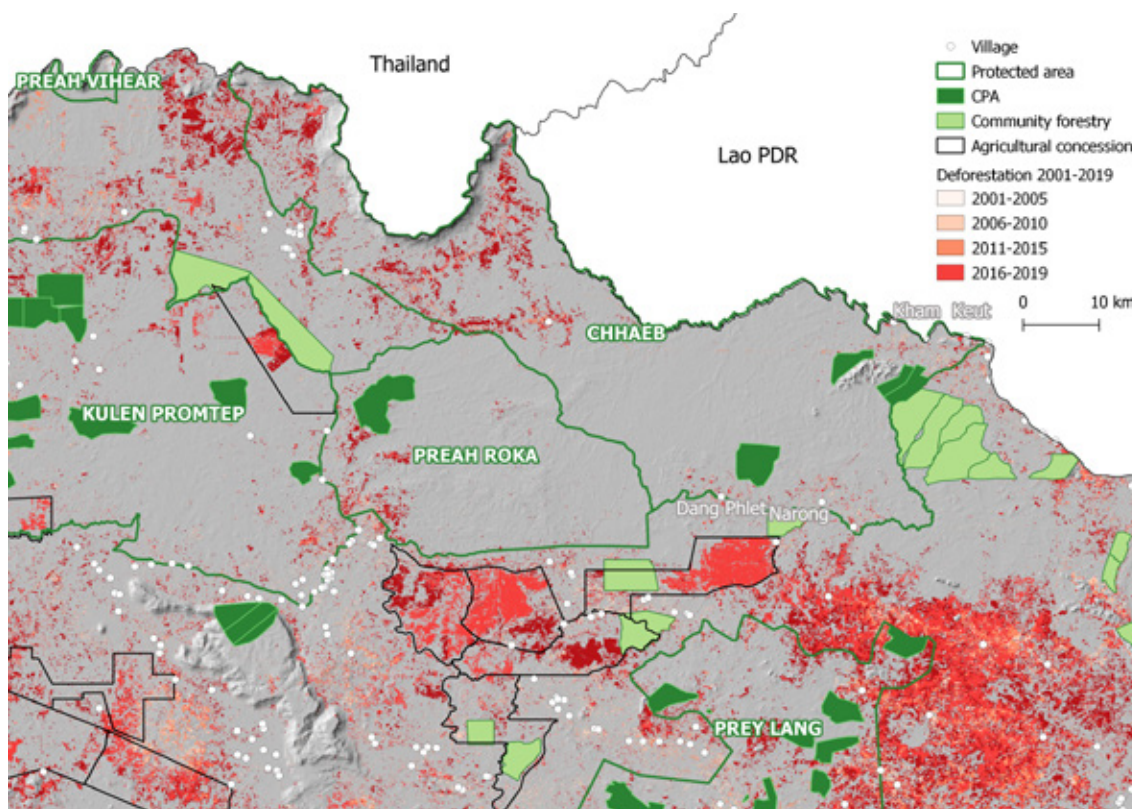
wildlife species (such as elephants, deer, gaur, the sarus crane, vultures and the giant ibis). The areas provide access to non-timber forest products that are significant to local livelihoods (particularly resin trees) and also offer opportunities for ecotourism development.

At the same time, these PAs can be seen as a last forest frontier. There is very little forest left outside of the PAs, which limits the territorial expansion of agricultural land for migrant smallholders looking for farmland. The operation of multiple ELCs in the south of the area (focusing on producing sugar cane and rubber) has exacerbated the pressure on smallholders to engage in deforestation within the PAs (see Figure 3). Factors that have created conditions for forest pioneering into the PAs include the lack of tenure security for smallholder farmers and no clear guidance on where farming and grazing are allowed or how non-timber forest products should be managed. Zonation of PAs can help address the tenure insecurity of smallholder farmers under two conditions: (a) if the zonation is based on the actual use and need for land and natural resources of local communities; and (b) by clarifying where farming and grazing are allowed and how non-timber forest products should be managed in a sustainable manner. This would offer pathways for PA authorities, local authorities and smallholder farmer communities to address livelihood and conservation goals through territorial (re)organisation and clarification of land and forest rights.



Villagers and local authorities in Chhaeb district, Preah Vihear, Cambodia come together to exchange ideas and opinions on community protected area plans. (Photo: Natalie Y. Campbell/MRLG)

Figure 3. General land tenure situation in Chhaeb and Preah Roka Wildlife Sanctuaries (2022) and deforestation (2001–2019) in Preah Vihear province.



Process design and implementation

The WCS team, along with their counterparts from the Provincial Department of Environment (PDoE) in Preah Vihear province, were the main driving force behind the design and the implementation of this intervention. The institutional set-up is well aligned with the national legal framework and consolidated through a national working group on PA zonation established in March 2020 and chaired by MoE. In May 2020, a provincial working group was established through a provincial ruling (Deika 011/20 LBK). The working group is chaired by a deputy provincial governor and has the director of the PDoE as a permanent member (Deika 011/20 LBK). Other members include district governors, directors of relevant technical line departments, commune chiefs and representatives from the CPA network. Overall, the institutional set-up is well aligned with deconcentration and decentralisation policies. The commune councilors and district officials who participate in the documentation process understand how the outcomes of PA zonation might help them in their capacity as local/sub-national authorities. For example, it can support in addressing conflicts or setting the conditions for issuing land certificates. The proposed intervention is based on a close

reading of the Zoning Guidelines for Protected Areas in Cambodia (GDANCP, 2017). While the team used these guidelines as a key reference to design the intervention, the limited scope and guidance with respect to local participation in the zonation of PAs is also acknowledged.

"We have used the technical guidelines (on the zoning of PAs in Cambodia) to design the intervention. But the guidelines say very little about how participation should be considered and how it should take place. So our approach has been to use customary tenure documentation, and to learn from the people, which we hope fills the gaps in the guidelines."

- Project team member, WCS-

The majority of the work consisted of comprehensive workshops in resource mapping conducted at the village level. A workshop typically gathered 20–30 villagers but the team usually organised several meetings per village to cover the entire resource system. In total, 84 meetings were organised in 48 villages, involving 3,064 people (1,623 men [53%] and 1,441 women [47%]). It was important for the team to aim for a gender balance because women have a central

role in collecting non-timber forest products (except for resin, which is still mainly collected by men). Only 25% of households were consulted in the 48 villages, a figure well below the stated objectives of 80%. The respondents suggested two main reasons for this. First, villagers prioritised their livelihoods and agricultural activities over meetings, particularly considering the frequency of meetings requested by WCS on different occasions for their various other conservation initiatives. Second, meetings were called and organised mainly through the village chief, which could exclude those not under his authority, such as environmental NGOs active in the province that are critical to the action of the government.

The facilitation team prepared updated land cover maps and used them as background for people to identify a diversity of resources that are relevant and important to them. Data and information concerning four main resource units were collected: settlement, farmland and grazing areas; non-timber forest products; important cultural and sacred forest areas; and wildlife. After the village-based mapping exercises, the team and local villagers conducted field surveys with GPS to obtain reliable locations and descriptions of any resources that local people could not identify accurately on the map. The resource maps were then presented to all participants for validation. The time dedicated

to the entire village consultation was substantial – approximately one week per village, including resource mapping, GPS fieldwork and resource map verification. This required significant mobilisation of human and financial resources.

After going systematically through all villages, the team digitised all data and information into spreadsheets and a geographic information system (GIS), which were used as direct inputs to draft the boundaries of PA zones (community, sustainable use, conservation and the core zone). Additionally, the team utilised background data/information from studies conducted when the Chhaeb Wildlife Sanctuary was managed as a protected forest by the Forestry Administration (Forestry Administration, 2010).

This information was discussed during various formal and informal meetings and then formally presented at district and provincial workshops. Of note, the presentation and discussion of the draft zonation at the local level (commune and village) could not be conducted before meetings at the district and provincial level due to restrictions relating to the COVID-19 pandemic. These activities were conducted as soon as restrictions were lifted.

A summary overview of the customary tenure documentation process is presented in Figure 4.

Figure 4. Implementation process and timeline for the documentation of customary tenure in Chhaeb and Preah Roka Wildlife Sanctuaries in Preah Vihear province



How did customary tenure documentation deliver on its objectives?

The map in Figure 5 overlays the results of the resource mapping and the zonation of the Chhaeb and Preah Roka Wildlife Sanctuaries. The resource map includes rice/non-rice land (chamcar), traditional areas, non-timber forest products and wildlife.

The map shows that there is a reasonably good match between the resource mapping and the zonation, indicating that people's input in the zonation process was well taken into account. The area dedicated to full protection (core zone with no access allowed) accounts for only 4% of the total area of both sanctuaries (see Table 1). This is in sharp contrast to Keo Seima and Sre Pok in Mondul Kiri province where zonation was driven by nature conservation concerns, resulting in much larger areas classified as core zones (28% and 50%, respectively) and placing many more limitations on access for forest-dependent smallholders.



Community members of the Rak Lalai ICLT on the border of Virachey National Park, Ratanak Kiri sharing about ICLT and CPA boundaries. (Photo: Natalie Y. Campbell/MRLG)

"The work we did shows that protected area management is about people. In fact, there are only very small areas inside Preah Roka and Chhaeb Wildlife Sanctuaries that are not utilised in some way or another by the people."

- WCS staff -

Figure 5. Overlay of resource mapping and zonation in Chhaeb and Preah Roka Wildlife Sanctuaries, Preah Vihear province

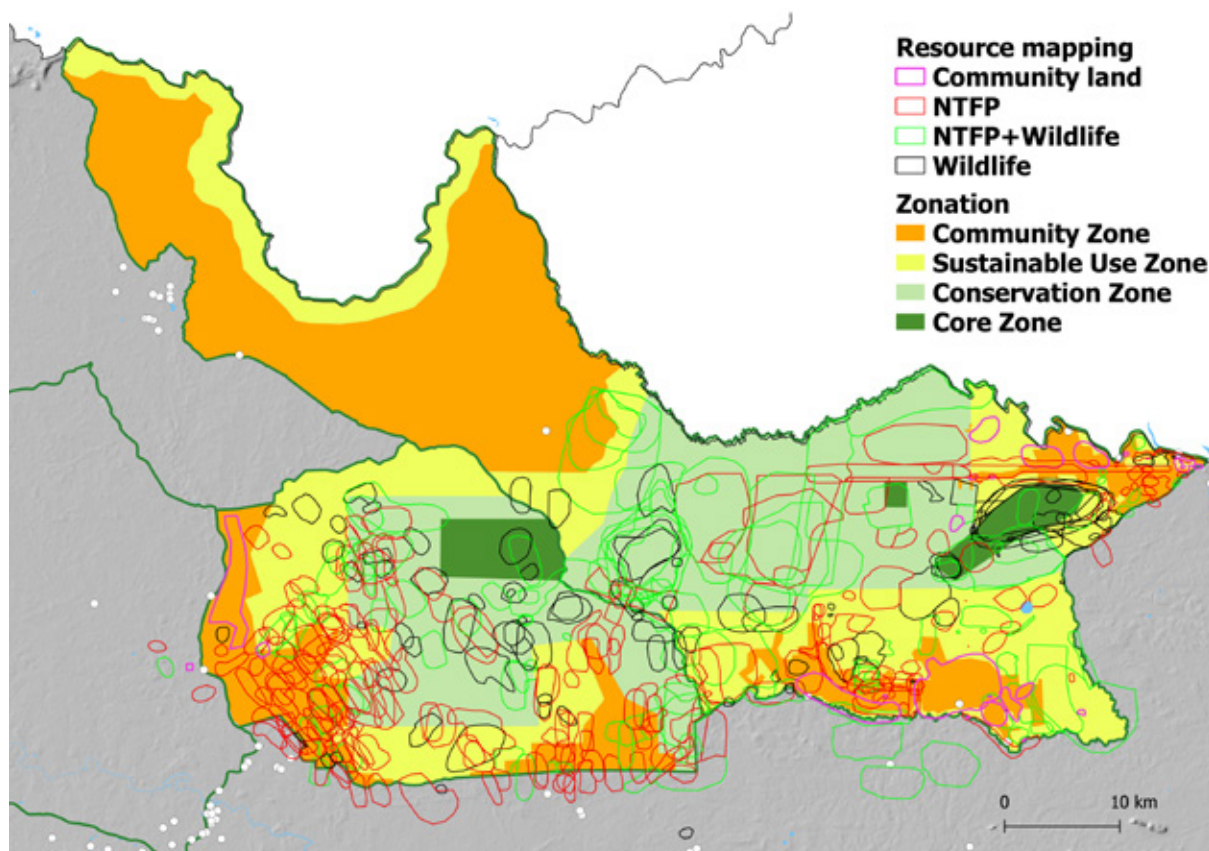


Table 1: Comparison of zone size in three protected areas in Preah Vihear and Mondul Kiri provinces, 2021 (hectares and percentage of total area)

	Chhaeb and Preah Roka, Preah Vihear		Keo Seima, Mondul Kiri (draft zonation, not official yet)		Sre Pok, Mondul Kiri	
Core zone	9,993	4%	64,384	28%	187,631	50%
Conservation	90,309	32%	84,392	36%	75,631	20%
Sustainable use	84,160	30%	58,733	25%	65,717	18%
Community zone	96,437	34%	26,146	11%	43,992	12%
Total	280,899	100%	233,655	100%	372,971	100%

Source: WCS data and Provincial Committee for Land Management and Urban Planning, 2021.

The effectiveness of the project in achieving its objectives could be due to four interconnecting elements:

- The resources mobilised by the project were considerable given the magnitude of the intervention. Only a solid organisation with adequate staffing and resources such as WCS could support activities deployed in 48 villages (facilitation, meetings, GIS work, reporting, etc.).
- Public sector organisations (from provincial to village level) showed strong support following Cambodian administration lines. Provincial leaders were particularly active in mobilising their teams in the process.
- Individual expertise, networking and commitment were instrumental in moving the process forward both with the administration and the local communities. The Secretary of the National and Provincial Protected Area Working Group played a central coordinating role throughout the process. His knowledge and experience in the field are widely recognised and give him legitimacy with the administration. He is also accountable to local stakeholders at the district, commune and village levels because he designed, organised (in close partnership with the WCS team) and facilitated all the village-based resource mapping activities and subsequent fieldwork.
- People in the community were willing to take part in activities, not only attending the meetings but also conducting specific site visits to validate the areas identified on the map. Community members were keen to clarify the areas to avoid any land encroachment in the future and to be better aware of areas that need protecting.

"In each village, there were different small group meetings, each with 15–30 participants. The WCS team explained the process of zonation and the benefits of it and asked participants to share information about farmland, resin tree areas and wildlife areas. Altogether, the meetings for one village could last for about five days. After these meetings, the participants who were knowledgeable about specific resource areas joined a field trip to check specific locations."

- Villager, focus group discussion participant -



Villagers actively participate in resource mapping for informing the zonation of the Chhaeb Wildlife Sanctuary. (Photo: Natalie Y. Campbell/MRLG)



Forest cover inside a community protected area in Chhaeb district in Preah Vihear province. (Photo: Natalie Y. Campbell/MRLG)

Broader outcomes of customary tenure documentation

The people-centred approach used to conduct the zonation of Chhaeb and Preah Roka Wildlife Sanctuaries has generated several positive outcomes for the people whose livelihoods depend on these PAs. The careful documentation of customary tenure has allowed people to use and access resources over a large part of the areas recognised under PA zonation. Through systematic consultation across the PAs, resource use and access for diverse livelihoods has been documented in an inclusive manner.

The process has also helped to equip the administration and local authorities with tools and mechanisms for more sustainable management of both PAs. For local authorities, the delineation of zones helps to improve land management because it clarifies the practices that are permitted or prohibited in each zone.

"The zonation is very useful for the protected area authorities but also for us. Because now we know clearly which land is eligible for titling and we can issue land certificates and make all necessary permits for construction etc."

- Commune councillor (field interview) -

For wildlife sanctuary authorities, data gathered for zonation helps to inform the design of a specific management plan for each zone. In Chhaeb and Preah Roka Wildlife Sanctuaries, the zonation builds on other conservation activities that include biodiversity monitoring, support for CPAs and the CPA network of Preah Vihear province, law enforcement, ecotourism development and initiatives under REDD+ and the wildlife-friendly and organic IBIS rice business model. The zonation process strengthens these activities and gives them spatial coherence.

The initiative has generated some unintended positive outcomes that are worth mentioning. The documentation of customary tenure has been very useful because it helps to generate data and information that are necessary to design the upcoming REDD+ project. Specifically, the documentation is instrumental in including all people and villages that are eligible to receive support from the project. The documentation process in some villages has also incentivised local stakeholders and WCS to request an extension of CPA boundaries and to reserve land (inside the sustainable use zone) for the creation of new CPAs in the future.

One significant risk that needs adequate consideration relates to the possibility of private land titles being issued following the delineation of the community zone. This will likely incentivise land market transactions and turning to microfinance institutions to borrow money. In Cambodia, these processes often lead to over-indebtedness (Green and Bylander 2019) and land sales. If not well monitored and regulated by microfinance institutions themselves and local authorities who issue land certificates used as loan collateral, this might result in advancing forest pioneers inside the sustainable use and conservation zones of both PAs.

The initiative has made an important contribution to work stream activities by proposing an original approach to integrating FPIC and a more people-centred approach to PA management that fills an important gap in the existing technical guidelines for PA zonation in Cambodia. Past experiences in the country show that amendments to technical guidelines are difficult to achieve but the presentation of the approach in a best practice document, co-published by WCS and MoE, would be

more realistic and achievable. It would be an important contribution that could be scaled up to all other PAs awaiting zonation.

4.2. KEO SEIMA WILDLIFE SANCTUARY, MONDUL KIRI PROVINCE

Context and objectives of customary tenure documentation

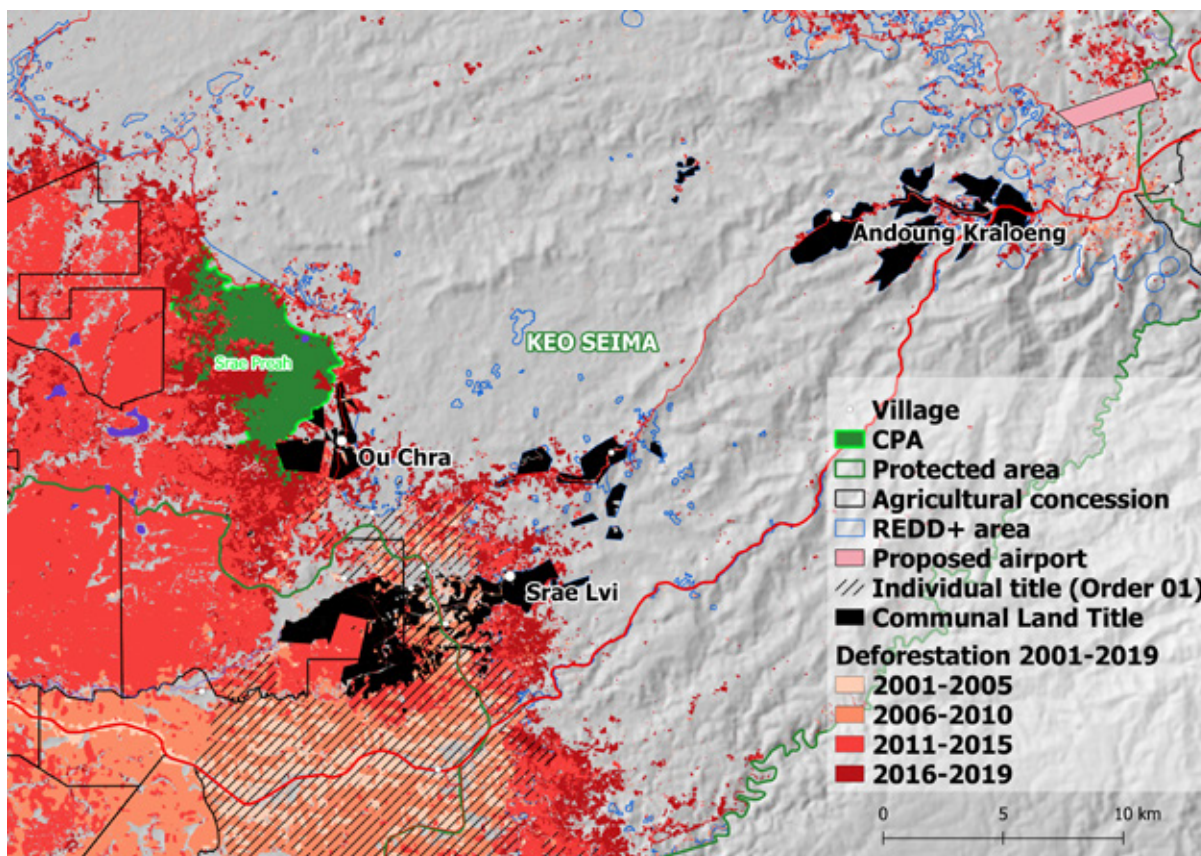
Over the last two decades, ethnic Bunong communities living inside the Keo Seima Wildlife Sanctuary have been exposed to significant transformations in land use and tenure. The customary land and forest tenure arrangements of the Bunong have been affected by the ELCs granted inside Keo Seima Wildlife Sanctuary and the (now defunct) Snuol Wildlife Sanctuary (see Figure 6). Logging operations in and around ELCs have been continuous since the forest concessions were terminated in 2002. This is in conjunction with the important migration stream of smallholder farmers searching for land, with both putting enormous pressure on the resources used by Bunong communities.

Efforts around ICLT were initiated in mid-2000 but were only formalised in 2011–2012. The titling campaign conducted by the government in 2012–2013 under Order 01 granted private titles to communities and generated tension between individual land use rights (formalised under ICLT) and individual private land ownership (formalised by an individual land title). Land transactions started with community members selling land to outsiders who either needed settlement land for livelihood activities or wanted land for speculative purposes. As ICLT land sales to outsiders are prohibited both by law and under internal community rules, these transactions have also initiated disorganisation of the ICLT area and fomented mistrust within communities. Families who lose land through distress sale often have little choice but to clear land outside the ICLT area, resulting in further deforestation into surrounding PAs. The core objective for WCS to document customary tenure in this context was to clarify land ownership inside and around the ICLT area. The process intended to provide information on the ground to revise the internal rules of the community and recreate trust in the collective institutions and compliance with ICLT management.



Community hall, Kok Lak commune, Ratanak Kiri province (Photo: Jean-Christophe Diepart)

Figure 6. General land tenure situation (2022) and deforestation (2001–2019) in Keo Seima Wildlife Sanctuary, Mondul Kiri province



Process design and implementation

The activities designed by WCS and their counterparts (PDoE and other relevant stakeholders who are members of the provincial State Land Management Committee) were well aligned with the recent PA legislation (Prakas 05 and SCN 437). Before conducting activities, the team consulted local stakeholders to discuss the idea of the project and to seek consent among local groups in the three villages where communal land titles had been issued (Srae Lvi, Ou Chra and Andoung Kraloeng). These are part of the Keo Seima REDD+ initiative supported by WCS.

A working group was then set up at the district level, consisting of representatives from the ICLT committees, commune council, district hall administration and district cadastral administration as well as the village chief and members of the wildlife sanctuary management team. However, support from local authorities for the ICLT process itself was inconsistent. Support for the land use inventory to enhance ICLT management was even less. Some local authorities we met expressed doubts and scepticism about the capacity of ICLT to offer a credible alternative to private titles, which are supposedly easier to manage, transfer and

collateralise. In Andoung Kraloeng, respondents reported cases where local authorities approved land transfers within the ICLT area between community members and outsiders. It should be noted that this issue does not reflect a lack of FPIC in the initiation process of the ICLT. It is a result of a change in the socio-economic context that incentivises the demand for agricultural land by smallholder migrant farmers as well as district and provincial civil servants for infrastructure and other development. Villagers



Signage in Ratana Kiri reminds villagers of penalties for unauthorized resource use inside the protected area (Photo: Natalie Y. Campbell/MRLG)

filed a complaint to their commune council requesting the dissolution of the ICLT which they considered to be going against their interests. The complexity of the institutional framework was highlighted by the project team.

"We often think about ICLT as requiring intervention from the Ministry of Rural Development, the Ministry of Interior and the Ministry of Land Management, Urban Planning and Construction. Yet, when ICLTs are located inside a protected area, the Ministry of Environment has a big role because it can block the process. And with the new regulation [referencing Prakas 05 and SCN 437], many other institutions of the Provincial Land Management Committee are involved. A very important lesson learned for us is the need to navigate across all of these State-based organisations and to constantly move from local to provincial level and back down to local to make sure the process is well aligned with the legal framework and people's aspirations."

- Project team member, WCS -

A team of local facilitators involved in the management of the ICLT and local officials (Village Land Use Inventory Working Group) was formed and trained by the WCS team in conducting land inventories and in using land survey digital equipment (Avenza Maps application). The majority of the activities consisted of a land inventory survey by the Village Land Use Inventory Working Group to identify or update the ownership of each plot of land located inside the ICLT area (settlement, agricultural, reserve land and spiritual and burial forest zones) and a limited area spilling out of the ICLT area. The inventory results were transferred from the Working Group to the WCS team for processing and then returned to village groups as a digital file and hard copy. Land inventory activities were presented by the WCS team and representatives from the Working Group (officials chaired the meetings) and then verified daily by village facilitators and authorities from the commune and the village (the ICLT committee and village chief/vice chief). The WCS communal land title team regularly monitored the activities and provided backstopping when needed.



CPA members travelling inside their forest in Chhaeb District, Preah Vihear Province. (Photo: Natalie Campbell/MRLC)

Figure 7. Implementation process and timeline for the documentation of customary tenure in Keo Seima Wildlife Sanctuary, Mondul Kiri province



" The village authority participated in all steps during the measurement. It started with two groups. One group consisted of the following people: an ICLT committee member (aka village facilitator), a village chief and deputy chief, a representative from the commune council and district, police, WCS staff and land owners. Most community members are happy and they were active participants in the land measurement because they wanted clarity about the ownership of their land."

- Villager, focus group discussion participant, Srae Lvi village -

After data processing, the survey results were presented during a village meeting and further discussed to revise the internal rules of the community. The discussion revolving around internal rules helped to identify community projects that could be financed through REDD+ local grants, the REDD+ project and benefit-sharing mechanisms. Implementation of the land inventory clarifying land ownership was completed in Ou Chra and Srae Lvi villages. However, more still needs to be done in Andoung Kraloeng village due to complicated land classification and unresolved land conflicts. In this village alone, there are 18 cases of unresolved land conflicts, at least 15 of which involved land transactions from ICLT members to non-members.

A summary overview of the customary tenure documentation process is presented in Figure 7.

How did customary tenure documentation deliver on its objectives?

Revision of ICLT boundaries and internal rules

The land use inventory data resulted in a land use map for display and discussion in the village (see Figure 8). The process identified significant mismatches between the reality of land use on the ground at present and the original design and organisation of the ICLT dating back to 2011–2012.



Meeting with commune authorities in Chhaeb Wildlife Sanctuary to discuss inclusive protected area zoning (Photo: Pel Martin)

Figure 8. Example of a general map (left) and a detailed map (right) produced with land use inventory data.



This was especially the case in Andoung Kraloeng – one of the first three pilot villages in the history of ICLT – where a number of issues were identified.

- Spiritual and burial forests typically exist in many places and are larger than the 7 ha limit set out in the law, so portions of spiritual/burial forests end up inside agricultural or settlement zones and are directly threatened by encroachment of both ICLT and non-ICLT members.
- Several cases of encroachment and privatisation of reserved land have also been reported, often involving land capture by local elites (village chiefs, etc.).
- The selling of land to outsiders incentivises deforestation further into PAs by households who either do not have enough land for their expanding families or needs, or who have lost land. This leaves clearing land inside the surrounding PA as the only option.
- Land used by community members is partly integrated into the ICLT and partly falls outside of the ICLT. The dual nature of land ownership that unfolds (collective and private) creates general confusion that has a negative influence on ICLT area management.

The land use inventory has resulted in revisions to some aspects of ICLT area management. The intervention brought clarity around the actual boundaries of the ICLT and about ‘who owns what’ inside the collective area. This represents an important achievement for local villagers. Overall, the role of well-trained local facilitators in the planning and implementation of daily

activities at the village level turned out to be key in the success of the intervention. Facilitators were able to work both independently and to mobilise the participation of local stakeholders. They clearly understood the objectives and the tools utilised during the land inventory process. Local authorities worked with the community to solve conflicts in the community regarding land use and distribution.

However, the revision of the ICLT is somewhat limited because the boundaries of the main land use types (settlement, agriculture, reserved land and burial and spiritual forest) have not changed to address the core problems identified above (extension of the ICLT area to include land recently cleared that belongs to the ICLT member, revision of spiritual and burial forest areas that usually cover more than 7 ha to increase these areas in size, etc).

The main revisions to internal rules concern the lifetime mobility of community members and access to credit:

- When a community member leaves the village for marriage or for work, they retain rights to their land in the village.
- In cases of divorce, the spouse who leaves the village is entitled to 50% of the land. Once the plot has been divided under the authority of the ICLT committee, they can sell it to other community members or keep it for further use.
- There is no right to collateralise ICLT land to microfinance institutions.
- Membership rights, usufructuary rights and rights to habitation are clearer.

Land conflicts and resolution mechanisms

A very important part of the initiative in Keo Seima was the time and human resources invested in addressing the multiple land conflicts identified along the land use inventory process. Several types of land conflicts were encountered, involving different stakeholders and different resolution approaches:

1. The simplest form of conflict concerns disputes about plot boundaries between two members of the ICLT. This type of conflict is most often resolved locally within the community.
2. Conflict that arises when a non-member (indigenous or non-indigenous) of the IP community acquires land that is part of the collective land title is difficult to resolve and usually requires the facilitation of the commune council. The new land owner (if they are not indigenous) is required to cede the land to the community but the person is given a two to three year grace period to ensure reimbursement of the loan.
3. Higher-profile conflicts are situations in which an official (at village, commune, district or provincial level) is involved in the purchase of community land or in community land grabbing. This type of conflict requires the intervention of a lawyer and possibly a court

case. In some cases, individuals involved in land encroachment inside an ICLT area decide to return the land to the community before the court decision. This reflects the importance of stakeholder engagement in the land use inventory. WCS has been working with indigenous lawyers to address the existing conflicts using alternative dispute resolution processes. However, four cases have been taken to court.

The time needed to manage these conflicts was underestimated during the design and planning phase. However, the initiative was instrumental in providing ground data and evidence to test and institutionalise land conflict resolution mechanisms with several stakeholders. This has turned out to be a significant achievement.

"The initiative led to two different processes that are relevant at two different levels. First, the land inventory helps to streamline land management by documenting land use and land ownership to inform decisions and further action by provincial level stakeholders. On the ground, the work is beneficial for the community and for NGOs and community facilitators who support local groups."

- WCS staff -



Dry Deciduous Forest in Chhaeb Wildlife Sanctuary , Preah Vihear Province (Photo: Jean-Christophe Diepart)

Broader outcomes of customary tenure documentation

In Keo Seima Wildlife Sanctuary, customary tenure documentation is more of a land use and ownership inventory, reflecting the very different context, approach and objectives of the initiative towards improved ICLT management. This also explains why the outcomes are quite different from the other two case studies. In this case, the process has made three important contributions that will likely last beyond the project. Local mobilisation has reactivated discussion about the internal rules of the community and increased ownership over these regulations by a larger group of community members. Overall, this has given community members confidence that their collective community and their ICLT are still protected. In addition, the project developed the capacity and empowered village facilitators who are now better able to understand and monitor land use issues and land transactions. From the perspective of villagers and local authorities, these local resource people have become local cadastral officers in their own right.

"All the boundaries and the name of the land owners of all plots are now with us – in Avenza Maps on our mobile phones. Several times villagers have asked me to check some plot boundaries to address a problem. This way, we can solve problems by ourselves without having to rely on the department of land management."

- Village facilitator -

The initiative has also been instrumental in creating new networks and institutions around land conflict resolution. Different resolution mechanisms have been identified and tested involving local groups, the commune council, the court and IP lawyers.

The process has clarified the role of local officials in strengthening and supporting village-level decisions (IP and indigenous cultural communities) on traditional land use, which should have a lasting effect on administrative procedures implemented in the future.

The outputs of the land use inventory have also had indirect positive effects. The approach has been deployed in a fourth village (Pu Kong) by WCS, where similar issues are occurring. It has also informed the work of other organisations supporting the villagers of Srae Lvi. These organisations are helping the community potentially prepare a request to revise the ICLT boundaries in order to include all the agricultural land plots being cultivated by the villagers.

There are several cases of Khmer families coming from lowland areas to live and farm in Srae Lvi even though by-laws and internal rules stipulate that they are not part of the ICLT member groups. A strict reading of the law and sub-decree by State officers and community facilitators (NGOs, International organisations, etc.) would suggest that all outsiders (non-community members) are to be considered ICLT encroachers. However, such an understanding carries an inherent risk of limiting the possibility of community-based solutions around outsiders who have established themselves inside the ICLT with the agreement of the community. Appeasement and compromise can be found with non-IP who show good faith and determination to respect and conform to the local norms of the ethnic Bunong people.

This is one of the few initiatives in the country that has embraced the new institutional set-up laid down in Prakas 05 and SCN 437, making an important contribution at the policy level. The initiative has nurtured close collaboration with the (national) Inter-Ministerial Committee on Questions and Issues Relating to Indigenous People. The project also hosted a study tour for committee members and exposed them to the intricacies of issues on the ground. The study tour generated a list of seven key recommendations that have been transferred to the Council of Ministers for consideration. The recommendations include the need to (a) scale up IP recognition not just through ICLT but also through other means for long-term conservation (such as CPA and cultural heritage recognition granted by the Ministry of Arts and Culture) and (b) adopt interim measures to protect IP land and resources until the ICLT has been issued. The effects of the advocacy are not yet visible but the link established between top-level decisions and village issues is a step in the right direction.

4.3. VIRACHEY NATIONAL PARK, RATANAK KIRI PROVINCE

Context and objectives of the customary tenure documentation

In this initiative, HA conducted activities in Kok Lak commune in two villages (Lalay and Rak) that extend both within and outside of Virachey National Park. In both villages, an ICLT process was initiated in 2013 but the titles were only granted and received in 2020. In 2017, MoE introduced a biodiversity corridor that overlaps with land and forest resources used and cultivated by the Kavet people (see Figure 9). This overlapping area has been used by the communities since ancestral times and was an area that communities in both villages had requested to be included in the ICLT area. However, the land in this overlapping area was carved out of the ICLT area as part of the biodiversity corridor before the communities received the titles. The biodiversity corridor therefore deprived communities of access to these resources including forest land plots for permanent and shifting agriculture.

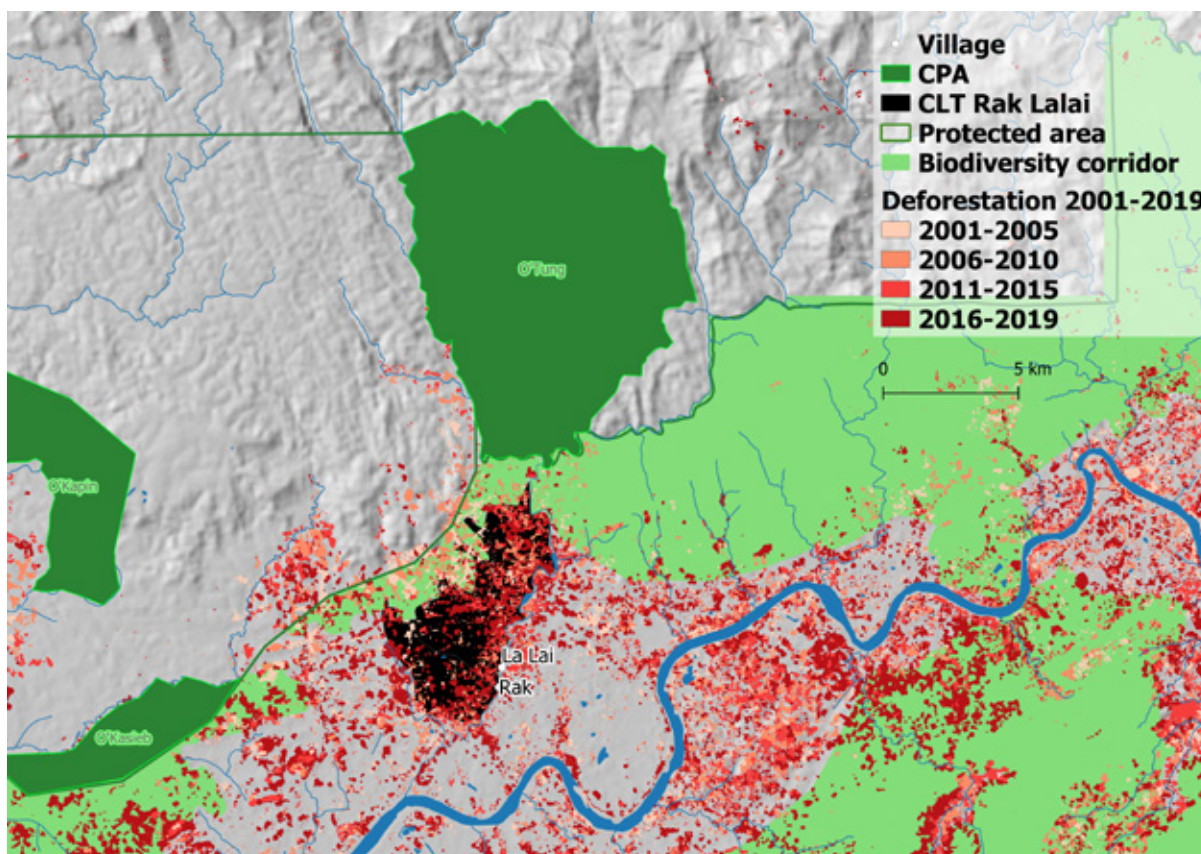
"When the Forestry Administration [under MAFF] transferred its task to MoE, they did not know that community members had already been farming in the corridor areas. In 2019, MoE came to tell us about the corridor boundary through a map but we were not given any proper explanation about what we could or could not do. And now we have lost access to all of this area because we can't clear it for swidden cultivation."

- Focus group discussion participant -

The commune territory also includes the largest CPA in the country – O'Tung Community Protected Area – that covers 9,862 ha. This CPA has been supported to date by Non-Timber Forest Products, a local NGO. The area has been important for sourcing valuable timber and non-timber forest products such as malva nuts, bamboo, mushrooms, rattan and vine (You et al., 2015).

HA approached the documentation of customary tenure as a way to inform an advocacy campaign on land and environmental issues affecting the Kavet indigenous peoples

Figure 9. General land tenure situation (2022) and deforestation (2001-2019) in Kok Lak commune, Ratanak Kiri province



living at the edge of the Virachey National Park. Specifically, HA aimed to develop the capacity of community youth to understand and analyse issues affecting their community and to generate knowledge that can help the community to defend their land and environmental rights.

Process design and implementation

HA is an indigenous organisation working to support IP in Ratanak Kiri. The organisation conducts three main types of activities: awareness-raising on IP traditions and rights, research and advocacy on land/environmental rights issues, and livelihood support through different means (ecotourism, savings groups and collective farms) to enable communities to generate new resources.

HA facilitates a provincial working group called the '7 Language Working Group' that unites seven IP groups differentiated based on the language they speak – Tampoun, Kroeng, Brao, Jarai, Kachok, Kavet and Lun. HA is reasonably active among the Tampoun, the Kroeung, the Brao, and the Jarai, but has not achieved any significant engagement with the other groups. The involvement of HA among the Kavet people in Kok Lak commune is an attempt to open a new portfolio of activities with a group that has remained relatively out of reach to date.

"HA is an association formed by indigenous people for indigenous people. This is why customary tenure is not just about land identification but also includes all the local institutions and networks that are mobilised by the people."

- HA coordinator-

For this initiative on customary tenure documentation, young local village facilitators and researchers (known as Chon Bangkoal) were selected in consultation with village elders and authorities. The groups consisted of four committed young adults (18–22 years old) who have some form of education.

The methodology for the documentation process was further refined by the HA team with support from an external advisor, following an approach developed in Myanmar. The collaboration was fruitful as it helped to understand customary tenure in a broader sense and to enhance the research capacities



Bamboo forest in O'Tung CPA, Virachey National Park, Ratanak Kiri province (Photo: Jean-Christophe Diepart)

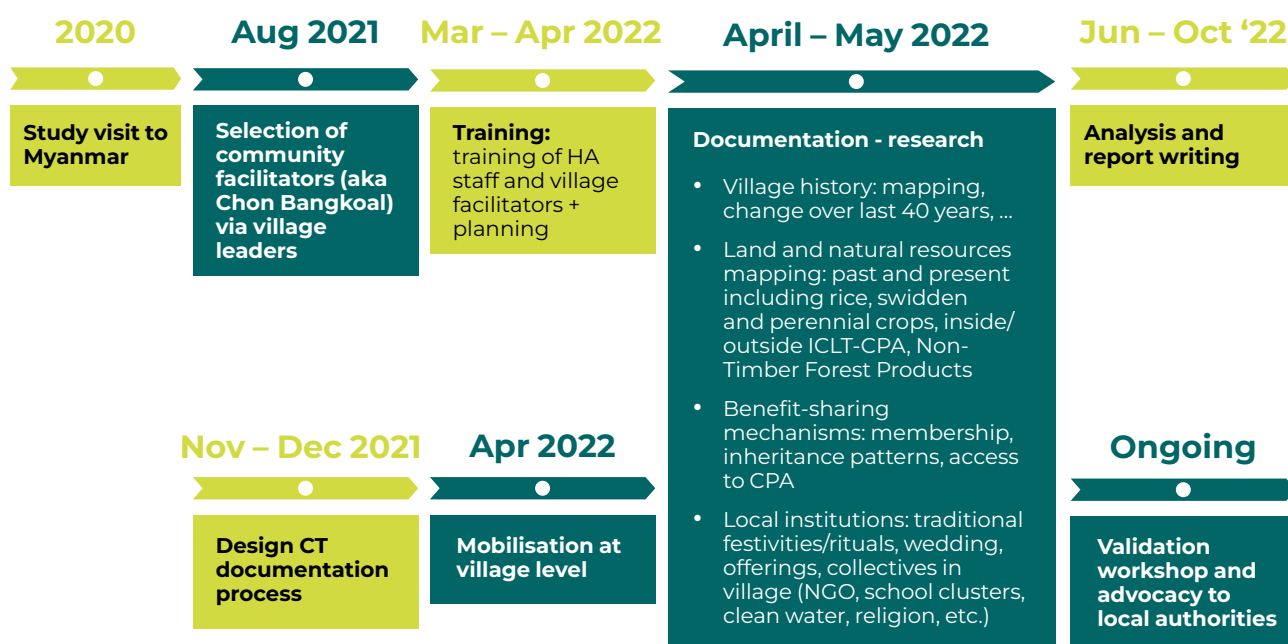
of HA staff. The advisor conducted training of trainers for HA staff on data collection tools and field research. HA staff extended this training to local village facilitators in Kok Lak commune.

In addition to this orientation training, the local team prepared and discussed a research plan with village authorities. Young village facilitators then conducted the majority of the customary tenure documentation with a holistic approach. They recorded village history, local institutions and their interactions, traditional festivities/rituals, weddings, offerings and groups in the village such as NGOs and clusters. Mapping and analysis covered land use and customary tenure practice changes over the last 40 years and local resource use and transfer (including benefit-sharing mechanisms).

The local team sent all research materials to the advisor for analysis and report writing. The draft report was then reviewed by HA staff. The research findings were presented to local groups and local authorities and HA has sought to use the documentation to advocate for greater recognition of land rights, including regaining access to land lost to the biodiversity corridor.

A summary overview of the customary tenure documentation process is presented in Figure 10.

Figure 10. Implementation process and timeline for the documentation of customary tenure in Kok Lak commune, Ratanak Kiri province



How did customary tenure documentation deliver on its objectives?

The documentation was carried out according to plan and the report offers insights into both villages about the history, changes in land use, customary practices and resource tenure. It also presents an institutional analysis that maps out key organisations and collective activities in Kok Lak, the influence they carry and how they interact. The intervention has been effective in terms of the production of outputs. Local researchers conducted the data collection quite independently using a variety of research tools they learned from HA staff (resource mapping, labour calendar, land use change analysis, stakeholder and social service mapping, etc.). The team could have enhanced the quality of these research outputs if more regular debriefing sessions and on-the-job training had been organised with the HA team and the external advisor. The data could also better support communities to claim back their land and resources which are overlapping with the biodiversity conservation corridor if the local team (local researchers and HA staff) articulate the research findings in a structured way to facilitate negotiations.

The higher-level objectives of the intervention – to inform an advocacy campaign to protect the land and environmental rights of the community – have not been fully attained.

"There is no clear solution yet. The people at PDoE said that the ministry needs to further analyse the situation relating to the removal of land from the biodiversity corridor and its return to the community. But they say they don't know when this will happen."

- HA staff-

The technical line departments/offices at the provincial or district level were not included in the institutional set-up of the activities. This might be seen as a missed opportunity considering that the State institutions could have drawn on recent legislation (e.g. Prakas 05) to adjust the boundaries of the biodiversity conservation corridor responsible for the loss of access to land and resources that are vital for local communities. The key lesson learned here is that it is essential to involve all important stakeholders from the design phase of the initiative if the aim of the research is to raise awareness and influence external parties through the research process. This way, key actors are aware of the activities and are in a better position to engage with the local team throughout the whole process.

Despite this difficulty, HA has started to engage with local authorities at village and commune level to present and jointly reflect on the research findings. This helped inform a preliminary discussion with representatives from PDoE in October 2022.

Broader outcomes of customary tenure documentation

A key outcome of the documentation process has been to shed light on the biodiversity conservation corridor as an instrument of exclusion for local communities. There is potential for affected communities, indigenous organisations and NGOs in the area to use the research as a basis to advocate for revisions of the corridor boundaries and to ensure that these benefit local Kavet groups. However, because not all relevant institutions are actively included in the process, the transformative dimension of the intervention is yet to be seen. More recent engagement with provincial authorities, however, suggests that there is still room for HA to engage in discussions and draw attention to the issue to influence change.

Another unintended outcome of this process was that community facilitators, as local researchers, became aware of the need to renew the CPA co-management agreement between communities and MoE. The CPA agreement is valid for a period of 15 years and is the legal basis for the community to access and utilise the resources within the CPA area. This suggests that this kind of locally-driven assessment through documentation helps to bring more visibility to tenure issues and the need for clearer and more secure tenure rights. The process can incentivise community leaders to start engaging with MoE for the renewal of the CPA agreement.

The activities conducted in Ratanak Kiri are not very resource intensive and, as such, there is no major barrier to replicating them. The issue is rather the absence of a proper connection with the district/provincial

administration that would allow HA to move beyond the production of a document to engage in advocacy and negotiation through the coproduction of knowledge. The more neutral arena of knowledge production can be fruitful in bringing government officials and communities closer together through a shared learning experience. This can bridge different understandings around land and resource use, livelihood needs and benefit-sharing in the management of PAs. Capacity development of young village facilitators is still limited but is moving in the right direction. The demand is high for training and coaching sessions to build capacity within the community to address real issues and practices. In addition to research capacity, facilitators should also be equipped with knowledge and skills in advocacy strategies to make better use of the information that they collect/analyse to respond to the community issues raised. Young people interviewed have a shared vision for the future where all information is publicly available for current and future generations to understand the history of their village.

"We wish to draw big pictures depicting our village stories and to place them in a public area to share with all villagers. This way, children and young people become fully aware of their village history and can transmit this to the next generation. Next time we will meet old people to gather village stories, and we want to conduct an audio recording as well.."

- Young village Facilitator-



Recent forest clearance in Keo Seima Wildlife Sanctuary, Mondul Kiri Province (Photo: Jean-Christophe Diepart)

5. HOW CAN DOCUMENTATION OF CUSTOMARY TENURE ENHANCE PROTECTED AREA MANAGEMENT?

In this section, we move beyond the individual lessons from the three interventions to examine their collective contribution to enhancing PA management. More specifically, we discuss how the documentation of customary tenure informs PA-related processes so that they adhere to inclusivity and FPIC principles. We identify three main themes: the scope of customary tenure, the interconnection between documentation, and how to move from participation to empowerment in PA-related processes.

5.1. THE SCOPE OF CUSTOMARY TENURE

In the cases presented in this report, customary tenure has been examined in very different ways. In Preah Vihear, the identification of customary tenure mainly consists of resource mapping, focusing on the spatial dimension of the resources, and less on the institutions (norms and rules) that local communities have devised to manage them. In contrast, the land use inventory conducted in Mondul Kiri has been coupled with conflict resolution mechanisms and the revision of the community's internal rules. However, these were limited to areas located inside ICLT zones and have not included the entire customary territory managed by local communities. In Ratanak Kiri, customary tenure has been examined the most holistically to include resource units, management institutions, benefit-sharing mechanisms and power dynamics, and an institutional analysis of support organisations. Each of these approaches responds to specific contexts and objectives, but for customary tenure documentation to be a tool for inclusivity in PA management, a hybrid approach that meets several criteria is required.

- Spatially, the documentation of customary tenure should cover the entire territory and resource units managed by the communities irrespective of the type and level of recognition and formalisation they enjoy – such as in the case of Kok Lak commune in Ratanak Kiri province. The three cases reveal that people's livelihoods depend on a range of land types

and resources that they use and manage in an integrated way. These areas often extend beyond the boundaries of what the State has formally allocated for communities (for example, agricultural land or swidden fields within and outside ICLT areas). This mismatch between what communities customarily claim and use and the way these lands and resources are delineated and recognised by the State will likely continue to be a source of ambiguity and tension, which can have damaging effects on the overall governance of resources. However, given the complexity of documentation, perhaps hybrid approaches to documentation that are simpler and less resource intensive could be more pragmatic for territorial documentation.

- If local resource users are to be regarded as central players/partners in managing the natural resource base in PAs, customary tenure documentation must go beyond the spatial dimensions of territory and resource units. Documentation must also capture the local institutions and practices crafted by communities to manage these resources, share the benefits and address conflicts. As was evident in the case of Mondul Kiri and Ratanak Kiri, once rules have been formalised, the documentation process can be an opportunity to revisit local rules and



Meeting with the committee of an indigenous community holding an ICLT in Andoung Kraloeung in Mondul Kiri (Photo: Pel Martin)



Rice paddies in Keo Seima Wildlife Sanctuary Mondul Kiri province (Photo: Jean-Christophe Diepart)

practices within communities in light of past changes and new circumstances to allow for readjustments.

- For customary tenure documentation to be a tool for inclusivity in PA management, it needs to capture instances and processes of exclusion that may affect certain groups with legitimate rights. For example, in Preah Vihear province, a group engaged in a community forestry scheme lost access to forest resources when the management of the PA was transferred to MoE. Such exclusions were also evident in Ou Chra village, Mondul Kiri province, where Khmer families had appropriated reserve land within the ICLT area for residential and agricultural purposes, with or without consent of the community. If these outsiders respect and conform to local norms, the ethnic Bunong people can consider them as legitimate new members of the community. In this case, the differentiation between members who are considered to be rightful owners of the land and non-members who are criminalised as illegal outsiders can also turn problematic.
- Processes of exclusion are not always clearly visible nor are there always disagreements about what constitutes (and who holds) legitimate rights. There is often a discrepancy between legal rights (rights defined by law) and what some people consider legitimate rights. Facilitators of customary tenure documentation need to be cognisant of these complexities by looking into the recent history of land use, settlement and resource control and by treating communities as differentiated entities. Careful attention to differences in the use and control of resources based on wealth, ethnicity, gender and age is particularly important to ensure that different experiences and realities are represented.
- Documentation should also reflect the differentiated use and management of resources employed by the diverse resource users – IP, members versus non-members of community groups, or gender divisions, etc.
- Documentation could try to capture land use changes and their underlying factors, especially in the context of the rapid integration of IP into the market economy. Some people set aside a large portion of their land and changed its use from swidden to cash crop production due to the increasing household demands for cash income. In an ideal situation, documentation could be conducted every few years and there could be a clear pattern of changes emerging, which could be a good basis for discussions and interventions.
- A proactive approach is required that anticipates the need for settlements, farmland and grazing areas in the future. In this way, the documentation of customary tenure can contribute to the design of a land use plan if people are demanding such a plan.

5.2. INTERCONNECTION BETWEEN DOCUMENTATION AND PROCESSES RELATED TO PROTECTED AREAS

Documenting customary tenure is an important means of implementing FPIC principles and promoting inclusivity in the management of PAs. It provides a mechanism for local communities and resource users to use their own categories and knowledge to assess, articulate and represent how they use, access and manage land and forest resources for their livelihoods. Information and data that affirms local resource use and management and livelihood practices from the perspective of local communities is crucial in recognising their rights and role in managing PAs.

While documenting customary tenure helps outsiders to have a clearer understanding of local resource use and livelihood systems, it does not strengthen recognition on its own. The documentation process and the information collected therein must also engage in and respond to wider legal and institutional frameworks, processes and actors that shape PA management. Documentation has to respond to explicit objectives and inform specific PA processes. These could be zonation, improving the management of community-based but government-sanctioned schemes for land rights allocation, advocacy for greater access rights in relation to biodiversity corridors or other initiatives that are seen to infringe on people's customary use and access rights.

In other words, strengthening the recognition of customary tenure and the role of local resource users in the management of PAs entails

engagement and negotiation with government and other actors with diverging interests in development and conservation. On the one hand, government actors need to understand local land use and livelihoods – a meaningful consultation process should be in place to give people space to formulate (or revise) the rules for managing resources on their terms, as shown in the Mondul Kiri case. On the other hand, communities also need to understand government frameworks and procedures for PA management as well as what formal recognition processes entail from the perspective of the State. The PA zonation conducted in Preah Vihear province introduced a new landscape of rules and regulations, which forest-dependent smallholders must observe. To support community compliance, the documentation needs to be organised in a way that helps to raise awareness about the PA process among local communities and enables them to understand the new rules put in place.

The (co)production of knowledge through the customary tenure documentation process can provide a fruitful interface for such engagements and negotiations to take place. The process of (co) learning tends to encourage exchange that can lead to common understanding. This requires the involvement of State and other relevant actors in the process. In principle, agreement with State organisations is required, not only to conduct the process but also to ensure that the outputs of the documentation can be used to influence and improve PA management processes. Establishing and strengthening institutional avenues can increase engagement with the documentation and inform key strategies for influencing decision-making processes. One example is the establishment of PA working groups at the provincial level in the intervention in Preah Vihear.

Even if the activities are not completely embedded in the State system and are not being conducted in direct partnership with the State, this step includes establishing clear reporting and information-sharing mechanisms with State actors, typically with MoE, provincial administration and Ministry of Land Management Urban Planning and Construction, among others. The process includes technical discussions about the type and format of the information required to ensure that the documentation generates data that meet certain quality standards and can be used by others.



Malva nut tree (*Scaphium macropodium*) (Photo: Jean-Christophe Diepart)

5.3. FROM PARTICIPATION TO EMPOWERMENT

If the process is carried out in an environment where people are listened to, and their knowledge valued, customary tenure documentation can be effective in motivating local communities to take action themselves. This could be to undertake their own assessments, raise awareness around key land and forest tenure issues or mobilise to address key challenges identified. The documentation process is not a rapid assessment – it requires support and time and incurs costs. Moreover, it is critical to maintain the momentum beyond the research and link it to broader processes for change.

The documentation process can empower forest-dependent smallholders to clearly define and sustain their role in PA management. The interests of the community can be represented in a way that is responsible and self-determined and the process enables community members to tackle certain problems on their own authority. The experience of village facilitators in the Mondul Kiri case shows that the documentation process can be linked to empowerment when local communities are leading actors in the process, are trained adequately and are committed to monitoring

beyond the timeframe of the intervention. Together, people can voice their concerns and be credible as collective actors in negotiating with the State. Working through a community-based organisation (CBO) or federation of CBOs – as opposed to individual smallholders – can have an empowering effect. This was illustrated in Preah Vihear province where the CPA network acted as the institutional representative of local groups in the provincial working group.

It is important for supporters and facilitators of customary tenure documentation to be aware that research itself does not offer solutions for PA management but provides a catalyst for local communities and resource users to assess their priorities and inform their decisions and actions. Documentation can itself be an empowering learning process, but for and momentum to be maintained, it also needs to be linked wider to PA processes and actors. This could be improving management practices within collective institutions, engaging with government institutions to influence PA zonation, building a broader movement to advocate for national level policy changes, or a combination of all these. The specific processes and actors will largely depend on the context in which the documentation is applied and operationalised.



Backyard cashew plantation in Lalai village, Ratanak Kiri Province (Photo: Natalie Y. Campbell/MRLG)

6. CONCLUSIONS: OPTIONS FOR POLICY AND PRACTICE

The lessons from the three initiatives lead to several recommendations relevant to the legal and policy framework or to PA management practices. These recommendations aim to contribute to debates taking place in Cambodia to enhance nature conservation efforts.

6.1. OPPORTUNITIES FOR IMPROVING POLICIES AND REGULATIONS

- **Improve zonation guidelines for PAs in Cambodia to include how to consult with and include local communities.** The guidelines are an important reference document for State institutions and support organisations and open the door for consultation with local groups. However, there is little direction on how this consultation should take place, what data and information is needed or how this information is to be used to delineate management zones. Based on first-hand experiences such as the initiatives described in this report, MoE could produce more specific guidance (or an annex to the current guidelines) on how consultation should take place. Guidelines should include land and resource categories that are used by local communities (such as farmland and grazing), potential areas for the extension or creation of new CPAs and rules devised by local communities for the management of these resources, among others
- **Develop a mechanism to recognise the documentation of customary tenure as an interim protection measure to better secure tenure rights.** The documentation of customary tenure builds evidence concerning land and resources that are used and managed by a community on a given territory. MoE, in conjunction with other organisations in the public sector (typically the provincial State Land Management Committee), could implement the interim mechanism until formal land registration, zonation, titling or community-based forest agreements are obtained.



Local basket made from local materials for foraging mushrooms and other forest products from the CPA in Ratanak Kiri Province (Photo: Natalie Y. Campbell/MRLG)

- **Use documentation of customary tenure as a mechanism that supports the implementation of the Prakas 05 and SCN 437** and as a starting point for more inclusive management of biodiversity conservation corridors.

6.2. KEY LESSONS FOR A SUCCESSFUL DOCUMENTATION PROCESS

The effectiveness of PA management would benefit from the inclusion of customary tenure documentation. For the documentation process to be successful, the following actions are recommended.

- **Establish PA working groups at the provincial level that create an enabling environment.** MoE, territorial authorities and NGOs should work together, be mutually accountable and provide opportunities for community involvement.
- **Consider a broader interpretation of customary tenure.** This should be understood both spatially (not limited to specific resources units) and thematically (including resources and the institutions crafted by communities to manage these resources).



Stream running through the area of the ICLT of the Kavet communities, Ratanak Kiri Province.
(Photo: Jean-Christophe Diepart)

- **Design the documentation process with a specific objective in mind** and include clear indications about the intended use of the documentation outputs.
- **Create linkages, coordination mechanisms and mutual accountability** between CBOs and actors from the public sector, particularly right from the beginning of the process, to ensure that outputs of the documentation will inform PA-related processes.
- **Use documentation as a capacity development opportunity** to build knowledge within the community and to empower it in dealing with internal conflicts and negotiating with outside actors.
- **Create a learning forum** where communities and stakeholders interested in the approach can learn from local facilitators and project proponents' first-hand experiences. Such a forum could help nurture exchanges and networks of community actors and facilitators who have been involved in documentation and enable them to share their experiences with other communities. It could serve to incentivise others to replicate similar initiatives or avoid mistakes made.

6.3. LOOKING AT THE FUTURE OF PA MANAGEMENT

The documentation of customary tenure in protected areas is based on the premise that it will facilitate the recognition of community

rights in PA-related processes such as zonation, the management of biodiversity conservation corridors, or indigenous communal land titles.

The experiences show that recognizing forest-dependent smallholders' practices and tenure rights inside protected areas can contribute significantly to community well-being and conservation efforts. Documenting these rights thus also works in the interest of the State to achieve its goals of sustainable forest management and inclusive economic growth.

Considering that nature conservation is best achieved with the participation of forest-dependent smallholders who live inside or close to protected areas, the experiences discussed here can also inform conservation NGOs who want to strengthen the effectiveness of their intervention. Understanding and documenting with communities their practices is an essential starting point for discussing how to achieve better conservation. This is particularly relevant in the context of emerging climate change mitigation and payment for environmental services schemes that are now important references for natural resources management in Cambodia and elsewhere.

While the Royal Government, and particularly the Ministry of Environment, are engaged in reforms of the protected area system in Cambodia, some key learning points can be gleaned from ground experiences, placing people at the centre of these discussions.

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The case study presents the lessons from three experiences of customary tenure documentation in protected areas in the Cambodian provinces of Preah Vihear, Mondul Kiri, and Ratanak Kiri. It is based on the work of the Wildlife Conservation Society and the Highlanders Association. The study examines how effective the documentation can be as a tool to improve tenure and natural resource rights, protected area management and conservation practices in protected areas. In particular, it can help to ensure adherence to inclusivity, and the principles of free, prior and informed consent (FPIC). It provides key insights into the importance of recognising the practices and tenure rights of forest dependent communities inside protected areas for both community well-being and conservation efforts. The lessons from the three initiatives lead to several recommendations relevant to the legal and policy framework or to protected area management practices. These recommendations aim to contribute to debates taking place in Cambodia to enhance nature conservation efforts.

The **Highlanders Association** (HA) is an Indigenous Peoples organization that works to support the indigenous communities in Ratanak Kiri Province in Cambodia. HA builds local awareness on indigenous traditions and rights and conducts research and advocacy on land and environmental issues with and for local communities.

Please visit <https://khmerleu.org/>

The **Wildlife Conservation Society** (WCS) is an international not-for-profit conservation organisation that works to save wildlife and wild places across the globe through science, global conservation, and education.

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