

Imagine you are indigenous.

Imagine your whole life revolves around the forest that you call your home.

Now imagine the sound of a chainsaw or a bulldozer.



In the Footsteps of an Indigenous  
– When Fighting for Land Means Fighting for Life –

Dedication and “Heart Power” of Indigenous People in  
Defending their Land and Rights.

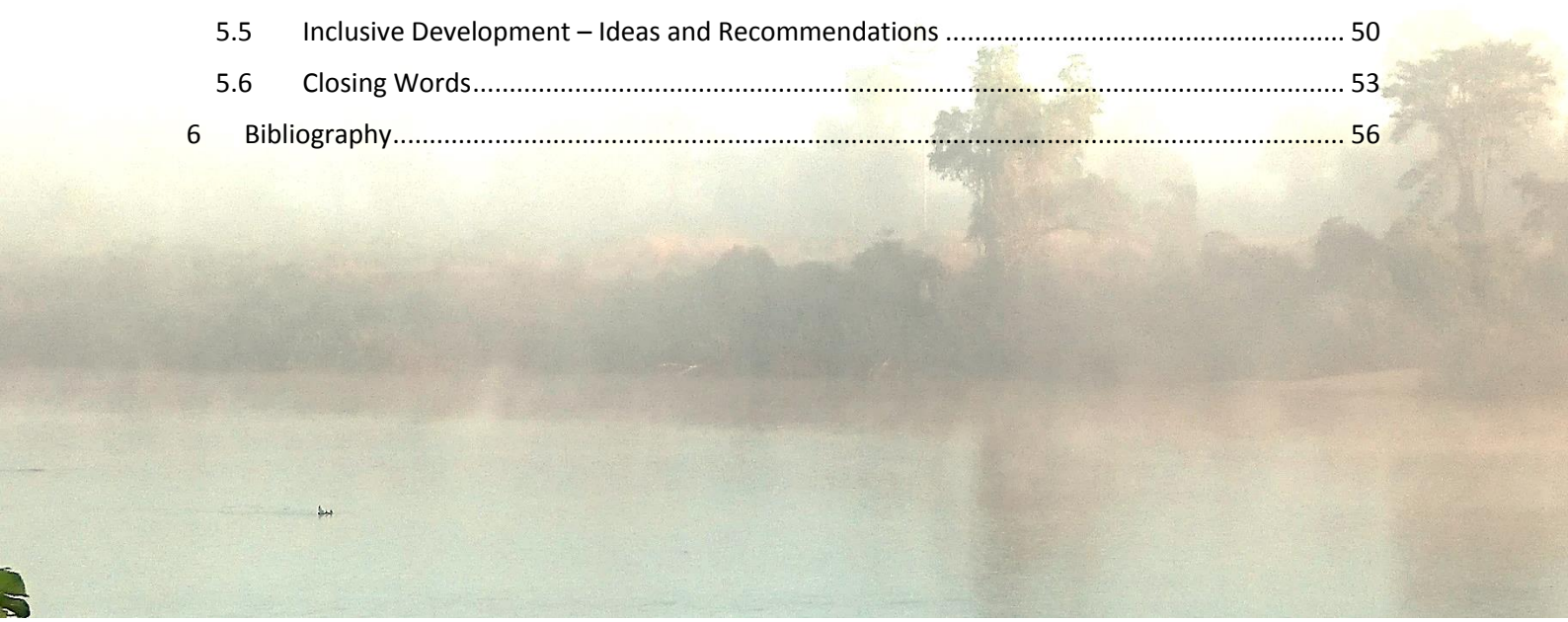
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And how the Communal Land Titling Process Strengthens Indigenous  
Communities in Cambodia in their Advocacy for it.



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## Acronyms & Definitions

CCHR	The Cambodian Center for Human Rights
CF	Community Forest
CEDAC	Centre d'Etude et de Développement Agricole Cambodgien / Cambodian Center for Study and Development in Agriculture
CIP	Commune Investment Planning
CLT	Communal Land Title/Titling
CPA	Community Protected Area
DPA	Development and Partnership in Action
ELC	Economic Land Concessions
EOP	End of Project
FGD	Focus Group Discussion
HBS	Heinrich Böll Stiftung / Foundation
ICSO	Indigenous Community Support Organisation
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
IPM	Interim Protective Measure
IWGIA	International Work Group for Indigenous Affairs
MAFF	Ministry of Agriculture, Forestry and Fisheries
MCP	Multi-Country Project
MLMUPC	Ministry of Land Management, Urban Planning and Construction
MoE	Ministry of Environment
Mol	Ministry of Interior
MRD	Ministry of Rural Development
NGO	Non-Governmental Organisation
NRM	Natural Resource Management
NTFP	Non-Timber Forest Product
PDRD	Provincial Department of Rural Development
SCW	Save Cambodia's Wildlife
UDHR	Universal Declaration of Human Rights
UNDRIP	The United Nation Declaration on the Rights of Indigenous Peoples
WHH	Welthungerhilfe

## Preface & Acknowledgements

Having spent limited time with villagers and in the communities, I do not raise the claim to have full understanding of indigenous life myself, as this would require much more time, talks with the people as well as taking part in their daily life for a very long period of time. Furthermore, working with translators a certain language barrier will always stay in place and fully understanding a culture that is profoundly different than our own is almost impossible in my opinion when conversations only take place indirectly. To quote one villager, “we are [all] different” but we can try to unite by the same curiosity about the other person in front of us and the will to work for the same cause. Time restraints for spending more time in the communities certainly were there, however, the will to understand and to get insights from a different way of life that fascinates me was present just the same. Previously having spent time in the villages for a former case study also contributed to the work. All information given in this study are thus collected with best intentions and means possible.

I would like to thank representatives of the PDRD, the Mol and of both Ta Veng and Andong Meas district to have given me their time and knowledge in the interviews. The same holds true for expert staff members of two NGOs, namely DPA and ICSO, that also operate in the province of Ratanakiri. As for my CEDAC/WHH colleagues, I want to thank you for sharing your expertise, your knowledge and for your patience. Thank you for accompanying me to all interview partners and especially to the villages again and again and for your general support in facilitating and translating during the interviews and FGDs.

I would like to express my sincere appreciation of, and heartfelt thanks to the people of Tun, Tumpoun Roeung Thum and Nhang village for their precious time, for giving me insights into their work and struggles and thus for their trust. Especially the committee members have to be mentioned here. I want to thank all villages visited for welcoming me to various meetings and occasions. No matter where I went, I was only met with smiles and curious looks and even after hours of talking and answering questions, I was again farewelled with the same sincere smiles. I am impressed by their way of life, their strength and fascinated by their strong connections to land and forests – and eventually, by their willpower and efforts to protect and defend both.

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## Abstract

In difficult times it can be especially demanding to stay strong to achieve your set goals. It needs endurance, courage and having support usually is of great value. Setbacks will occur and need to be handled in a way as to not get demotivated but rather, and if possible, drawing more strength out of them. Likewise, problems need to be tackled and solved and not ignored, which demands even more strength. As human beings we do not have infinite strength, we need to recover and to have a sense of success every now and then that keeps us going – sometimes though, we simply have to give up as for some reason it might be better to just let go. But what if giving up is not an option or leads to an even harder time, what if giving up likewise means to give up to fight for your and your children's home, your futures and for a big part that defines you, your culture and your livelihood? What if land defines your whole present existence and future and giving up the fight means giving up on all of it?

**Imagine you are in the footsteps of an Indigenous and fighting for land means fighting for the life how you know it, for your right to food and for your right to exist – would you give up?**

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The problem of land insecurity and illegal land grabbing is increasingly alarming in the modern world, usually affecting and endangering people that are amongst the most vulnerable groups already living at substantial level. Land grabbing is the contentious issue of large-scale land acquisitions: the buying or leasing of large pieces of land in developing countries by domestic and transnational companies, governments, and individuals. As a result, big plantations often arise and cultivated products not uncommonly end up on western markets, making it even more profitable for investors. Affected people thus usually face a financially powerful opponent. Big economic interests outweigh conservation and human rights and lead to the clearance of wide areas of forests and with it, to the loss of homes and livelihoods of many people.

In times of many current and severe crises, wars and international trouble spots, the issue of land grabbing, the danger of landlessness for many people and the destruction of environment are often put in the background – but they keep on existing and real people are affected that have a life, a family and whose future is at stake. These people are doing their best to protect what is left of their territories, though facing many challenges while doing so.

In the context of Cambodia, the issue of land encroachment is taking place on many levels, usually affecting poor people that have little power to take action against it. It happens in cities as well as in rural areas, and small-scale grabs arise as well as large-scale encroachment. However, the trend has gone to large-scale grabs in rural areas, where so-called Economic Land Concessions (ELCs) are given

out to companies by high government levels, resulting in the aforementioned immense plantations like rubber, palm oil or sugar palm. A further burden for humans and nature alike are continuous illegal logging actions in the forests that are taking place next to or in cooperation with the purposed clearings.

Agro-investments and logging have largely changed the face of Cambodia's countryside in recent years, with Cambodia having one of the highest deforestation rates in the world, negatively impacting on climate change, the biodiversity of ecosystems and living conditions of the people. This more and more forced rural communities as well as environmentalists to act on it. Indigenous people are especially affected as they are often likely to be socially and economically marginalized due to historic, but also to several other reasons like language barriers, high rate of illiteracy and living in closed and remote communities. Consequently, people seldom know about their rights and usually have not much contact to any kind of governmental level, let alone receive adequate support. However, since 2001, indigenous communities have the right to gain so-called **community or collective land titles (CLT)**. Once the title is granted, the territory of the community is protected by law and the Royal Government cannot sell or lease the land to any company without massively violating its own regulations, which it, so far, has refrained from doing. Furthermore, the selling of land to outsiders is forbidden within a CLT community, making sure that the land stays within a village. Therefore, CLTs are seen as one of the few effective means by which indigenous communities can protect themselves against land-grabbing and partly have legal backup against illegal loggers.

The process of gaining a title is very complex and protracted, however, with communities having to follow guidelines from three different ministries. External support is therefore essential, which mainly comes from local non-governmental (NGOs) or international organizations. Assisting the communities goes from technical to legal and financial support and can be seen as the main reason that CLT processes can take place at all, especially in terms of financing it; the Government is rather holding back on extensive support. Furthermore, "weak local governance and a lack of transparency pose significant barriers to the participation of indigenous peoples in decision-making."<sup>1</sup>

*"As one villager put it: 'We feel like an orphan, without our parents (the government). So now our aunties and uncles (NGOs) have to look after us'."*<sup>2</sup>

**Nevertheless, it is still the communities that have to put in their personal time, strength and especially their "heart work" (commitment) next to working for their livelihoods to gain this title.**

Looking at the fact that indigenous communities have to go through the process of CLT nowadays to protect themselves against land grabbing, it is already a big effort to deal with this threat and resulting

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<sup>1</sup> CCHR (2016), p. 6

<sup>2</sup> WHH Baseline survey report (2013), p. 24

extra work next to a daily life that demands a lot of labour in order to make ends meet. It consequently requires to not just look at the CLT process in general, but also to tribute respect to the indigenous people's participation, their involvement and motivation in it to fight for a better future. It takes courage to stand up for your rights against others, especially when you know that power relations are greatly imbalanced in this conflict.

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In order to understand the real contribution of the people, one must see the big picture and try to grasp the whole present situation. This study therefore aims at doing both, giving a broad overview of framework conditions, while providing a deeper insight into indigenous people's lives in general and their work and efforts in the CLT process in particular, with the focus of the study being set on the latter.

With the intention of finding out what driving forces lie behind community work towards a communal land title, various research methods were used. For general and broad insights, several CLT community and committee meetings were joined and observed. Detailed interviews that were held in three villages currently undertaking the CLT process act as the main source of research. Complementing focused group discussions were conducted in the same villages. As a result, three reports/case studies about what communities contribute and what challenges wait along the way from the perspective of an indigenous person actively working to protect land and forests will be presented in chapter 4. Likewise, it is of interest how this is perceived by different stakeholders involved in the CLT process. To get these different perspectives, other NGOs working with CLTs as well as local authority and related department representatives were interviewed as well. Additionally, relevant results from workshops and assessments carried out during a final evaluation were taken into consideration and/or cited as well (as will be indicated).

Findings show that at least with a direct question, the contribution of the communities is always listed quite quickly when it comes to relevant actors in the CLT process and even the villagers themselves – but there is more to it than meets the eye. Questions with broader concept aimed at background information rather than straight forward answers as well as unforeseen stories allowed for more inside knowledge. With this in mind, the intention of the study is to dig deeper into the topic of community work, their contributions and the underlying struggle that makes the whole process of CLT necessary in the first place.

Just like awareness is raised with indigenous people on their rights, the general process of CLT and their parts in it, the awareness of other stakeholders about the effort many communities already put into it shall be raised as well. In realizing and recognizing the scope of work of villagers, a **better understanding will be created**. This in turn can enable a more adapted support as well as an adequate approach to



empower the people to manage their land independently in the future, especially in the face of still growing economic interests and thus continuous threats in the area.

The interviews were held in three target villages named Tun, Tumpoun Roeung Thum and Nhang in Ratanakiri province, Cambodia, which were all part of the Multi-Country Project (MCP): *Strengthening Farmers' Organisations' Voices in Policy Dialogue on Food Security and Nutrition*, funded by the European Union. In Cambodia, the project was implemented by two local partners of Deutsche Welthungerhilfe e.V. (WHH): Cambodian Centre for Study and Development in Agriculture (CEDAC) and Save Cambodia's Wildlife (SCW).<sup>3</sup> The project covered selected border areas in Laos, Cambodia and Myanmar. This study focuses on the Cambodian part as it was already highlighted by the project's baseline survey that "[the] importance of land rights is nowhere more drastically displayed than in Ratanakiri [...] [as] [land] grabs have had very negative consequences for local farmers, pushing many into greater poverty and casual labour. Unsurprisingly, land access was the only criteria for which every single workshop group in Ratanakiri saw a very negative trend over the past three years. As an advisor to the provincial government describes, 'where there is development in Cambodia, there is conflict over land'."<sup>4</sup> Following this statement, the introduction of the study will mainly help to create understanding and raise background knowledge, as many factors are part of this whole conflict like culture, economy, development, history, laws and rights just to mention a few.

Though the main activity of the MCP was the establishment and support of various farmer groups to improve food security, nutrition and natural resource management (NRM) in the two target districts of Ratanakiri<sup>5</sup> (Ta Veng and Andong Meas), seven CLT groups have also been part of it. The work for the land titles likewise represents a major step of the shift to a rights-based approach by the partners WHH and the Cambodian organization CEDAC<sup>6</sup> in the implementation of projects. A succeeding project under the management of CEDAC is at the ready to further pursue this approach in supporting 13 more communities in three districts (Veun Sai district being added) in their effort to get a title for their land. In this context, the study will mainly present the findings of already established groups of the former project, while aiming at giving a more inclusive knowledge basis for future CLT groups to come in order to hopefully give their future better prospects in terms of land security, but also in terms of a more peaceful life that comes with it.

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<sup>3</sup> End of project (EOP) in Cambodia was 31<sup>st</sup> March 2016

<sup>4</sup> WHH Baseline survey report (2013), p. 8

<sup>5</sup> Note that a separate case study has already been published by WHH focusing on the farmer groups: *The Story of Our Farmer Groups – A Circle of Strength – How Farmers' Organizations Support Community Life and Rural Development in Cambodia* (2015).

<sup>6</sup> Note that the second partner Save Cambodia's Wildlife (SCW) does not play a major role in the process of CLT and thus in this study.

# 1 Introduction

“If we have no land, we have no life. If we have no forest but still [residential] land, we can survive somehow, but it would be very difficult and not our life anymore. We are different than city people, they can survive without the forest very easily, but we cannot. We are different and we lead a different life.

**The land and the forest – they are our heritage, our identity, our life.”**

As for many native peoples in the world, the indigenous population in the Kingdom of Cambodia connects much more to their natural surroundings than merely a place to live. Deeply rooted in the area they reside in, the land has been their home for generations; a home with profound cultural value and a home that entirely supplies for their livelihoods. Shortly said, land and forests are vital parts of indigenous people’s lives and their identity, without which many feel they simply could not survive.

Holding this knowledge, strong associations resembling the quote above given by a Tun villager (Ta Veng district) do not surprise as many Cambodians, especially in rural areas, depend on the land for farming and the natural resources around them to make ends meet. Losing both for any reason poses a great threat to the people and has many negative impacts on various areas of their lives. This especially holds true for all indigenous minorities living in the country.

Cambodia is still home to many indigenous people, especially in the north-eastern provinces. The poorest of these areas is the province of Ratanakiri where a large part of the local population still belongs to one of the 11 local indigenous groups (in total, 15 - 24 groups have been identified so far in the whole country<sup>7</sup>). The region has long been known for its lush and green forests, its wildlife and its natural beauty – and the people in the area have kept its beauty by worshiping and adapting to the forests ecosystem; they have developed a deep and rooted spiritual connection to the lands around them. In recent years, however, this connection has suffered many and far-reaching setbacks.

Since the 1990s, the Government of Cambodia has increasingly encouraged national and international companies to invest in the country to further rural development. Endowed with vast areas of dense primary forest and rich volcanic soil, pristine rivers and relatively low population, Ratanakiri has been given special attention in this regard since its ongoing infrastructural development. The Government has implemented a system of assigning Economic Land Concessions (ELC) mainly in the fields of agroindustry and mining (but also for hydro power projects) to allegedly support economic growth in

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<sup>7</sup> There is variation in the estimates of how many groups there are, because different writers perceive linguistic boundaries differently, cf. IWGIA (2016), p. 291

rural areas. Large parts (up to 10,000 ha) of the country are leased out to different companies with the allowance to use it for their purposes for up to 99 years, depending on the contract. This way, Ratanakiri has experienced rapid agricultural development in recent years with the clearance and conversion of vast areas of forest to agricultural land, in particular to rubber plantations.<sup>8</sup> Every year, an estimated area of 2,500 to 3,000 ha is converted and by now, 17 companies have started operating in Ratanakiri, covering a total of 80,000 ha (CEDAC project paper, 2015). Ratanakiri province covers an area of around 1.16 million hectares in total.

Although the province is sparsely populated, many people have been largely affected by expropriation and were displaced from their ancestral lands and spiritual homes. Though indigenous communities are legally recognized in Cambodia, their rights are seldom protected and the Heinrich Böll Stiftung (HBS) even talks of a failure of policies to protect in that matter<sup>9</sup>. Due to marginalization and economic and social exclusion, the awareness about rights in the communities is often very low or a lack of political and financial power makes it particularly difficult for the population to enforce their rights. This leaves the people vulnerable to injustice and illegal actions, especially when it comes to the land they live on.

While the Government still defends ELCs and other supposed development activities as having positive impacts for the local population by generating jobs and reducing poverty, the reality in the affected areas looks quite different. Generally, concessions and/or resulting relocations are often approved without consulting affected communities or taking into consideration how it will impact on their lives. As IWGIA (International Work Group for Indigenous Affairs) states, confiscating the land is only the most obvious harm done to the people. “With the conversion of lands to rubber plantations has come deforestation, a loss of biodiversity and the pollution of water sources. The effects of territorial dispossession have severely impacted upon peoples’ livelihoods, disrupted children’s education, limited religious expression, triggered food insecurity and, in general, have foreclosed on peoples’ hopes for their children’s future.”<sup>10</sup>

Land grabbing massively affects all people, be it Indigenous or Khmer, especially in the rural and poorer areas and everyone faces great challenges when losing land. However, for indigenous people there is even more at stake. It is the land of their ancestors and it is supposed to be the land of their children, who will carry forward traditions and cultures and keep their heritage that otherwise will get lost. Losing the land thus means losing a big part of themselves. Furthermore, as indigenous people and mainly smallholders, they highly depend on the natural resources around them. Therefore, rapidly changed

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<sup>8</sup> Rubber plantations had already been part of the development plan for the region during the Sihanouk regime, ruled by Prince Norodom Sihanouk after gaining independence from the French colony. In 1966, the first 2,200 ha have been cleared in Ratanakiri for “Preah Sihanouk State Rubber Plantation”.

<sup>9</sup> Cf. HBS (2015a), report title

<sup>10</sup> IWGIA (2015), p. 289

circumstances eventually gave them no choice other than to turn harmony with their worshiped surroundings into an overuse of what has been left, and with that partly being forced to violate their own sacred rules.

For outsiders, this deep connection is often hard to grasp. As CCHR (The Cambodian Center for Human Rights) puts it: “In fact, it is difficult for non-indigenous people to comprehend the intimate connection that indigenous peoples have with their land. It seems that it is this **lack of understanding of the special link between indigenous people and their land** which has had disastrous impacts for indigenous communities.”<sup>11</sup> In a way and even if trying to comprehend, a full understanding will perhaps never be reached in terms of truly feeling this way. It is not surprising as for the Indigenous, this connection has developed over generations and is thus very unique. However, what counts is the will of trying to understand and to respect this way of life, particularly in the present situation. Ignoring the people’s need for and connection to the land, while constantly taking it away in large parts will result in the loss of culture and thus in the disappearance of indigenous peoples in the long run, not just in Cambodia.

### 1.1 Trying to Understand Indigenous Life

“Indigenous peoples have rich and ancient cultures and view their social, economic, environmental and spiritual systems as interdependent. They make valuable contributions to the world’s heritage thanks to their traditional knowledge and their understanding of ecosystem management.”<sup>12</sup> The north-eastern region of Cambodia is inhabited by the most diverse indigenous population. As for Ratanakiri province, main indigenous groups are Brov, Jarai, Kravet, Kroeung and Tampuan. All groups have their own language, their own village structures, spiritual customs and traditions and are generally governed by a council of elders. “They are responsible for the maintenance of peace and solidarity among their village people, they help to make decisions and they can also dissolve disputes based on customary law.”<sup>13</sup> Furthermore, traditional beliefs in the overall presence of spiritual forces in the entire natural environment are common, which profoundly influences the living behaviour of the various groups and results in deep respect for nature.

The spirits are believed to have great powers in positively or negatively influencing the lives of the people, especially when it comes to forest spirits that are believed to live in the primary forests around the villages. Cutting a tree there is strictly forbidden and would arouse the anger of the spirits and result in a bad outcome. Generally speaking, the communities’ existence is strongly dominated by spiritual guidance. At important stages of agricultural cultivation, in cases where supernatural interference is

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<sup>11</sup> CCHR (2016), p. 5

<sup>12</sup> IFAD (2012), p.1

<sup>13</sup> HBS (2015b), p. 41

believed to cause illness, in times of great misfortune, or on other significant occasions (e.g. weddings or funerals), these various spiritual forces are appeased by being offered animal sacrifices or rice wine.

Even before clearing new areas of land for hill rice, which is the main staple crop in the region, spiritual approval must be procured, as indigenous communities mainly live by cultivating forest covered areas with a technique best known as shifting cultivation. Rice and other crops are usually grown on farmlands further away from the primary villages, so-called chamkar areas. After several years, the arable land is shifted, leaving the previously cultivated land fallow until the forest cover grows again, by which time the land regains its fertility and is ready to be reused. If enough time is given for the forest to re-grow “this technique is perfectly sustainable and is, in fact, environmentally sensitive as long as population pressure on resources is limited, in other words, there is no drastic reduction in the land available or a sudden increase in the population utilizing a given area.”<sup>14</sup>

Everything revolves around the forests. Next to its high cultural value, some parts of it also act as sacred burial grounds. Moreover, the communities derive a large share of their food from collecting wild vegetable and fruits, meat, bamboo and herbs in the forests, all which are enriching their nutritional diet. It provides the people with non-timber forest products (NTFP) such as rattan for handicraft and medicinal plants.

## 1.2 Destructive Influence

Having this deep connection, dependence and respect for the lands, it is only obvious that all actions taken are in accordance to nature and with as little impact as possible. As people have been living a very traditional and isolated life for a long time, they have largely adapted to the forest ecosystem and developed traditional and ecological knowledge and practices. This also benefits the whole country, as “[i]ndigenous peoples are estimated to be managing more than 4 million hectares of Cambodia’s forests, lands and ecosystems, and have preserved stable environment conditions in many other parts of the country.”<sup>15</sup> However, conservation of nature and the important role the Indigenous have in it are often overlooked in the presence of current possibilities to use the land for quick profit. Land grabbing is still taking place, resulting in the ongoing clearance of forests and indigenous people’s habitats.

Consequently, the threat of “drastic reduction in the land available” has turned into reality. A lack of access to land, resources or alternative livelihoods have severely affected the harmony with nature the population has established over decades and thus affected the ecosystem. With decreasing land, fallow

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<sup>14</sup> Article in the Phnom Penh Post, 1996. No author mentioned but based on the study by: White, Joanna 1996. The Indigenous Highlanders of the Northeast. An Uncertain Future, in: Center for Advanced Study, Interdisciplinary Research on Ethnic Groups in Cambodia. Final Draft Report Phnom Penh: Center for Advanced Study

<sup>15</sup> HBS (2015a), p.4

periods became shorter, leaving the forest with not enough time to recover. Additionally, with disappearing income possibilities, illegal logging even among indigenous people turned out to be the only way to survive for many, making the situation even more challenging for humans and nature alike. For spiritual people believing in great natural power, this shows how desperate the situation must have gotten and how severe drastic changes have cut in the indigenous peoples' lives.

Community members seem to lose sight of their cultural beliefs by gradually being exposed to external and commercial influences; a trend that additionally weakens community solidarity. Some villagers are tempted to earn quick money from selling timber or even their land to outsiders in order to get access to modern things and possessions that are advertised and then considered as being indispensable. "The increased demand for land and resources, coupled with advances in infrastructure and technologies, has led to previously remote indigenous communities colliding with the modern world with largely disastrous consequences."<sup>16</sup> In connection to other interferences, increasing land insecurity has become harsh reality in many parts of Ratanakiri and the main challenge for all its forest dwellers in many ways.

### 1.3 Understanding Reasons for Land Insecurity

Decreasing access to land has various causes that, linked together, contribute to the current situation of many indigenous communities. When evaluating the situation more closely, some main causes can be highlighted.

Looking from a **historical point of view**, Cambodia has been through a traumatic past. The time of the Khmer Rouge (1975 – 1979) and years of civil war have left a difficult legacy for the country that partly lives on today. One area where this heritage is still noticeably present is land ownership. During the Pol Pot regime with the main goal to create a pure communist society, all papers of land tenure were destroyed as part of abolishing all individual possessions; this was simply not conforming to the regime's ideology of a desired classless and purely agrarian society. The Khmer Rouge wanted all members of society to be rural farmers rather than educated city people, who the regime believed had been corrupted by western capitalist ideas. Methods to achieve this distinct form of agrarian communist society as quickly as possible were very cruel and more than 2 million people are believed to have lost their life during that time, Khmer as well as indigenous people. The era of the Khmer Rouge has left its mark in Cambodian society and led, amongst other things, to a complex and delicate land situation in the country with all land ownership documents being destroyed or invalid.

Due to new Land Laws (1992, 2001) and general political changes in the country, the situation regarding land papers and ownership has improved since then, especially in urban areas. However, it cannot be

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<sup>16</sup> CCHR (2016), p. 1

seen as a uniform and transparent, let alone easy process and it may take many more years until land issues will not be a major problem for the Cambodian society anymore. As a study on land disputes by the NGO Forum Cambodia states: "Land ownership remains a highly controversial issue in Cambodia."<sup>17</sup>

Life in rural areas still looks very different to the urban one. "[T]o this day, much of rural Cambodia continues to rely on the use-based approach to ownership, where common understanding between neighbours and villagers are believed to be sufficient in demarcating boundaries. As a consequence, millions of Cambodians still lack documentation and the full recognition of their rights [...] [to land]."<sup>18</sup> This especially holds true for indigenous communities. The concept of having strict boundaries on their lands or any kind of official law regulating it can still be quite complex for people that have used their customary law of possession for years. However, times have changed drastically and having no legal document over land leads to increasing landlessness, as more and more land conflicts arise in the country, especially in the province of Ratanakiri.

Reasons for the upcoming conflicts surely vary, however, the **rapid agricultural development** in the region has posed a challenge to local communities as well as to nature. With the government seeing high potential for agro-investments in the area, "companies have logged large parts of the forest surrounding many target villages [of the MCP], and claimed farm land to turn both forests and fields into rubber plantations, under concessions they have received from higher government levels."<sup>19</sup> While land is becoming gradually scarce, the **population is increasing** and with it, the demand for land. Consequently, conflicts do not only arise with investing companies, but also between villages and villagers. However, this is mainly the result of the interference in the traditional lives of the indigenous communities and can be linked to the overall suppressing situation of facing greater insecurity and vulnerability to illegal land grabbing and forced evictions. With the land becoming scarce, their whole traditional customary of managing the community and lands is slowly collapsing and finding adequate and ecologically adapted alternatives so quickly is almost impossible for people that heavily rely on the forest and resources around them.

"The northeast of Cambodia is opened up for development, the lands, forests and livelihoods of its indigenous peoples are coming under increasing pressure.

**Land rights is becoming a key issue in determining the future of communities and forests in Ratanakiri province.**"<sup>20</sup>

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<sup>17</sup> NGO Forum (2015), p. 23

<sup>18</sup> NGO Forum (2015), p. 24

<sup>19</sup> WHH Baseline survey report (2013), p.8

<sup>20</sup> Colm, Sara (1997), p.1

## 1.4 Legal Background

In 2001, the Cambodian Government passed a new Land Law that for the first time named and recognized the existence of indigenous people in general<sup>21</sup>, and the **right of indigenous communities to apply for a so-called collective or communal land title** in particular – a right, that is exclusively given to indigenous groups in the country. It is still disputed how little the Indigenous were actually part of the process to draft this part of the law mainly concerning them, though many NGOs were involved doing their best to represent and advocate for them. Nevertheless, the 2001 Land Law still marks the biggest step towards the CLT process currently in place.

The law classifies collective indigenous community property as one out of five categories of Cambodian land next to public, state private, private individual and monastery property. Indigenous people are defined as “[...] a group of people that resides in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to customary rules of collective use.”<sup>22</sup> The article further states that all members of an indigenous community are allowed to use their traditional customary rules in managing their community and lands while waiting for the grant of the official title. Article 25 acknowledges current shifting cultivation practices and includes residential, agricultural as well as reserved land that is necessary for the shifting process. The preceding article finally mentions the concept of communal land titling explicitly and gives the community the right to follow own traditional customs while managing the land: “Ownership of the immovable properties described in Article 25 is granted by the State to the indigenous communities as collective ownership. [...] The exercise of all ownership rights related to immovable properties of a community and the specific conditions of the land use shall be subject to the responsibility of the traditional authorities and mechanisms for decision-making of the community, according to their customs [...]”<sup>23</sup>

Finally, Article 28 states that “[n]o authority outside the community may acquire any rights to immovable properties belonging to an indigenous community.” However, HBS hereby correctly calls attention to a loophole, as “the fact that the ‘immovable property of indigenous communities’ has not yet been mapped [before getting the title] is of concern and represents an obstacle to the enforcement of this clause.”<sup>24</sup>

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<sup>21</sup> Indirectly, indigenous people were already considered citizens in the 1993 Cambodian Constitution, stating that “Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.” (Cambodian Constitution 1993, Article 31)

<sup>22</sup> Land Law 2001, Article 23

<sup>23</sup> Land Law 2001, Article 26

<sup>24</sup> HBF (2015a), p.11



The same problem arises when looking at the 2002 Forestry Law as the second piece of Cambodian legislature to consider indigenous peoples and their rights with regard to forest resources important for their livelihood. Clear requirements state “that companies receiving forest concessions do not interfere with “customary user-rights taking place on land property of an indigenous community that is registered with the state consistent with the Land Law.”<sup>25</sup> It inhibits the logging of any spirit trees, of trees that deliver high-value resin or are used by the communities for traditional purposes in that matter, as the people’s right to further manage and use other forest resources in a sustainable manner is respected as well. It also recognizes the moral command to respect and conserve spirit forests of the communities. However, it seems as any rule written only comes into force when communities have gained ownership and conclusions can be made that all land without official title legally belongs to the state. Furthermore, many cases are known where companies have still cut down protected forest areas, overstepped village boundaries, pressured people into selling their land or forcibly took it away. Compensation are often inadequate or non-existent, with the government either being involved or seldom challenging the companies (rather siding with them) due to financial influence or mere corruption.

In 2009, *The Sub-Decree No.83 on Procedures of Registration of Lands of Indigenous Communities* was issued as a result from pilot titling projects. It complements the Land Law by determining principles, procedures and mechanisms for the registration of collective land rights. It also outlines the roles of stakeholders at all levels in the process of communal land registration. In the same year, the *National Policy of the Development of Indigenous people* was adopted with the overall objective to upgrade the living standards of indigenous people and to safeguard their culture, customs, traditions and beliefs.

In terms of international laws, Cambodia has committed itself in its Constitution from 1993 to recognize and respect the *Universal Declaration of Human Rights* (UDHR) and in 2007 voted in favour of *The United Nation Declaration on the Rights of Indigenous Peoples* (UNDRIP). Both contain, amongst other things, regulations about the right to land in general and also for indigenous people in particular as well as the state’s obligation to protect these rights and prevent displacement of indigenous people.

Another international legal instrument is *The International Labour Organization (ILO) Convention No.169 on Indigenous and Tribal Peoples*, “which offers concrete legal protection for indigenous peoples. This convention is a key international legal instrument supporting the principle of self-management, protecting indigenous peoples’ cultures and communities, and the rights to traditional land and resources, and encouraging equal treatment and access to State services.” However, Cambodia still has not ratified this convention and thus “[...] has displayed its lack of intention to give real legal force to

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<sup>25</sup> Forestry Law 2002, Article 15

the protection of indigenous peoples' rights."<sup>26</sup> It can be stated, however, that the *National Policy of the Development of Indigenous people* retrieves at least the core parts from the convention No. 169.

To sum up, the changes and adoptions of various laws are worth mentioning as they have started to provide indigenous people with special consideration: The Government has acknowledged their rights to get collective ownership as well as allowing the communities to continue their traditional and cultural practices on their lands, including the practice of shifting cultivation. However, the laws do not guarantee inalienable rights to indigenous communities, leave the impression of legal grey zones being in place and are not protected enough by relevant actors. On the contrary, right violations take place on a regular basis.

### 1.5 Up and Downsides of Supporting the CLT Process

Consequently, with no legal documents for the land they have been living on for generations, the "population [is still] left defenceless when authorities or companies come to claim their land."<sup>27</sup> With the changes in the law regarding land ownership and the increasing threat of being deprived of their own land, many communities now turned to their right and consequently also the need of getting a CLT as the only means to protect their territory.

Non-governmental organizations play an essential part in the process of getting collective ownership for indigenous communities. "Even the laws are not being implemented as intended by many NGOs, [they] have played a crucial role in disseminating information throughout Cambodia regarding the possibilities for 'indigenous peoples' to gain special rights over their lands and resources."<sup>28</sup> With the Government having own economic interest in the area, NGOs are supplying the main support throughout the whole process (legal, technical etc.) as well as necessary funds, thereby inevitably assuming work in many fields, which should be taken care of by the Government. Certainly this is necessary to bring forward the process at all, but in a way it also allows the Government to shuffle out of its responsibility or even worse, ignore related rights itself. Consequently, it is of no surprise that steps within the CLT work are often slowed down by bureaucratic processes. Therefore, advocacy constitutes another big part of NGO work and the process as such.

One organization working in that field is Centre d'Etude et de Développement Agricole Cambodgien / Cambodian Center for Study and Development in Agriculture (CEDAC). Founded in 1997, the local organization has a high level of expertise in the fields of agriculture, land use and rural development. Achieving food security is one major goal of the Cambodian NGO. However, with increasing

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<sup>26</sup> CCHR (2016), p. 8

<sup>27</sup> NGO Forum (2015), p. 24

<sup>28</sup> Baird, Ian (2011), p. 168

landlessness, achieving land security has become a major part of this work, right in line with the often cited statement “No Land – No Life”. In cooperation with WHH, CEDAC is supporting seven villages in two districts of Ratanakiri and will extend this work in future projects, while simultaneously continue to provide knowledge and capacity building for rural farmers in ecologically-sound agriculture. Therefore, CEDAC is the largest organization in Cambodia that combines civil society and agricultural activities.

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Though NGOs like CEDAC and respective departments provide much and needed support to the communities as part of their work, in the end it is the communities that have to contribute their personal time and strengths. While all essential aspects surrounding the communal land title process are somewhat taken into consideration in this study, the aim is to change perspectives. Many studies and reports have been written about the CLT process, legal frameworks and violations in that matter, land grabbing in general and its effects on indigenous people in particular. The main focus of this study, however, will be set on the communities and their efforts and contributions within in the process. Challenges they face, the driving force behind their motivation, their goals and also their sacrifices, mainly reported by themselves.

Development actors have to acknowledge the still complex and slow process while working for a communal land title and the necessity to further improve it. Simultaneously, and most importantly, the Government has to commit itself to an honest effort to support the communities not just on paper. As the NGO Forum states, citing CCHR themselves: “Confusing land policies, weak practices of law, lack of real political will has promoted an increase of conflicts between companies and local communities.”<sup>29</sup> As the Government has been giving out ELCs to the companies, it is at least in their duty to control and to limit these concessions to an extent that actually leaves the local communities with enough land to manage and live. This is stated in several laws and sub-decrees that are again issued by the Government itself and have to be followed to at least maintain a certain level of credibility for governmental actions in the country. While the issue of land rights and its compliance in the country as well as a critical analysis of the different laws shall not be the main topic of this study, it is important to outline the present circumstances in order to understand the situation of indigenous communities. Against the background of fighting against bigger and more powerful actors, this in turn will shed a different light on the contribution many villagers make in the communal land titling process and hopefully turn into a better understanding for the process and the specific handling of it by indigenous communities.

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<sup>29</sup> NGO Forum (2015), p. 1 – referring to CCHR (2013), p.4

## 2 The Communal Land Titling Process

In 2003, the first pilot titling projects were started in three villages, two in Ratanakiri and one in the neighbouring province of Mondulakiri. The projects were initiated by the Ministry of Land Management, Urban Planning and Construction (MLMUPC) in cooperation with the Forest Administration, the Ministry of Interior (Mol), the Ministry of Rural Development (MRD) and several NGOs. Over the years, implementation steps for collective land titling were reformed frequently and, in 2007, finally changed from former 12 to eight steps, including as follows:

- 1) Dissemination of relevant laws and policies on communal land titling to the community.
- 2) Conducting training workshops and community congress about land titling awareness and other proofs for land tenure selection of indigenous communities.
- 3) Organizing community and bylaws of the indigenous community.
- 4) Application for land registration as collective title.
- 5) Controlling village-commune administrative boundaries and drawing up a draft of village/communal land.
- 6) Conducting identification on map of state land and community land.
- 7) Practicing the procedure of registering land of the indigenous community, according to sporadic land registration procedure.
- 8) Issuing title.<sup>30</sup>

These steps result in four main phases communities have to accomplish from starting the process until gaining a title, all taken care of by four different governmental institutions:

### 1) Self-identification and declaration (in cooperation with MRD)

In this initial part of the process it is made sure that indigenous villagers that plan to apply for a title are living together in a community and recognize themselves as such. This includes identifying as the same indigenous group (e.g. Brov or Kroeung) and having the same traditional customs. This step is very important, “[...] [as] the unity and will of the people in establishing a community are core factors because they sets [sic!] the pace of the registration process for identity, village mapping and traditional land use management.”<sup>31</sup>

Part of self-identification is the election of a village CLT committee, which later plays a central part in the whole process and can be seen as a linchpin on the part of indigenous communities (cf. chapter 3.3), as a lot depends on the work of the committee in the end.

<sup>30</sup> DPA (2012), p. 9

<sup>31</sup> DPA (2012), p.14

When communities went through all steps of self-identification including registering the whole community and have submitted all documents needed, they submit a last request to the MRD asking for approval of their self-declaration. The MRD then conducts an identity appraisal according to regulations, before the final self-declaration takes place. The legal determination of indigenous identity is important for any further step in the process, especially for the registration with the Mol in order to gain legal status as legal entities.

Four project villages of CEDAC are currently under the process of self-identification, namely Ta Gnach village, Ta Veng Kroam commune and Phleu Thum, Chouy and Ta Bouk village, Ta Veng Leur commune, all situated in Ta Veng district.

## 2) Legal Entity (in cooperation with Mol)

Once the community has received consent from the MRD, the second phase begins in cooperation with the Mol aiming at registering the community as legal entity, a prerequisite for the application for a communal land title. Main part of this process is a by-law drafted by the respective communities in the presence of facilitators familiar with the process. The by-law can be seen as regulations addressing the whole CLT process and community management in general. All community members should be involved in this process in order to ensure understanding, awareness and a sense of ownership of all villagers. Therefore, the Mol conducts another appraisal in the community on the by-law before it is finalized and approved in a plenary meeting. Afterwards, the communities file a request for the recognition of the by-law, starting at the commune council, passing the district and the provincial government until they finally submit the request for registering at the Mol, which then issues a certification of registration.

As a staff member of CEDAC stated in his own study: "The by-law can be compared to the ID card of a person. In this sense, the by-law is the ID card of an indigenous community describing at least the name of the group, the members and the Khmer nationality and enabling it to obtain ownership on land. Without Khmer Nationality one cannot own land. "No by-law" means "no ID card". After registration of the IC [indigenous community] with the Mol, a community has a by-law lawfully determined as required by article 23 (2) of the Land Law."<sup>32</sup>

Target villages that have already passed their by-law and are recognized as legal entity are Nhang village, Nhang commune, Andong Meas district as well as Tumpoun Roeung Thum and Tun village, Ta Veng Kroam commune, Ta Veng district.

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<sup>32</sup> Pouy, Sithav (2013), p. 22

### 3) Interim Protective Measure (in cooperation with provincial authority)

Being registered with the MoI, the communities are in principal allowed to officially apply for a collective title and request the amount of land that shall be registered with it. As it can take some time until the Ministry of Land (short for MLMUPC) processes the land registration and provides certification, an Interim Protective Measure (IPM) has been introduced as an intermediate stage and in order to give primary protection until the actual title is gained. The IPM is issued by the provincial governor and “includes the prohibition of sale, purchase, lease or transfer of lands under application for registration. Also, the authorities have to stop any authentication process related to the transaction of lands already under application for registration.”<sup>33</sup> However, there are still some steps to process until the issuance of the IPM and likewise for the actual title.

#### a) Drafting internal rules on land use and land management for each community

The first draft is developed by the CLT committee and village elders only (though facilitated again) in order to avoid unfruitfulness due to too many people involved. It is then extended to the community and discussed and adapted together in order to guarantee collective agreement and again, ownership.

Currently, two villages are in this stage; both, Nhang and Tumpoun Roeung Thum village are in their final throes to complete drafting their internal rules. After the internal rules have been passed in another plenary meeting with the whole community and other stakeholders present, the villages start with village mapping.

#### b) Developing preliminary land-use mapping including GPS data

The community prepares a map of village boundaries and what they claim as their traditional territory. During this time, boundary conflicts can arise with neighbouring villages or local authorities, as it is also part of this process to define state land that will later not belong to the community. All conflicts have to be resolved with all parties agreeing on the solution before filing an application for registration to the Ministry of Land. As soon as the request is submitted, the provincial governor issues the interim protective measure. However, not all land that is protected during the IPM phase and is requested by a community necessarily has to be granted in the end as part of the title, as “[...] the protective measures exclude plots the RGC [Royal government of Cambodia] had agreed for investment or development prior to these measures coming into effect – thus, affected land within existing ELCs is not protected.”<sup>34</sup>

The CEDAC/WHH pilot village Tun in Ta Veng has already completed the process of measuring, having passed all steps like primary mapping, draft of mapping and village boundary mapping by GPS. The

<sup>33</sup> HBS (2015a), p.13

<sup>34</sup> CCHR (2016), p. 12

community has filed its request, an IPM was issued and the title has been granted. Tun village is now waiting for the official certification of their title, a mere bureaucratic step, but generally has completed the process to 98%.

#### 4) Collective Land Title (in cooperation with MLMUPC)

The last step is the final issuance of the communal land title by the Ministry of Land Management, Urban Planning and Construction that checks and reviews all documents handed in and especially the draft of measuring before granting the title. It is important to note that only ten CLTs are given out each year by the Government, which means that in theory not all communities might get the title in the same year they have filed the request for it. However, not even all ten titles are necessarily given out due to bureaucratic delays or presumably less importance of granting land titles. As of February 2016, only 11 communities have been granted the CLT so far, while at least 458 indigenous communities exist in the country.<sup>35</sup> Simply put, the longer it takes to grant the title, the more time is left to make use of more parts of the land for mere profit.

### 2.1 Possible Connections to other Protective Measures

Generally, five types of land are included in the CLT: Residential, farm and shifting farm land as well as spiritual and burial forest. It is important to note that Community Forests (CF) are not part of the CLT and have to be claimed separately and with a different ministry, namely the Ministry of Agriculture, Forestry and Fisheries (MAFF). CFs are usually small plots of forest with only a couple of hectares the community manages, if granted. If bigger parts of forests still exist, often in National Parks, communities can also apply for a Community Protected Area (CPA) with the Ministry of Environment (MoE).

In a CPA, communities are allowed to manage the allotted parts of forest, to use it in a sustainable manner and are usually patrolling as illegal logging is still taking place. They likewise have committees, cooperate with and report to park rangers, local authorities and park directors about illegal actions, other incidents or about own requests. The communities have the permission to detain people, if possible, but not to arrest and thus lack real legal authority when catching loggers in action. However, CPAs are still seen as the main means for communities to protect and keep the forests around them, comparable to CLTs when it comes to land. Both can complement each other and would ensure an almost complete protection of communities' lands and forests, if assets are still there. Ta Bouk village serves as an example, as the village already gained a CPA and is now in the process of getting a CLT. The new project implemented by CEDAC will increasingly pursue this synergy as with either title, the capacity of the communities has gotten stronger, which will contribute to achieve the complementing title.

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<sup>35</sup> Cf. CCHR (2016), based on statement by MLMUPC, see p. 1 and footnote 3

Furthermore, though both measures are calling for individual committees, members can either be part of both committees or both can work together and form an even stronger cooperation in their community as it is the case in Ta Bouk village.

## 2.2 Importance of the CLT Process for Communities

Though the CLT process is still not running smoothly and lacks unlimited access to what indigenous communities believe to be their territory, it is seen as the main legal means to protect indigenous land and is thus further pursued by various NGOs. Moreover, the dissemination and awareness raising of rights that is coming with each CLT process started is another important fact not to be underestimated; knowledge is power and the first start to increase the pressure on relevant actors. Another and maybe less obvious reason makes the process valuable – the advantage of getting a collective land title brings the advantage of working in a community. If the community stands together and has strong solidarity, it is likewise more difficult for outsiders to intrude this group.

In the opinion of many stakeholders, the communities are very dependent on external support during the whole CLT process, which is largely true mainly caused by various factors already mentioned like little knowledge about legal framework, language barrier due to Khmer being the official language, marginalization, social and economic exclusion and leading a traditional and very different way of life from that of many Khmer people living in towns or cities. Additionally, when working with NGOs there is always the risk of developing a dependence towards donors and supporters. However, in this case and connected to the CLT process, it is likely that communities have gotten dependent on support mainly induced by rapid changes that have been occurring in their habitats.

These changes also threaten their traditions and culture. Be it due to people interested in the land and its resources, who either try to convince people to sell or even illegally encroach the land or be it missionaries that attempt to crusade people, often driving a wedge between community members. General influence of the western world and the often resulting wish for possessions (motorcycle, phones, western clothes), which is not uncommonly used by outsiders to lure people into selling, take care of the rest. Many outsiders follow their own interests and do not care about long-term impacts in the lives of indigenous people. Solidarity in the communities has thus begun to crack according to many villagers. Where social cohesion becomes weak, it is easier for outsiders to interfere and with each family selling their land, more solidarity and trust gets lost and with it the exercise of cultural and spiritual practices.

Many factors are involved in this development, as the communities are exposed to many influences since the area has opened up. The CLT process thus presents a way to work against these smaller intrusions and also prepares and empowers the communities to stand up against bigger actors like



companies. Simply being in the CLT process has given many communities the feeling of being targeted less, of being re-united by regular meetings and collective work and also gaining more competence in dealing with challenges deriving from any kind of external interference.

Other target villages benefit from the knowledge CEDAC and WHH can offer as well, though in some cases this knowledge comes too late for an actual CLT process, as the example of Dal Vealang village in Andong Meas district shows. The CLT process might be slow and complex, but it still protects villages, even if just engaging in it.

### 2.3 No CLT Process – Surrounded by Plantations

**“Without WHH/CEDAC, we don’t how bad it could have gotten.”<sup>36</sup>**

In Dal Vealang village, a CLT process had been started with another NGO even before the CEDAC project established farmer groups there. However, the CLT action failed due to numerous private land titles given out and accepted in the village as part of the Directive 01BB (*Measures Reinforcing and Increasing the Efficiency of the Management of Economic Land Concessions*)<sup>37</sup>. Villagers targeted by the policy usually lived near companies and were already in a stressful situation. The directive increased the pressure on many levels by being non-transparent and by requesting quick decisions of the villagers without giving enough information. Not seldom, the difficult situation of people was misused by bringing the message across ‘take this or get nothing’ and plots of land granted were comparatively small to what indigenous people actually possessed before. This left many villagers unsatisfied and eventually made many communities even more vulnerable for land clearings, though the policy should have officially done the opposite.

As a result, Dal Vealang village is nowadays surrounded by plantations instead of reserve land and forests. “The situation is bad as we can't get any NTFP from the forest anymore” and with the disappearance of their territory has come the loss of fertile land as shifting cultivation is not possible any longer. Unexpected weather conditions have made the situation even worse, as climate change has brought a lack of water due to draughts in 2015 and 2016. Furthermore, they are now constantly busy negotiating with the operating company and do not have enough assets anymore to even start a CLT process, let alone the time to manage the complex and lengthy process.

<sup>36</sup> WHH Final evaluation report (2016), p. 34

<sup>37</sup> People with private land titles cannot take part in a CLT process, which halted all CLT processes with the launch of the directive in 2012 and eventually put an end to many of them as it is difficult to transfer a private to a collective title. For further information about the directive and its impacts, please see: Rabe, Alison (2013): *Directive 01BB in Ratanakiri Province, Cambodia – Issues and impacts of private land titling in indigenous communities*.

It is not just the project's farmer groups that suffer from this, as the Women Nutrition Group leader states when telling about her increasing absence in the group due to the many negotiations she has to attend with the company; it is mainly the daily life of all villagers that suffers. People have less time to take care of their livelihood, for work and for their family, they are under constant pressure to find a solution and have to worry about their future. This continuous stress can have a big influence on mental as well as physical health, making the situation even worse.

For villages like Dal Vealeng, the MCP has thus represented a saving net in difficult times, giving the people the ability to survive with less land and to increase their yields on smaller plots due to adapted and innovative agricultural techniques and by supporting them in setting up a saving group. The Dal Vealeng saving group is now amongst the most successful ones of the project. This helped many people to generate alternative income or to overcome times of food shortage without being dependent on external credits. According to the people, they at least feel better prepared for what they had and still have to face and have had a partner with CEDAC that empowered and still supports them with knowledge about their rights and advises on how to advocate to the company. In terms of a CLT process and many hectares of forests, the support unfortunately has come too late.

Nevertheless, villagers have found their strengths again and are aware of what change they want to bring about in Cambodian society, adhered as one of the future objectives in their Saving Group:

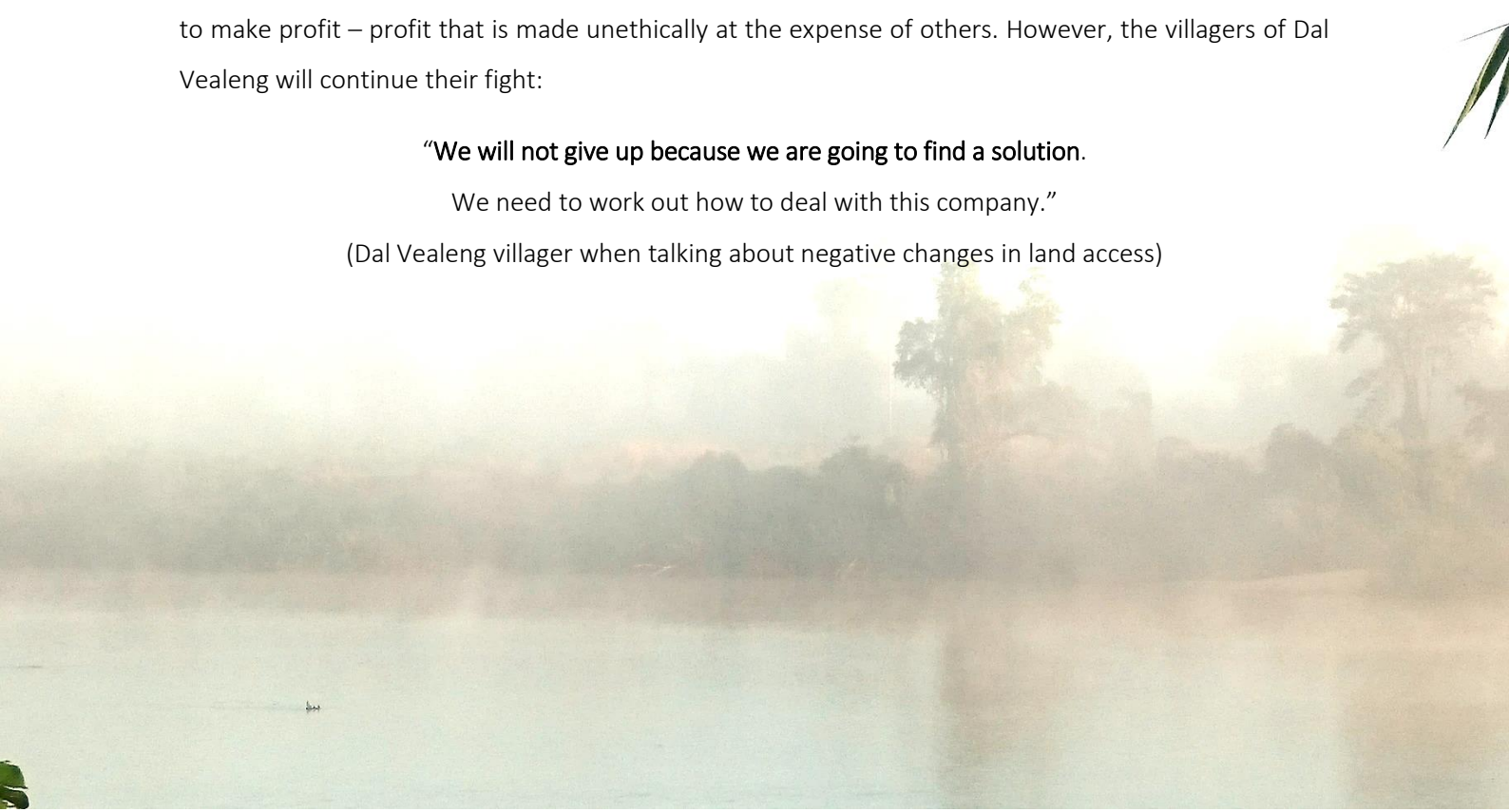
**“The Government will respect indigenous people like Khmer people.”**

In the face of these circumstances and discriminating treatments, it has to be stated expressly that many villagers show exceptional will, strength and also courage, as being intimidated, even threatened or worse are mistreatments indigenous or rural people have to endure as part of some actors' strategies to make profit – profit that is made unethically at the expense of others. However, the villagers of Dal Vealeng will continue their fight:

**“We will not give up because we are going to find a solution.**

**We need to work out how to deal with this company.”**

(Dal Vealeng villager when talking about negative changes in land access)



### 3 Efforts of the CLT Communities

As it can be seen, there are several reasons and ways to support indigenous communities in these partly precarious situations and certainly there are many people that are committed to do so. It is not just NGOs that see the need for support; people working in related provincial departments of the MoI, the MRD or at district levels are likewise aware of it, as interviews have shown.

#### 3.1 Reasons to Support Communities and the CLT Process

In all interviews with relevant stakeholders, the question was raised what reasons they see to support the indigenous communities, especially within the CLT process. Primarily, help the people to protect their land is to help them **to preserve their cultures, traditions and thus their heritage**. A big part of this preservation is connected to the **communities' solidarity** that has to be restored in some villages, as “[...] rapid changes in the environment of the communities forced people to change their way of life too suddenly, which started a vicious circle of increased poverty, food-insecurity and poor natural resource management (NRM). Trying to survive, individualistic efforts of families slowly replaced a sense of community, thus leaving their most important strength behind – the strength of unity.”<sup>38</sup>

With the CLT process, awareness is raised about the **importance of “healthy” land** within in the communities as well as with relevant stakeholders. Understanding about long term damages created by clearing forests and thousands of hectares of mono cultures has to take place on many levels, it seems. Therefore, CLT will lead to the decrease of selling land and likewise importantly to less occurrences where people lose it. When land is secured, this will **increase the financial potential and income possibilities** of the local people, leading to the most sustainable form of improvement - **autonomy and self-help**. With stronger and independent communities will come a **natural rural and also country development**.

The **importance of small-scale farmers**, and thus of most indigenous people, was agreed on by all interviewed parties not just in terms for producing food for their own consumption but also in terms of **economy growth** and for the development of Cambodia. It is a way to **generate income** for families and like a department member put it “small-scale can turn into big scale” if the people are given the opportunity to **increase productivity**. Therefore, expansion potential is seen and farmers could provide for more people in the country, while still keeping a balance with natural resources rather than exploiting them. As recognized by the Provincial Department of Rural Development (PDRD), small-scale farmers are more productive in groups, as they can learn how to manage themselves, resolve internal problems and find markets through networks. Indigenous farmers are seen as the basis for the CLT

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<sup>38</sup> WHH Case Study (2015), p.2

process, likewise can the CLT process contribute to or improve the formation of so-called farmer groups – working closely together in the community, managing it and finding solutions for problems are skills that CLT groups have to apply regularly. The CLT process likewise brings capacity building in many fields, mainly in working independently and being able to advocate for themselves, which is an important asset for many other activities.

In the opinion of relevant actors interviewed, if good productivity is achieved the small-scale farmers will contribute to **poverty reduction**. Likewise, productive farming reduces the number of people leaving to find jobs, in Ratanakiri or countrywide, and helps to **keep working power in the country**. Though it might take longer to achieve aimed results compared to getting quick profit made by ELCs, this is a more sustainable and inclusive approach to achieve **growth and development for the whole country**. Like an African proverb says: *If you want to go fast go alone. If you want to go far, go together.*

Logically, **land is needed** to pursue this approach and to sustainably increase income. In other words, improved farming is only successful if land is available and people are assuredly more productive if they don't have to worry about it constantly. Likewise, development has to be sustainable and thus incorporate nature conservation as one of the highest priorities, as already stated as part of the Sustainable Development Goals (SDGs). Another reason to support the communities has thus been the interconnection to **natural resource management** and **protecting natural resources**.

One last motivation is to **decrease occasions of land or land related conflicts**; less will arise in the future when borders are clear and people agree to stay and work in their areas. It will be easier for the communities to maintain their land and for local authorities to manage their communes and districts. The vision of a relevant department member states that he is working with CLT processes, as he wishes for **a future where the communities are able to manage their lands themselves**, as right now, they still need assistance due to aforementioned reasons and also have to develop a greater sense of ownership about this future possibility according to the interviewee. Having deep respect for the underlying wish to sincerely support the communities, the question can be raised again why clear boundaries have become necessary nowadays and whether and why the communities really need help to manage their lands. They have been doing so for decades and again, it seems this has only turned into reality due to the rapid changes occurring on their lands.

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Supporting the communities with the CLT process means supporting all of the mentioned causes directly and indirectly. It is important to see the bigger picture. Though securing land of vulnerable people is already enough reason, there are more positive outcomes to achieve. Likewise, more is at stake that has already started to affect the people in the area, but will slowly have an effect on the rest of the

country or even the world if thinking about climate change due to deforestation, for example. Though protecting the forests is in their own interest surely, it seems like **often the most vulnerable people are the ones that try and have to protect our vulnerable world the most, while having least resources to do so** – and still, many indigenous people in Cambodia have decided to do so.

### 3.2 General Contributions of Communities During the CLT Process

“I put my *heart work* in the CLT process.” What caused some confusion during the interviews and looks like a spelling mistake actually describes pretty well what indigenous people’s most important contribution is when actively working towards a CLT; it is their **commitment**, also referred to as *heart power* or *heart skill* by the villagers. This was also mentioned by other relevant actors interviewed as one of the core contributions. At the same time, the expected “correct” sentence – “I put my *hard work* in it” – likewise applies, as next to their commitment it is mainly **time** the villagers have to give. What might sound trivial in the beginning has to be seen as a precious contribution: Villagers on the one hand are often quite busy with their daily workload. Having time for regular meetings, in which more than just physical presence is required to be worthwhile and which might be quite far from where you are residing or working, maybe only accessible via a very poor dirt road, is not something that can easily be given. On the other hand, time also means **participation** in the meetings or generally in the process, which is obligatory in order to make progress. If villagers do not contribute their time and participate, the CLT process will eventually stagnate. The process is for the villagers and can equally only work if they take part in it. At the same time, participating also means providing **own ideas**, especially in the process of drafting the by-laws and the internal rules. Moreover, **personal skills** are needed like speaking or communication skills, writing reports or minutes, which cannot be taken for granted, as the illiteracy rate is still very high in the region and writing reports and filling out forms is something that many people have to learn first as part of a different world. In general, the communities have to **acquire many new abilities** in order to understand about their rights and the need to enforce them, the CLT policy, its content and especially their duties in the process. This needs to be taken into consideration when working with the communities and particularly when talking about their contributions.

Additionally, the people have to invest **material contributions** and own budgets, but more importantly they provide the **assets for the whole process – their land and forests**. According to some department members, this is one of the biggest contributions as individual people give their private land and contribute it to the community. This can be seen as a huge **solidarity act** and involves taking over **responsibilities**, willingness to always **find agreements** within the community, and most of all it requires a lot of **trust**; trust for each other but also for the partners to work with in the process. This includes NGOs and especially their staff as well as members of relevant ministry departments and the local government in general – with the situation of indigenous people in mind, historically seen as well as

currently, having trust into people that come from outside understandably is another big step for the people that should not be seen lightly.

Consequently, entering this bond with many partners and deciding as a village to start the process of CLT surely is evaluated thoroughly within the communities as it brings a lot of work, the need to acquire many new things, and compromises or even sacrifices will need to be made in order to contribute enough time and personal input. All this while already working hard to make ends meet seems like a lot to take on, even from an outer perspective. All the more, having the trust that partners will not let you down, taking on the responsibility to handle all requirements but also setbacks and all the tasks and risks accepted by the communities testify their willingness and determination to put a lot of hard work into getting the title and thus against losing something that has been theirs for generations. **Deciding for and starting the process is an important step made by the communities that is lead and united by all the goals and motivations of the villagers, the willingness to make contributions and most importantly by the commitment and heart power of the people – all these factors combined will show the efforts made by the communities.**

However, every beginning is hard. Generally, for the indigenous the CLT process comprises much more work than just following guidelines, as these have to be understood first. This already poses a first and major challenge, as stated by indigenous people and other stakeholders alike. Many indigenous are illiterate and, moreover, do not speak Khmer. All documents, however, are only available in the official language, which means that everything has to be translated into local language. As all legal documents are written with technical terms, it is already an effort to understand in general for non-experts, translating into another language that partly does not have compatible words or concepts makes it a major task for all people involved to reach a common understanding. However, this is needed in order to understand about the benefits of getting a CLT or the regulations that come with it and might not be in the interest of villagers. If not understood completely, the decision to join or not to join is already made on wrong assumptions and can later lead to discontent or even mistrust when finally understood. In communities of 60, 70 or far more than 100 families, reaching a common understanding is not easily achieved under the given circumstances. It is thus one of the most important and constant tasks to handle within the community.

### 3.3 The CLT Committee

To have a team in each village that can take care of and follow-up on challenges and tasks like this, each village elects a representative **CLT committee** as part of the self-identification process. Though it is vitally important that the whole community is active and engaged, it is the committee special attention has to

be given to, as they are leading the village within the CLT procedure. If the committee is not working well, it is more than likely that the community will follow, putting the whole process at risk.

The structure of the committee ensures a majority when decisions have to be made, consisting of an always uneven number of members. It usually depends of the size of the community, however, 7 people are seen as the minimum amount in order to make representative decisions. The committee is elected by their community that firstly makes proposals on who can join the committee. Still, the decision to offer oneself as a candidate is voluntary. If all members are decided and agreed on, a secret voting takes place that determines the leader or committee chief, the deputy leader, a committee secretary and finance assistant within the group. As a rule, the village chief, part of all community structures, has to be a member of the committee as well, though he will not take a position in the committee leadership.

The CLT committee works with and for its community. The members represent their village in all matters regarding the CLT process and increasingly within conflicts, especially connected to land. They collaborate with or support the village chief and village elders and are thus a big part of general community work and management. Many village activities are either supported or entirely planned by the committee, thus representing a very important key group: Finding problem solutions, taking part in village development planning or finding ways for community funding are just some important tasks to mention. In some villages, the leaders of the committee replace the village chief when he is absent, in others the group organizes all village meetings regardless if they are for the CLT or another purpose and generally all village meetings are attended by the committee. Within the CLT process, they organize, call for and lead all meetings, they fill out all documents related to the titling or support members in that matter, conduct attendance lists and constantly share the results and knowledge of the meetings with absent members. Likewise, they have to find solutions for people that are absent or have to find ways to encourage community members to attend. Furthermore, they continually raise awareness about the importance of their assets and about taking care of them, as it occurs that some villagers are still willing or forced to sell their land. Connected to that, most villages are now regularly patrolling the forest around their villages to make it harder for illegal loggers – even if not all forest parts can be obtained within the titling procedure. These patrols are organized and lead by the committees as well as subsequent reporting to relevant departments about their outcome is assumed.

Committee members are contact persons for the whole community on many matters and its members usually show a great deal of commitment and spare a lot of their time to do this job. They share their knowledge, give advices, they simply take care of their community and usually show a genuine will to protect everything that belongs to it: The people, their culture and the connected land and forests around.

## 4 The CLT Villages – Three Case Studies

The next subchapters will introduce three CLT villages as part of the former MCP and its succeeding project, in which all the interviews and FGDs were taken. The villages were chosen, as they represent three different indigenous groups, cover both target districts of the project and have all been in different stages during the interview phase. However, all communities had already made enough experiences within the process and were able to share those more reflectively due to their acquired knowledge. Whenever possible, other villages were visited and meetings, workshops or assessments attended to get as much and varied insight into the work and efforts indigenous people put into getting the title.

Given the level of knowledge about the community, challenges and also achievements made the committee usually has as well as its representing position, individual interviews were conducted with committee leaders and members. To also get voices of community members, FGDs with villagers as well as other committee members were held to complement the individual interviews. The FGDs were usually conducted after the interviews, so former interviewees could facilitate the process in terms of explaining the questions if necessary and using the opportunity to reflect together on goals, motivations, contributions and the work generally done so far.

Even engaging in the CLT process already involves thorough consideration for indigenous people, outsiders might not immediately be able to see. Therefore, and before moving on to the case studies, please try to put yourself in the position of an indigenous person in Cambodia by reading the following paragraph and in order to let the title of the study guide your reading.

Imagine you are a farmer and live from day to day to make ends meet. You do not often engage in long term investments, because you need to see results quickly to survive. Thinking far ahead is not how you live and most probably you simply cannot afford this way of life. You have the choice to sell some land to make needed money or to enter the CLT process that will hopefully, but not guaranteed, entitle your community to have communal land at some point in the next couple of years, but surely not tomorrow. You are aware that you need to protect your land, but who knows if it will work out and if you still have the land by the time the title gets closer. Your understanding about the process is low, maybe medium, but you are not sure of everything and maybe it is not easy for you to trust the people that come to your village to explain. But then there is this sound of a chainsaw again. You see and literally hear the forest disappear and you feel it on so many levels of your daily life. You saw your neighbour fighting over a plot of land and you feel that something needs to change soon, so you decide to join the CLT process. It will mean a lot of work and spending a lot of time, but you hope it is worth all the effort that you are now willing to put in. It is a big risk, after all, it could all be worthless and you might lose more than you would now, but you are brave enough to take that risk in the hope of a better future for you and your children, your community and the land you call your home.



#### 4.1 TUN VILLAGE

Tun village in Ta Veng Kroam commune, in the district of Ta Veng is situated on the way of the province capital Banlung to the district centre of Ta Veng. Like many places in Ratanakiri, the village area is covered in red sand, a sign that the soil is very fertile. Many people pass by the quiet village centre when traveling to district town, producing red clouds of dust, in which they quickly disappear again. When they are gone, village dogs, chickens and pigs start to cross the road again. If they disappear, it is into the bordering village farm land and the forest that still exists.

However, not everyone is just passing by. Due to increased infrastructural development, Tun's good location and still existing natural resources, more and more people seem to be interested to move to the area according to the CLT committee leader. At the moment, around 100 families live in different parts of the village, most of which belong to the indigenous group of Kroeung. With more people moving in from outside, the still traditional village from today would quickly change and disappear and with it, the culture and traditions of the Kroeung people.

**“If we do not form a CLT group, we were afraid that the village will be mixed and change a lot.**

**Our home is like a beautiful woman (srey sa'rt), too many men will come.”**

Due to this but also to other reasons, the villagers of Tun started the CLT process on 24<sup>th</sup> August 2012, likewise marking CEDAC/WHHs outset to officially work with indigenous communities for land titles in the province of Ratanakiri. Though the village was selected by project staff after a district workshop was held to introduce project activities and to identify a potential village for implementing the first CLT project, it was also the members of Tun village that reached out to the NGOs. The chief of the CLT committee tells the story on how his village decided to form a CLT community:

“In our village, people never sell land to outsiders – there was only one time, when one villager sold some to another member. But I used to work on the Vietnam border and there I saw how people sold their land to just buy a moto. I do not know if they had or wanted to, but I thought that afterwards they do not have land for agriculture anymore, so what will they do? **Land does not increase, but the number of people does.** Me and our villagers, we were afraid that we will be like the village that has to sell its land for a moto or for other reasons in the future or it will be taken away from us, so we started thinking about the best method to protect our land. After discussing it in a community meeting, we decided that we want to start a CLT process. We had already heard of it by another NGO (International Cooperation Cambodia - ICC), but back then no one was supporting the process in the area. Since we have been working with CEDAC later, we contacted them about the CLT. They explained it to us in more detail again, so we got a clearer understanding and the decision was made to join the CLT process when CEDAC agreed to support us. Since then, still no land has been or will get sold.

## Goals and Motivation of Tun Villagers

**“In the past, I was so scared of losing the land, because I can see by my own eyes how other villages were affected from land grabbing and from economic land concessions. From my perspective, land is worth a lot and gives great benefit to me and our community, as there is spiritual land, reserved land, mountains full of forests for animals and land to reserve for schools and also houses.”**

While **being scared of losing land** surely is one reason to join the CLT process, **the will to secure it** can be seen as the complementing and biggest motivation. In this sense, many goals and motivations are connected to concerns and even existential fears people have, based on real experiences of themselves or others. In a way, this reflects the sad necessity of the land titling process on the one hand, but also shows the **will of the communities to unitedly fight for their rights** on the other hand. “The CLT, it gives us **more power and bigger solidarity** to challenge the companies together.” In Tun village, as in many other communities, a clear underlying fear of losing their home and the land they cherish drives the people to take action, which in this case can be explained by the fact that a village close by was bulldozed for an ELC. The CLT process thus gives them the basis to become empowered and the people choose to be defenders of their homes rather than a victim in the future.

Not just the committee but the whole community is motivated to work towards getting the title, as shown in the FGDs. According to the discussion outcomes, the CLT guarantees the people to have land for living and for building houses in the future, they have burial as well as spirit land and it also gives them the opportunity to pursue their **traditional way of shifting agriculture**, which is connected to their customs and way of life. Next to protecting the land, Tun villagers want to do the same for their belief system: **“Our community decided to form the CLT to keep the culture and tradition of Kroeung indigenous people.”**

They also mentioned to keep the land and the forest for their children and future generations to come, which to a large extent is interrelated to preserving indigenous culture in general. “Our culture and tradition will be lost if we don’t have the forest. Our belief is based on natural resources the most, not tourism, not business. [...] According to our tradition, we cannot relocate the Prey Kmaoch (burial forest) and Prey Arak (spiritual forest). [...] That would be harmful for our existence.”<sup>39</sup> The clear statement also reflects the view of Tun villagers: “If we do not have land and forests, we could not have a life. We are afraid that the forest will be lost, so we want to protect it.”

## Contributions

In order to do so, Tun villagers personally contribute their time and regular participation in the meetings. They acknowledge the need to find agreements as well as to participate in all protection activities. As

<sup>39</sup> Movie by NGO Forum on Cambodia: The other Cambodia. Indigenous People’s Lands and Rights (2013)

for the committee, they mention to make time for the group and for their work, which they prioritize over their personal duties. They contribute power (=endurance), participation, personal skills like being a good communicator, knowledge and experiences and the ability to share it with the community. “I know I can assist the community to protect the land and I have the **capacity to build their capacity**, so I was happy to accept the position as the committee leader. My other personal reason was **to be part of community development.**”

Another important issue came up during the interviews. The question of whether Tun village already had land conflicts to solve was answered positively, but different than expected – they answered they had forest conflicts.

**“They said we are strong and protect our natural resources very well.**

**Yes, we are strong, but I am also afraid about other people that want to harm us because of that or threaten us or worse in the future.**

**But we still continue with this work, even though we are sometimes afraid.”**

*They* in this context refers to outsiders the committee chief overheard talking about Tun people, the committee and also the village chief. “They talked about the need to make good relations to us, if they ever wanted to take advantage of our area.” Others simply go into the forest and take it. Therefore, the people of Tun village undertake regular **patrolling actions** in the forest around their village. These patrols are one protection measure the Kroeung and many other indigenous people carry out in order to save their habitat and the parts of the country they consider their home. These guards are not officially part of the CLT process, nor is all of the patrolled forest land part of the protected area they will receive under the CLT. However, this shows the great will of many villagers to safeguard their land and its nature no matter what and can be seen as an immense as well as brave action taken against ongoing exploitation.

Though Tun village has been granted the title already, outsiders still come to the area for illegal logging. As internal rules prepared by the community are in line with legal policies and also apply for external people, the loggers officially break the law as soon as they log within the burial or the spirit forests of the village. Some loggers are rural people or indigenous themselves, trying to make a living somehow, others are doing it for mere profit. Either way, it is hard for the people of Tun to actually catch the people. In some cases, it can also be dangerous, as some loggers, mainly organized groups, are known to have used violence against conservationists. In Tun village, women do not join the patrolling for that reason. Sadly, it has become quite clear that being an environmentalist in Cambodia is a dangerous path

to choose these days and any will to protect the natural resources against those who want to exploit it can put people into danger.<sup>40</sup>

As one can imagine, patrolling is thus not an easy job. “We try to catch them [loggers] and give them penalties according to our internal rules to make them stop eventually, but people always run away.” Often, all that is left to do for the villagers is to collect the abandoned chainsaws and take care of the wood that has already been cut. The last time it happened, the village conducted a meeting to find the loggers, but without any luck. The villagers reluctantly had to decide to burn the wood as they had no way to transport the big pieces to their community to at least make use of it, but still wanted to prevent the illegal loggers to come back and make profit. This is not uncommon and often the only option left for patrollers. Besides from being tragic for the people as well as the environment, this is the real situation in the forests that are still left in the country.

### **Responsibilities of the Committee**

After incidents like this, the CLT committee leader writes a report about the problems encountered while patrolling to send it to relevant actors and departments. Other responsibilities he and the members have within the CLT process are depending on their position in the committee. Generally, it can be said that the leader and the deputy leader are in charge of leading the process in the village and are cooperating with local authorities and especially with the village chief as their main responsibility. The finance member manages the cash related to the process and the secretary does or supports the leaders with the reporting. The committee as a whole is in contact with process partners like CEDAC/WHH, has to make appointments for CLT meetings with the community and organize them while participate in all village meetings themselves. They manage the community, look after its assets and likewise explain their importance to all villagers repeatedly. They organize and lead the patrols in the forest on the male side, while female members do their part to prepare places for the meetings, for example. If there are problems in the community, the committee has a big part in finding the best solution to it, be it between villagers or concerning challenges for the whole community.

### **The Meetings – More Than Just a Monthly Obligation**

When it comes to the CLT meetings, they are not only held when project staff from the NGO or other partners take part, i.e. for an official step of the titling process. The committee also calls for meetings internally if needed or for the whole community, especially if there are problems to solve. “In the last meeting, we discussed about how to keep people from burning or logging the forest.” According to the committee, the participation of the community in the meetings has increased with the CLT and is generally good though not consistent, which is a challenge many CLT groups face: “Sometimes it is really

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<sup>40</sup> Recommendation: Documentary, released in 2015: I AM CHUT WUTTY (<http://www.iamchutwutty.com>)

good, sometimes bad, especially when people are busier. But generally, **when we have a problem we find quick solutions.**”

Though the number of attendees in meetings understandably varies due to the people’s personal duties, this does not always signal a lack of interest. Some families take turns to manage their work while still staying on track by exchanging news and knowledge later. Others do not join the meetings due to little time but come to all important activities, e.g. when GPS data was taken or for solving problems. For the meetings they have found their own solution, as they proactively ask other members about the information, outcomes, etc. Afterwards, and according to the committee leader, they gain a pretty good understanding due to that. As long as they stay active and informed and if this is working best for the family, the committee has to judge depending on the situation of the people. When asked what they see as special about their community, the committee leader answers as follows:

“We find out which families do not attend very often and talk to them. But we want to find out about their condition first and then we will see why they do not attend. Maybe convincing is not necessary but rather support. Maybe they are poor and live far away or it is a woman with small children but without a husband. We try to explain to the family what they can do, but if we see that it is very difficult for them to come, we will not force them and they will not get a fine<sup>41</sup>. We will explain to them about the importance to take part, but we are not blaming them.”

The committee thus evaluates each situation rather than just insisting for everyone to join, which would probably end contra productively. However, there is no need to whitewash reality: Some villagers continue to stay inactive and have to be asked to join the meetings repeatedly and, more importantly, be convinced of their importance. As it is in a group, some members will always stay less engaged than others.

The committee continues its best to motivate as many people as possible and in the end, all members of the community are given the chance to contribute whatever is possible for them; sometimes that means that some members have to make up for others. Like in a good working society, the ones that are able to contribute more eventually support the people with less to give, for whatever reason. This is called **community thinking** – a big contribution made by the communities and likewise a big achievement created by the CLT process. All in all, **“the solidarity has increased in our village.** We see participation is more now in all village meetings and activities and all people help together to arrange it and make good solidarity.”

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<sup>41</sup> Explanation, see p. 29

### Finding Own Ways of Support

Another involvement of the committee but also of the community is to find ways of **community funding** and also to make contributions within the CLT process. While partner NGOs fund most of the CLT activities, Tun villagers try to give their share as a community. The project staff can make recommendations based on their experience, but each village has to find their own way and bring in ideas that will work for their individual community. In Tun, villagers connected it to process inactivity: “We share our knowledge with absent people through their family members first. If the same group of people does not attend for a longer time though and for no specific reason (see foot note 41), we will ask for Jar Wine<sup>42</sup> or they will get a small fine. If people are absent during very important meetings like village mapping, they have to pay 20.000 Riel (5\$).” As all members agreed to take part in the CLT, they decided together to install this fine system. These payments go into the CLT community fund, which is used for joint ceremonies, to support NGO work or goes into community development, which has also been agreed on by all villagers.

It seemed like this specific fund was not yet established fully in terms of structure and rather runs alongside other activities. The committee wants to establish it in time and collect ideas to find collective funding. However, and like Tun, most project villages also have one or several saving groups that likewise help to provide funds for either the process or community development in general. Also other farmer organizations like agricultural production or nutrition groups all play their part in supporting their village, its development and thus each other. This way, many people of Tun are involved in developing and finding support for the community, which eventually also furthers the land titling process. Furthermore, these saving groups now even become essential for many people within the CLT process and thus help to keep it running in some cases, as “[h]aving banks as the only way to access loans also puts pressure on people to resist communal land titling, and promotes individual land titles: Without an individual title, they cannot get bank loans. With communal land titling people cannot use their land as collateral. Having a community fund alternative to bank loans makes CLT more feasible for communities.”<sup>43</sup>

As a matter of fact, this poses a real risk to the CLT process, as a district representative reports in the interviews. With a CLT, villagers are not allowed to sell their land to outsiders and likewise do not have the ability to get credits anymore. Sometimes villagers understand this very late in the process, often not until they are close to submitting the papers for the title. When they finally realize, many get unhappy and lose their motivation or even want to leave the process. Either more time and resources are needed to get the people back on board to build up trust and confidence again or this even puts the whole process in danger if too many members withdraw their commitment.

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<sup>42</sup> Traditional indigenous rice wine, especially shared and enjoyed during village ceremonies

<sup>43</sup> WHH Final evaluation report (2016), p. 32

As for Tun village, this specific obstacle has not kept the villager from getting the title. However, other difficulties have been arising, which the community tries to overcome together. In answering the question when they think their community is strong and successful, the people answered: “We must build up solidarity and give support to each other.”

### **Challenges and the Endurance to See Them Through**

Though the committee is working very hard and sees the CLT process as their first priority, complications arise that have to be addressed. Some difficulties have already been mentioned like **absent members in the meetings** that miss out on important parts of the CLT process, **continued illegal logging** in the area or the **difficulty to keep their culture alive** in the future with increased interest in the area. Also within the committee, there are some challenges. Though it consists of 13 members, 15 when including the village chief and deputy, only seven people are constantly active. Some members want to stop due to personal reasons, others want to stay in the committee but still show **lack of commitment** according to the leader. He mentions his concern about this. At least eight or nine people are needed when it comes to bigger decisions in his opinion in order to make them as representative as possible for the community. Though it is quite complicated to change committee members in line with regulations from the MoI, the leader will still discuss this step if no improvement can be seen, as **“it will affect to community development, if the committee does not work well.”** The committee members talked to seemed to take their responsibility very serious and showed strong commitment towards their work and their community.

### **A New Title – A New Future**

Despite all challenges for the community as well as the committee, the CLT process is seen as an enrichment and seems to give many villagers a feeling of being safe. **“We are not afraid anymore that the company will bulldoze our land.”** More advantages they see in the CLT process can be summarized as having protected land with facilitated management, generally and in terms of land for farming, as boundaries between village surroundings are clear as well as which parts of the forest are sacred. “Nobody told them about the spirit and burial forests. Everyone thought that they can cut the forest to farm everywhere, they didn’t care which land belongs to which village, but now it is clear.”

Some challenges are related to the land titling and some are of general nature. All of them, however, concern the community and its future and are intertwined with their land that, thanks to the communal land title they have received, is safe for the people of Tun village, their children and hopefully for many future generations to come.

“Some of the land we will use and some we will keep. We will make farms upland and keep areas for conservation. We preserve the forest for wild animals and we keep reserve land to provide for new

farms in the future. We also plan to establish collective farm land. In any way, we will keep our land for the next generation.” Finally, the committee leader gives a comment that demonstrates the will to engage more with local authorities but also the need of giving villagers a better platform to do so:

**“I would like to engage more with the commune chief in the future, though I am not yet sure how. All villages develop a plan for their community, maybe not always on paper, but in their mind they do, but some commune activities do not match the need of each community – if we engage more, there will be a better relation, better mutual understanding and more appropriate activities per village.”**

As for Tun village, they have already achieved what many other communities are still working for – being granted a communal land title. However, they are aware that getting the title, though being an enormous step, is just another phase in the fight for indigenous people’s land. More work and new challenges will come, be it related to land, its management or indigenous people’s rights in general. But for now, “we have a stronger community, better farming and protection from the companies” thanks to the CLT process.

## 4.2 TUMPOUN ROEUNG THUM VILLAGE

Past Tun village, after taking a turn in the district town of Ta Veng and after crossing a couple of clattering bridges, the river of Se San suddenly appears on the right. Then the village centre of Tumpoun Roeung Thum is close. Though situated in the same commune as Tun village, i.e. Ta Veng Kroam, most of the villagers are Brov indigenous and thus speak a different local language. The story of the community with its 160 families on how they decided to enter the CLT process is similar to many other villages and still it has its own little side stories. Alarmed by a former local authority representative that a company might come to their village soon and by the fact that numerous people had already come to the village to buy land, many villagers were again afraid to lose their land. A discussion followed on how to avoid this scenario, which ended with a visit at the commune level. The advice given was to start a CLT, resulting in the next step to find someone that supports the community with it. The first NGO the village contacted was CEDAC/WHH and so the process began on the 3<sup>rd</sup> March 2015.

### Motivation and Goals of Tumpoun Roeung Thum Villagers

However, more reasons caused the community to take the step. The community saw its **solidarity threatened**. As quite a number of missionaries is still working in the area, some people have already converted to Christianity and also some members of Tumpoun Roeung Thum village have shown interest to join. The CLT committee members interviewed narrate of a village close by, in which they already have a lot of Christians. “In this village, they have two different religions and now they have two groups. If they have a village ceremony they are always separated and there is no solidarity between the two groups anymore.” According to the committee, this split up the other village and threatens their



original culture. In Tumpoun Roeung Thum, this is what they want to preserve, as it will not only **protect their culture, it will keep their identity and solidarity alive.**

The CLT process is thus seen as a tool for protection in many ways, **“it is like a protection shield”**, the committee deputy leader says. If they don’t get the title, they will eventually lose their land, more natural resources and their culture. Next to protecting their territory and their way of life against many interferences coming from outside, another goal of the community is to **manage their land together** and keep it **viably for the next generations**.

### Committee and Community Contributions

“Before the CLT committee existed, the village chief and elders had to prepare everything including village meetings, problem solutions and development planning. They were not enough for all these important tasks.” The community used to have a village development committee, but it did not work out. However, with the CLT committee, whose capacities have gotten trained during the process, change has come to the village and its management structure. Today, the committee assist the other village authorities a lot. Especially when it comes to solving complications, the deputy leader reports of an easier way to do so now, having three sectors to collaboratively work together.

Internal conflict resolution: In case of a problem, the villagers now approach the committee first. As the village chief has to be a part of the committee, he still is informed and consulted as well as village elders, if needed. A discussion of the problem follows in connection to a solution found together with all parties of a dispute. So far, there has not been much internal conflict and the village always managed to find traditional solutions, i.e. in the framework of the community. However, in case of bigger disputes, the community would follow certain steps: If solutions cannot be found traditionally or the conflict is too sensitive right from the start (e.g. violence causing hospitalization), the commune and/or the police would be involved, as this lies out of the duty of the village elders and chief to solve. This would result in a turn to the legal way. If the conflict still exists, the parties of the dispute would eventually address the district. However, they would go independently, as this always lies out of the responsibility of the village chief and the community.

Generally, the committee leads the community for meetings, village development and natural resource protection including land and forests. The committee not just organizes CLT meetings, as other community meetings are held as well to talk about topics that concern the whole village. This is done voluntarily and additionally to CLT activities and with no NGO staff being involved. Five bigger meetings were already held at the time of the interviews since last year’s CLT start and they covered the topics of domestic violence, participation of the community in CLT activities, **forest patrol activities** and an extension about **human rights** knowledge gained in a training. Furthermore, village ceremonies as well as **building up solidarity in the community** was discussed. As part of **natural resource protection**, the

village introduced a new system of wood usage and villagers were directed to prepare the documents needed. If villagers need wood for house construction, they have to make a request to the committee and the village chief and pay 10,000 Riel (2,5\$) per m<sup>3</sup> of wood to the community. This way, the wood used will be kept to the necessary minimum and the money collected goes into the **community fund**. Furthermore, the committee regularly meets independently in order to discuss current matters and then follow up with respective activities in the community.

According to the committee deputy, the CLT process trained the villagers to join meetings, which makes them feel more comfortable to attend. The **participation for all meetings has increased** since the process has started. "Some villager hear meeting and want to join instantly. They are looking forward to it, they love it and are truly interested to come." The CLT has thus created an improved meeting atmosphere in the village.

### Keeping Up the Motivation

As usual, it is not easy to get all villagers to join though; partly it is even difficult to inform them. The village consists of several village groups, so the community is not completely living together. Some groups live far away and the road to travel there is difficult. It is problematic to reach all families either with moto or by phone. People do not take part in meetings for different reasons, but mainly due to being busy, living too far away or simply because they didn't get the information according to the deputy. In other cases, people take turns and inform each other later. However, some members simply show limited interest and low participation. As always, it is one big job of the community and the committee to share the knowledge from the meetings on the one side and to motivate people to attend on the other side.

In terms of **sharing knowledge**, the community thought ahead. As far as possible, the mentioned village groups usually have two committee members living in it. In case no one of this group is able to attend a meeting, the committee members can later share content and results and make sure no group is left out. However, not all village groups were able to be covered with a committee member. Generally, the committee members use every chance to discuss and talk about content of meetings or the CLT process in general. Sharing and discussing about all relevant topics often takes place at times when the villagers come together, e.g. for a ceremony or celebration. Additionally, the committee visits absent families to update them and even village elders and the village chief help to share knowledge. The members of the committee made it clear, however, that many community members support them in this task as well.

In terms of **motivating the people** to take part more actively or at all, the committee again gets help from the village elders and chief. Often they all go together to families to invite them for the next meeting. Likewise, "we try to explain them again about the benefit of the CLT, but also of all and especially the next meeting, hoping they will attend next time." The reason why the committee deputy

also mentions the objectives of the following meeting and its expected results is to avoid that people just come without actually knowing for what. “If the members understand what they would miss and why it is important, then we give them a real reason to join.” This also applies to people that although they take part physically, they do not truly participate, i.e. give no ideas, no input or do not share any experiences or challenges. Mutual exchange is encouraged in the community in order to make progress together.

### Unexpected Challenges

As reported by all committee members interviewed, unfortunately there are also people that would better not take part in the meetings. **The committee faces a big difficulty by being undermined:** Some attendees challenge the committee deliberately in front of all to spread insecurity. The members consider these people to be middle man that would benefit from private land selling and want to sabotage the process, as it will prohibit selling at a certain stage. In a bigger village of 160 families where not all members live close together, it is not easy to control undermining like this. As a result of spread rumours, the committee sometimes has to struggle with mistrust. Some villagers blame them to be corrupt for money or show jealousy, as some even think they get a salary. “Sometimes if people are asked to help with village cleaning, they say: I am not a committee member but you are, so you can do it yourself.”

Another obstacle for the whole committee is the fact that of all members, it is the committee leader that shows a lack of commitment. Unofficially, the deputy leader has already taken over his role. However, the sign the leader has set in the community is not easy for the rest of the committee to iron out – why take part if not even the leader does? This and also other examples show that not all committee members are always truly committed or eventually can cope with the work that the position actually brings with it; just like some members agree to take part in the CLT process and later do not participate in activities.

**Trust is a valuable but also fragile good** in the communities. If it is taken away, this poses a great impediment to the committee and the rest of the community. Luckily, many in the community show support for their committee, and the rest of the committee likewise shows extreme commitment and great capabilities. One female member, for example, finished high school last year in the province town and applied for a local NGO to work in the district next to her committee duties. “I got inspired by my parents and CEDAC/WHH staff to go to school and continue until I graduated grade 12 in 2015. [...] The most important thing to me is the CLT process and my graduation of high school in 2015. CLT can protect us from the companies and keep our forest. The forest is useful to our community, as we can find firewood, vegetables, fruits and other NTFP and we can also easily find natural medicine [...]. [After my graduation,] I shared what I have learned to my community for better understanding. I want to have a

good job and encourage all kids to go to school [...]. Now I want to work with one of the local NGOs in town and I want to reach my perspectives [...].”<sup>44</sup> As she recounts, her potential was fostered by the CLT process and other project activities in her community, giving just one example of how individual success stories can also derive from the process.

### **More Struggles but Still Not Giving Up**

While Tumpoun Roeung Thum village reports of no direct conflicts between communities on farm land in recent years, there are concerns about the neighbouring village claiming for more land in their own CLT process. This would overstep with Tumpoun Roeung Thum’s boundaries and most likely result in a **border conflict**. Another problem the community faces is **the willingness or the need of some members to sell their land**, which in itself can already be seen as a worrying and harmful trend for each community. Despite all efforts of the committee and villagers, three families have recently sold their land to outsiders at the time of the interviews. For a legal sale, the families need the village and commune chiefs to sign a document, which had not been done yet. However, the family already received the money from the buyers. As it was not too late yet, the committee did not give up and asked the chiefs not to sign the final documents for the time being. A discussion between the buyers and the sellers was in process to give back the money in order to keep the land for the people and the community. The problem of too many people still selling their land in the first steps of the CLT process has to be taken seriously, as with less and less land, the actual area for the later CLT decreases and with it the chance to get the collective title for an area that is big enough for all community members to live sustainably.

Moreover, one bigger sale resulted in the clearing of almost 20 hectare of the community that were not part of the agreement. A private company bought 31 ha, but ended up clearing 50. After the incident, no one has ever talked to the villagers or took responsibility for it. Nowadays, the place looks deserted and the rubber trees planted look destroyed.

**“We want to discuss with them to get back our land, but there is no one to contact, so we have no solution yet.”**

As this example shows, often a clear system is missing for the communities to file complaints about incidents like this and to get in touch and receive support by local authorities or respective departments. Already with the overstepping, legal action should have been taken against the private investor. As in many other cases, either the communities do not really know who to approach or get send from one administrative body to the next, as it often does not seem clear where individual responsibilities actually lie. In other cases, the trust has already been lost to even approach the different authorities. The system

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<sup>44</sup> WHH Final evaluation report (2016), p. 45 f.

of getting support or legal advice if needed thus has to improve a lot. For this, the **cooperation between the villages and the authorities has to get strengthened.**

Furthermore, the community reports about another complication that also concerns their livelihoods. “There is a lack of water, because we almost have no rain. There are no fish fingerlings in the nature and when the small fish are gone, we will not have wild fish in the future.” The same problem occurs with bamboo in the area as recounted by a committee member. “Recently I heard from a few members that our bamboo has died and the community complains it was from making the bamboo shoots because it dies and it got extinct. But I met with the community and the committee about this problem and it is not caused from making the bamboo shoots, it is from the [changing] nature and the drastic weather changes.”<sup>45</sup> Next to land and natural resources getting scarce in the area, the impact on the ecosystem and the biodiversity becomes likewise noticeable for the people, especially for those that are dependent on it. The **clearance of the forests brings many consequences** with it that **communities have to balance out**, while this simultaneously seems to be one of the biggest motivations to continue with its protection even more.

**“We have the right to protect the land together, so we will keep it for the next generation.”**

#### **Responsibilities of the Committee and The Underlying Commitment**

Like every committee, the members of Tumpoun Roeung Thum have their set of responsibilities. Next to the general ones each member has to fulfil, the committee lists what else they lead or organize; tasks that sometimes become blurred with their own underlying motivation to actually join the committee. The committee sees its first task in **assisting the community**. Secondly, and as the deputy puts it: “I want to be part of the committee in **leading to protect the land, the forest and our natural resources.**” For this, they organize, lead and participate meetings and also **forest patrols**. As already mentioned, they are part of **conflict resolution** processes and on the more positive side, lead the people to have **village ceremonies**. As for community work, they guide or assist villagers to do agriculture, organize and lead bridge constructions as well as repairing and maintaining the roads.

Although it is usually the village chief that participates in authority meetings to raise needs for his community, also committee members join certain meetings at commune level. The deputy leader went to commune public forums (e.g. on commune and village safety) and consultation meetings and he proposed to conduct more meetings per year, as he would like to engage more with local authorities and take part in more meetings. The other members agree: “We take part in commune investment planning (CIP) meetings, where communities can talk about their needs. However, **we want to engage**

<sup>45</sup> WHH Final evaluation report (2016), p. 46

**more with local authorities directly**, because if we are part of the CIP, it is not enough time to actually talk about all the communities present.”

All the **private time** that is contributed to take time for the village members included, the range of responsibilities and tasks the committee takes over in their community eventually shows how much they **care** for it, especially against the background that **all this work is done voluntarily**. As it was reported, it is not always an easy job to do, nevertheless the deputy says that he likes this work very much. He got voted for it by the community and he will stay committed and motivated, as it is “my favourite and also most prioritized work. I will always abandon my own tasks for it.” Again, the term **heart power** was used, which not only reassures their own commitment to the process but in a way illustrates the whole reason behind why they are doing all this hard work. Last but not least, the committee listed another “responsibility”: Leading the community to have **collective farm land**.

### Working as a Community - Finding Back Solidarity

In each plenary meeting, the community usually contributes something like indigenous rice wine and chickens, but mainly rice. “Before, we used to collect rice or a little bit of money from each family to contribute our part in bigger meetings, but this was very difficult. So we decided for a collective paddy field.” Nowadays, if there are big ceremonies in the village, the community uses yields of the collective farm instead of collecting it from the families. The objective is to save families their income and/or rice, but also to have rice for the community in case of food shortage. They will even contribute some rice to the commune, if needed. In terms of managing the farm, the community, the village elders and the chief as well as the CLT committee are all involved. They divide into groups and identify responsibilities. In total, one member of each family has to take part. So far, it is still a pilot project and a small rice farm, but if it is successful the community wants to increase it. A collective cashew nut farm is already planned as well and if they get the title, they will invest more in these systems to also further community funding. Next to supporting the community, the committee deputy sees one big benefit about the collective farm method and likewise about the whole CLT process:

**“It has increased our solidarity – it used to break up, but now it is getting better again.”**

What had been separated over the years due to changes and by external actions has started to unite again in the course of working together. Hereby, the CLT process might have started this change, but it is not the process per se that brings the people together, it is the people themselves, their will to motivate each other and to put in their heart work.

### 4.3 NHANG VILLAGE

After crossing the Se San river and driving up a steep mountain that can already be seen from afar, a bumpy dirt road through villages, farmland and fields leads to the village of Nhang, a community inhabited by Jarai people. The village situated in the eponymous commune in the district of Andong Meas was the first village of the project to engage in the process in this district. After villagers had gotten aware of the problem with companies in the region, village representatives went to a meeting organized by an NGO, after which they understood better about the land protection approach and their collective right to claim a title. The matter was then discussed within the community, which decided collaboratively to enter the CLT process. As Nhang villagers had already been working together with CEDAC/WHH within farmer organizations, the village decided to contact project staff and to file a request to the NGOs in order to become partners in the CLT process as well. CEDAC and WHH agreed and so Nhang started the CLT process on 25<sup>th</sup> May in 2015.

#### Interrelated Motives to Join the CLT Process

**“Before the CLT, we did not know about the companies and ELCs, but then we saw the bulldozers.”**

For the villager of Nhang as for all other communities, the importance of the land they are living on is unquestionable. Similar to Tun and Tumpoun Roeung Thum village, the wish to start the CLT process was connected to an increasing fear of losing their land to companies, but also with the accompanying fact that villages tend to face conflicts even among themselves to a greater extent. This is not to say this only happens because companies are coming in, as surely there is always reasons for conflict over land. Nevertheless, the situation seems to get increasingly tense as available land gets more scarce.

**“Sometimes villagers only overstep half a meter, but this can cause violence already.”**

Many villagers feel that the CLT process can defuse this situation. The more villages get a CLT title, the more village borders will be determined leaving less room for boundary or other sorts of land related conflicts. Though this development can be looked at with mixed feelings as boundaries might not always have been necessary before, it contains great truth that now they bring more harmony to the people. Be it between villages that have to discuss and agree on their boundaries to end conflicts or the knowledge that companies legally cannot encroach on the villages' lands any longer after their boundaries have been demarcated. If the feeling of being protected only brings back the feeling of a less troubled life, than the CLT process already has one big advantage all the troubles are worth going through. However, the range of challenges is not small and especially finding consensus between different villages and sometimes even villagers is not an easy task. In the FGD, the community recounts:

“A long time ago, our people could make the chamkar (farm) easier and it was also possible everywhere. It was good for the people for the living and for having animals running around. We were raising them freely. But now it is difficult for farm making and we have many conflicts for the farm boundaries. Many people have to use grand-grand farms.” (explanation see below)

### Internal Land Conflicts – A “Motivating” Challenge

In answer to the question whether Nhang village has already had any land conflicts, the committee members interviewed explain about the different kind of conflicts that can arise between communities or their inhabitants. So far, the village had to deal with three types, sometimes even partly initiated by the CLT process itself, i.e. when it comes to a plain **boundary conflict**. As part of the CLT, boundary demarcation has to be done in order to get the title. Neighbouring villages thus have to agree on these borders, which often results in predictable discussions and rather disagreement first. Of course, boundary conflicts also arise without the process, when people generally think their neighbours have overstepped their boundaries for any reason.

Solving these issues usually follows a certain range of steps, using traditional methods before turning to the legal way, i.e. including local authorities. As boundary conflicts eventually concern the whole village, the village chiefs of the two parties involved will meet for a face to face discussion. In a second step, village elders and community representatives will be invited to join the discussion. If still no solution can be found, the legal phase begins in terms of going to the commune or even district authorities, if negotiations stay unsuccessful.

The same procedure applies for an **inheritance or grand-grand-farm conflict**, as called by the interviewees. People that come to claim the land have never worked or lived on this particular plot themselves. However, they have found out that a certain piece of land used to belong to their ancestors – especially in times of having less and less land, people are willing to start a dispute by demanding their alleged possessions back.

The third one is a mere **farm land (chamkar) conflict**. It can occur between villagers of one community, which firstly results in a face to face discussions between the owners and later includes participation of the village chief, elders and sometimes the whole community to solve it. It can also arise between two communities, as happened in Nhang village. Villagers from another community used to live and work on a property, but then left it. After a while, Nhang villagers came and started tilling the fields. After around ten years, the former owners returned and claimed back their land. Surely, in these situations it is not easy to decide who the land really belongs to or who has more rights to it. With less land to work on, using shifting cultivation might even contribute to conflicts like this, if people only leave land to allow it to recover and plan to come back, of which others are not aware. In the case of Nhang, the conflict



got solved by inviting the commune chief and district representatives. Village borders were identified and based on that, the farm land in question was calculated for both sides to find a fair middle way.

Of course, conflicts are not always homogenous. A disagreement on boundary can for example occur because of inheritance issues. At the time of the interviews, Nhang village was still involved in such a dispute. A neighbouring community, also engaged in a CLT process, was already in the stage of demarcating boundaries. According to Nhang villagers, they planned to claim land for the title that the people of Nhang considered to be theirs; land that was involved was alleged great-great-land of the other village. The fact that Nhang villagers felt like being in a conflict rather than on negotiations with the other CLT village is a sign that not just the villages have to try harder to find agreement, it also shows that **communication between different NGOs as well as cooperation with local authorities still have to improve within the CLT process**. Demarcating boundaries should include all involved parties as to find a general agreement. This inevitably has to include bordering villages and all potential partners working with them and local authorities as being responsible for the area and its management. Either way, all these conflicts back up the committee leaders' statement:

**“Land is still the main reason for conflict, often big conflicts.”**

Repeatedly this shows how important land is for the people and with each hectare being lost for the villagers, negotiations, discussion and sometimes also the fight for the remaining land is getting increasingly precarious for them. According to the committee leaders of Nhang, with the progressing CLT process it will be easier to find solutions in the future, especially when they have a title. Boundaries will be clear and recognized by the government. Internal rules will also count for outsiders and if these rules are passed legally, then other people will less likely challenge the boundaries. If working correctly, the **CLT process can thus bring more piece to the people** as it not only solves future problems with companies but many other problems regarding the land as well. If there are less conflicts in the future, less time has to be spend solving and especially worrying about them.

### **Other Goals and Motivations**

As already indicated, a company has started working in the area and came very close to Nhang village. In recent months it has gotten quiet around it, so villagers feel slightly safer. Nevertheless, they do not know what could happen in the future, so they are reassured again to work on the CLT. “We know that land, forests and nature are our main resources for livelihood and companies reduce these resources. So we have to protect the country and ourselves against that, but also keep people from selling on our side.” When asked what else motivated them to form a CLT group, the community answered:

**“We want to keep the land for the next generation, for each family and for community usage.”**

As for the committee, they want to keep their traditional way of living in the communities, as it seems to get lost more and more. Related to that is the strong connection to the forest, be it culturally or as big part of their habitat. The community adds: “We believe in mountain spirits, big stones and also in big trees. The forest is a place for spirit ceremonies.” But the connection goes further. “Land and forests are very important for the community: We need the forest for finding wildlife, fish, wild fruit and vegetables or wooden pieces for cooking. Also we collect rattan for making baskets and bamboo shoots [as part of NTPF collection] and we use the river and lakes. We use traps to catch animals in the forest and we use it for shifting agriculture.” In light of the recent draught in the country that also hit the whole province quite hard, they conclude: “If we don’t have the big forest, we will face climate change – sometimes we have no rain like we used to have.” A big motivation thus is the protection of the forest with all its interconnectedness to bases of life for indigenous people.

**“We want to keep the land sustainably, as we just want to get back to the life how it was before.”**

### Ideas and Contributions

For this goal, though it might be too late to be accomplished 100%, the community and especially the committee knows they have to put in a lot of work. On the side of the community, they see their main contribution in their given time, knowledge and participation. They explain that too little participation in the meetings will result in not finishing the activity, i.e. the CLT. According to the committee, this is reflected in the attendance behaviour, especially regarding CLT activities. “Participation is good, no matter who invites to the meetings – usually around 60-70%.” They further explain that this number occurs because not everyone can attend all the time and there is a shifting between the people. Like in the other villages, there are also people who simply do not want to join. “We try to convince them by explaining the advantage of the CLT and the importance of the meetings. We work hard and explain it very often, persistent but in an agreeable way. We want to be constructive, not aggressive. Some join us but still go away in the next meeting after around ten minutes, but on average it is okay. We continue to encourage and integrate them and not just leave them out.”

The committee has to put in a lot of work, as the task stays to inform absent members about the meetings or clarify content. In the meetings, the committee tries to find out which families have not quite understood about the process. They ask questions and according to the answers they will know. Afterwards, they plan to go to one household per day to follow-up and explain. “After the last meeting, I went to two families straight away to explain about it again”, the deputy leader says.

For absent villagers, the committee members will give them an update on the next possible occasion or use village festivities to talk to smaller groups in order to keep the level of understanding in the community as equal as possible. Families help to inform their absent family members as well. The

committee also developed an idea for the future. They will split up and each member will be responsible for a certain number of families to explain, summarize or answer questions in order to be more efficient. Including all villagers seems very important to the committee members. To the question of when they see their CLT group strong and successful, they answered that the committee should respect the responses, comments and concerns of each member. Furthermore, the whole community has to be included on discussions about CLT problems as well as finding solutions together, not just the committee.

### **Continued Challenges**

Additionally, the whole village should respect the by-laws and internal rules. One task of the community is seen in the explanation of the two sets of regulations to the village elders, as it is especially important that they understand and approve. However, the rules have to be understood by the whole community, which can pose a major challenge. As part of the CLT policy, general templates for both, the by-laws and internal rules already exist. Several meetings are planned and facilitated by the relevant departments and NGO staff to explain and review on the regulations. On this basis, the communities then develop their own regulations and have the right to amend the rules as to match to their individual village. But “by-laws and internal rules are difficult to understand in general as they have a deep meaning and are very technical. It is especially difficult to translate into local language. Some words do not really exist in Jarai.” It takes time to translate the rules and it is difficult to find out for the committee whether non-Khmer speaking villagers are actually approving. “We cannot always achieve the full or the same meaning in translation, so it is hard to know if people really understand the original and are happy with it. We just try to explain again and again.”

The committee leader shares another private obstacle, which can also be transferred to many other villagers: He is illiterate. This makes understanding and remembering the rules and other important content of the CLT process even harder, as people cannot read documents, make notes or simply look something up. For the committee chief as someone who has to be able to understand quickly and explain everything, this represents a restriction. But he balances it out: “I am a good speaker and I am very committed,” which is why the villagers asked him to take the position and voted for him. Furthermore, his deputy leader and the village chief can read and write and together they manage and complement each other. This shows that though smaller and bigger obstacles lie in the way, many committed members cannot be held from doing the work and continue with it – they contribute their endurance, remain defiant and motivate each other to continue, even in times of conflicts, difficulties or setbacks.

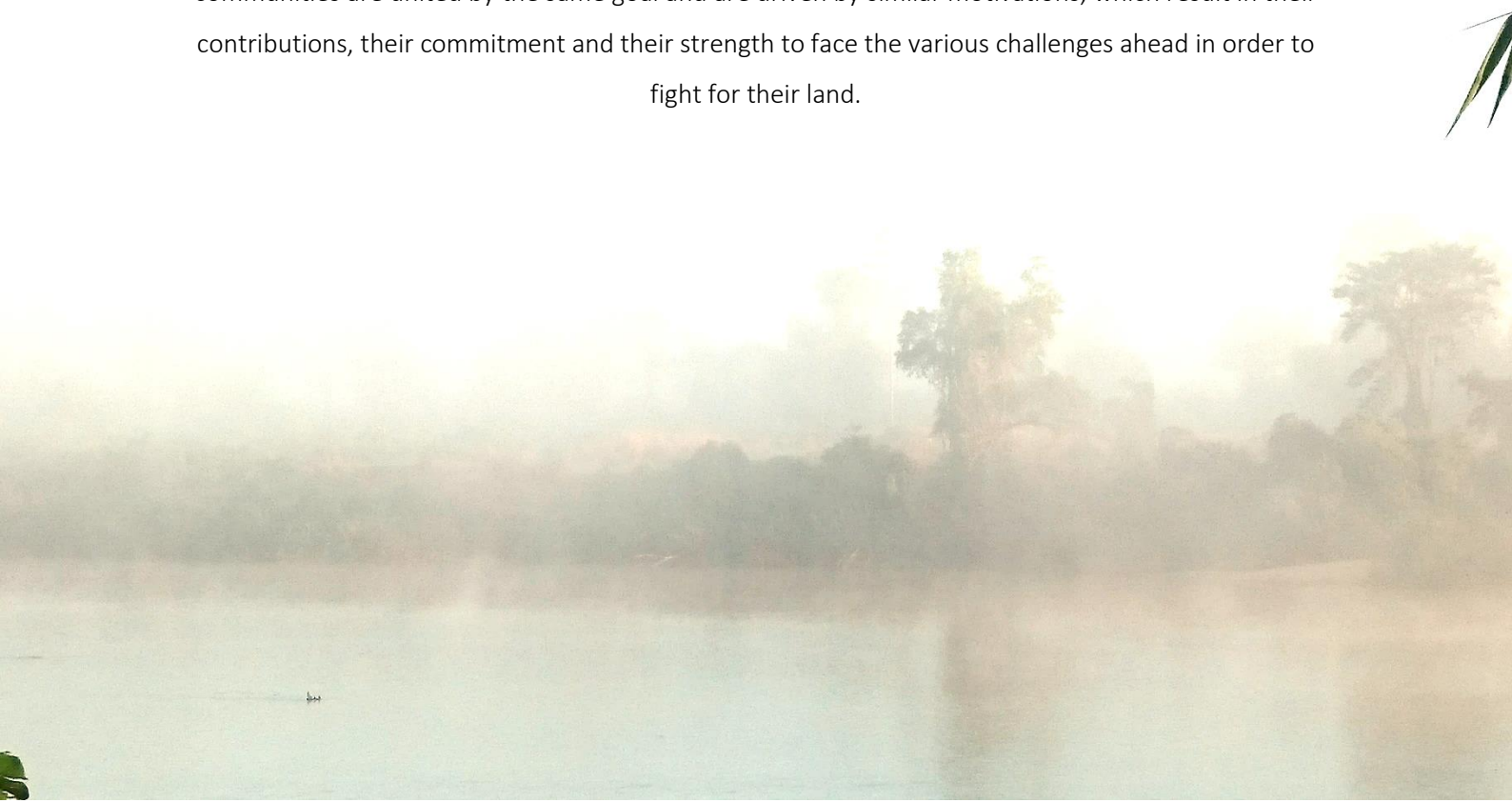
“We put in our heart-skill and give a lot of time. The CLT process has a high priority and we will leave our personal work, if necessary. We also spend our own money on fuel for the motorcycle when we visit

other families or on the phone to call them. We have knowledge and we like and know how to share it with the community. We really work hard and we have a strong committee with a strong commitment.” And they know what they do it for; according to the people, they are happy with the CLT process. Some villagers almost lost their culture but with the CLT, the village reviews on it constantly, especially through the by-laws. The process increases solidarity and supporting activities like Jarai dancing. The participation in meetings is better than before, especially with CLT activities, which raises the peoples’ capacity to work and thus to achieve goals together. The concern about the company has decreased, which leaves the people with more time and power to actually work against possible encroachments. Last but not least, private land selling of villagers rather stopped in the course of the process. As everything depends on the land, this is an important part of the process and to a large extent a big achievement of the committee and the community. To quote the committee chief one last time:

**“Many jobs are depending on the land. We cannot raise pigs in the air, can we?”**

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All the villages have their own stories – stories about how their village developed, stories about their ancestors and likewise stories about how they ended up deciding to start the CLT process. However, they all have one thing in common – a certain fear spread in the communities, which could have resulted in two directions: Either letting the fear win over and waiting for its causes to become truth or taking this fear, turn it into courage and do something to prevent the causes. In this sense, all communities are united by the same goal and are driven by similar motivations, which result in their contributions, their commitment and their strength to face the various challenges ahead in order to fight for their land.



## 5 Conclusion and Recommendations

Repeating an important statement from above, seeing the bigger picture in the case of the communities and their work in the CLT process is an important approach with which the effort of the indigenous communities can be at least approximately portrayed. However, terms like effort, contribution and commitment are qualitative indicators that cannot be measured or are easily revealed. A way to find out is to observe the people and listen to what they have to say; try to develop an understanding for the people and their lives.

This research was a first attempt to do so in the context of work revolving around the communal land titling process, but concentrating solely on indigenous people. Putting their effort into the context of their lives, the challenges they face and the different views and customs of their culture, it becomes clearer that more is done by active CLT members and communities than the obvious might show. Repeatedly, contributions of the people were covered by short expressions like time, participation, responsibility, material contributions, trust in partners, agreements and their commitment, of course. The study set out to fill these partly powerful expressions with background, real stories and feasible examples of what this actually entails and with real people that make these contributions.

In summary, findings have shown that there is a lot to uncover. As has been shown in the three case studies, giving time, for example, involves many factors. It means to make time for organizing and holding or to come a long way and attend meetings, while your own work stays still. It means giving time for your fellow community, sometimes it means neglecting your own duties or even your family for a bigger cause. For the whole community, giving their valuable time likewise shows their motivation to protect their land and forests. As for the committee in particular, giving time means showing your motivation to support your community and to represent it. Time becomes representative for pressure that lies on the people working hard for the title, as with each day passing by, more land might get sold or cleared otherwise. Eventually however, giving time means to make progress and to stand up for your right. Developing an understanding for these various factors revolving around all the contributions communities make can help to adapt the whole CLT process in accordance to the people that it concerns the most. Putting aside why it got necessary to have the process in the first place, it still benefits the communities on different levels.

### 5.1 Advantages of the CLT Process in the Eyes of the Communities

The feeling of being better protected against land loss for whatever reason seemed to be present in all communities. This already can be seen as a big relieve for people that before worried constantly about what is going to happen to them and their family, if worst case comes true.

Meetings are not only held when NGOs are present for CLT purposes. Many communities have already developed a system of group meetings in order to discuss village matters, problems and news within the community. With the CLT process, meetings have become more regular and more people like to join as has been reported by all interviewed groups.

Though not mentioned in the case studies, all interviewees were asked about women participation and all reported back about an increase with the start of the CLT process. As in each committee women are present, this serves as a role model for other female villagers. In Phleu Thum village (Ta Veng district), a woman got voted for the first time in CEDAC/WHH history to be the committee leader, with almost twice as many votes as the two runner-up. Though she declined the position due to her concerns of not having enough capacity being a working mother, this shows how times have changed and women are now not just accepted but also voted for important positions by the whole community. In the case of Phleu Thum, the woman still agreed to the position of the deputy leader and even nominated the leader between the two runner-up.

As for other communities, women are reported to be reliably present and often more active than men, either in talking or in their duties within the process. It has to be clarified that in all CLT villages, farmer groups were already present as part of the MCP. The topic of gender equality had already been addressed and improved and surely provided for a good basis for more development within the CLT phase.

The CLT made the community stronger. With collective work for a collective title, solidarity and sense of community is reported to increase again in the villages. Some interviewees even mentioned that it used to break up increasingly, but communal work, regular meetings and collective achievements bring it back to the villages. Likewise, they report about increased cultural activities and the feeling of getting closer to their old customs and traditions, where it had decreased in recent years.

The villages already report about a better management in their community due to the process and expect it to further improve after the CLT process is finished and boundaries of the village are definite. Furthermore, it is expected to have less land related conflicts. With more villages getting a title, clear boundaries will be set that should reduce the number of conflicts drastically, again benefitting the communities and contributing to a more peaceful life.

## 5.2 The Need for Improvement

However, the process also continues to be highly complex and it seems as if many challenges are still hindering it from improving. Some arise in the communities or within the NGOs, others are caused by related departments, at local authority or higher government level. Eventually the communities are affected by all challenges the most as the final consumer so to say. If processes get stuck, if not enough

responsibility is taken over by relevant departments or authorities, if outsiders want to undermine the CLT processes or if NGOs run out of fund resp. the government is not providing enough financial assets for positions related to the process etc. it will ultimately hit the community; in the worst case by being unsuccessful in getting the title. Why ever challenges are caused, the longer the process takes, the more land, but also trust and confidence get lost within the communities and with it the commitment of the villagers that is desperately needed – a fact that 100% of interviewees agreed on.

As with many complex procedures, the CLT process still has to develop further. Nevertheless, it has already come a long way and likewise advanced in that time. This especially holds true for people working in the field. Interviewees reported that when starting the process, it was extremely difficult to perform having no experience and working on new grounds. It was a learning by doing job and over the years, related staff have produced own handbooks about lessons learned or good practices, implemented workshops and meetings for knowledge exchange and all have gained major experiences that at least internally facilitates and quickens the process. The same accounts in part for responsibilities the different actors hold, especially in the departments and on authority level, which has smoothed the process to an extent. However, this point only partially reflects reality according to some interviewees.

Nonetheless, things have not only changed for the better, as available **budgets got less** on many levels and generally said, the process simply still takes too long to be completed. This has negative effects on many, but especially on community level. Additionally, it seems like most relevant partners still haven't found a way to efficiently work together. What gets clear and was mentioned several times during the interviews is the fact that **cooperation between all partners has to improve to a great extent**. For this, communication needs to be increased and this effort has to be made from all sides. In most interviews, other partners were looked at critically, while no interviewee gave clear account of what the own institution could improve except for general enhanced communication between NGOs and the government, stated by a department representative.

Surely, this does not account for all relationships and like the process itself, progress has also been made on this level in the last years and will surely commence in the ones to come. Still, to **improve cooperation and communication should be of high priority** for all partners, as they are all part of the process and can likewise contribute to improve, but also to hinder and prolong it. In this sense, the first step all partners need to work on is to be open to more cooperation and exchange of experiences not just on intra- but also on inter-levels. As all partners were interviewed, suggestions for all stakeholders were made from other relevant actors, which will be shortly listed as all improvements made will eventually benefit the communities.

**1) Ministries / respective departments:**

- ❖ Allocate more funds for the process (on national level).
- ❖ Fasten registration process in the ministries and increase the number of titles given out per year.
- ❖ Delegate more tasks to relevant departments, as they usually work closely with the communities and submitting official letters etc. to ministries would be easier → take over some work, NGOs usually have to assume.
- ❖ Allocate more staff for CLT work, as organizing meetings gets difficult due to department members not having time.
- ❖ Improve the collaboration between the different ministries and departments involved to increase registration speed; especially prevent competitiveness between them.

**2) NGOs:**

- ❖ Improve communication with the government.
- ❖ Include relevant partners in their planning, in order to decrease problems proactively.
- ❖ Being the closest institution to the communities, inform other partners more frequently on planned activities and status of supported CLT villages.
- ❖ Take care of handovers of communities to other partners or NGOs after project end or other reasons to stop the support.
- ❖ Reduce the numbers of communities to support at a time in order to be able to handle all work efficiently and have enough funds, as this will fasten the process.
- ❖ Support communities throughout the whole process and avoid abandoning groups in the worst case, as rarely a community agrees for a second try → responsibility for the community.  
(However, others argue that each community engaging in the process is important nowadays, as far as resources permit, due to the continuing loss of land in non-engaged communities.)

**3) Local authority / district level:**

- ❖ Have a better understanding about their important role and responsibilities in the process.
- ❖ Guarantee improved handover within relevant district positions, as changes prolong the process.
- ❖ District government should make faster and more decisions within the process, as slow legal actions have major effects on all CLT partner levels, i.e. provider of support (mainly NGO, relevant departments), implementer of support (relevant departments, NGO) and receiver of support (communities).

Generally, most advice given would benefit speeding up the process and further a better cooperation between all partners. Likewise, all CLT actors should be more transparent and sharing about plans, progresses made and problems encountered or even start to make their plans collaboratively.



As for the communities, the list of improvement sticks to topics that have mostly been addressed by the villagers themselves in the interviews. A sign that maybe some villagers act a bit more self-reflectively when it comes to their community than other partners. According to the latter, the communities should increase their sense of ownership within the process as well as motivation and participation – take part in the meetings and do so actively. Try to increase understanding of the CLT process and its advantages and ultimately act as multiplier in the village. This will result in more village development activities and also in more undertakings, e.g. against illegal actions, as more time and energy should be put into protection work. As for land, its advantage still has to be valued more in terms of stopping land sales. As many committees struggle with different levels of commitment, their responsibility and contributions as well as their unitary commitment has to be increased. The communities themselves added in either the interviews or the FGDs that the community has to put more trust into the committee and follow their guidance. The community should volunteer to join the meetings and increase their interest and commitment. Lastly, the community should also join in calling for the meetings and thus support committee work more.

### 5.3 Objective and Limitations of the Study Revisited

When comparing results from the case studies and statements for improvement in the communities by other stakeholders, naturally some discrepancies occur, especially in terms of commitment of some committee/community members. The case studies in the three villages cannot be reflective for all CLT communities for several reasons, but they serve to give an insight into groups that would be categorized as working well. They give an insight into what indigenous people think, feel and share from their own perspective. New things come to light as well as increased efforts made by the communities that from an outside perspective might seem smaller. The connection between challenges and efforts can be drawn, which puts higher significance on what indigenous people achieve and also sacrifice. Overall, the aim was to further an understanding of the communities and their ways of life in order to achieve a higher understanding of their ways of thinking, their work, and eventually their efforts.

All questions for other relevant partners were answered generally and not with focus on the three target villages. Given statements for improvement in the communities thus serve as general suggestion. Likewise, different communities work with different NGOs. Therefore, all organizations and partners involved will have different experiences in working with the villages. Last but not least, all statements given come from an outside perspective, which will often focus on other aspects than the communities might do. Both sides together could be used jointly to find actual ways to make adapted suggestions for improvement and turn them into reality.

As for the communities, the answers and views in the interviews given will also not represent all existing communities or even community members of the reported villages, as mainly the committee with highest engagement and wealth of experience could give their views. The FDGs in the villages thus served for finding a slight balance.

Many similarities between the outcomes can lead to the assumption that statements hold true for more CLT communities, though being part of the same project might have slight influence on this. No claim is raised to speak for all indigenous people, but within the time and location frame, the effort was made to still get the biggest variety possible by covering two target districts, three different indigenous groups and choosing groups at different stages. As already mentioned, observations in other villages were respected as well as information collected during an external evaluation in the respective or other villages.

#### 5.4 Good Communication – A Good Basis for Cooperation

Tun, Tumpoun Roeung Thum and Nhang village all have been working together with CEDAC/WHH for a long time, with which they have established a good and solid cooperation. The communities trust the NGOs to do a good and sincere job and the NGOs trust the communities to seriously aim and work for the title. Furthermore, CEDAC/WHH have established a productive and profound relationship with district and provincial government department. According to the final evaluation report for the MCP, “there were regular monthly and quarterly meetings with the government as well as joint activities for the CLT process. Public forums (dialogue meetings) were also held regularly. **Some government departments suggested that they preferred to meet with the communities at the village level, saying they appreciated the way community members could express their concerns and issues.** Government representatives acknowledged that the WHH/CEDAC/SCW project had created leaders in villages through the farmers' organisations and this in turn had made it easier for them to work with the villages. **Furthermore, government officials commented that their cooperation with WHH/CEDAC/SCW was stronger compared to other NGOS, and that they were included in more meetings and consulted more.**”<sup>46</sup>

For Tun village getting the title (except for the official certificate) quite quickly, i.e. within a time frame of about 3.5 years, this shows how vital a good cooperation between all stakeholders is and how it can provably further the process. The work of the communities and CEDAC/WHH can thus be seen as quite successful and also reflects many recommendations made earlier by relevant CLT partners. Further improvements should be made, taking this basis to proceed on.

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<sup>46</sup> WHH Final evaluation report (2016), p. 34

## 5.5 Inclusive Development – Ideas and Recommendations

### 1) **Replacing Exclusion with Inclusion**

People coming from outside, either for working or living with the communities, have to accept that different ways of living come together and in no case is any of them superior to the other. Rather should the people being new to the land have respect for the traditions and customs of permanent residents. Whereas development will always take place, it cannot be forced on someone and should always consider all cultural aspects present. Otherwise it can end tragically, as should have been proven enough by now in history. Indigenous people have been living there for a long time, it should not be up to them to either adjust to more modernized views or be left out if they are not able or willing to. If development is there it should be inclusive for all and also follow this path by including the people themselves and secondly, their culture, traditions and beliefs. This was not the case when the Land Law and the CLT conditions were developed. However, there is always time for modification, especially after having gained experiences from CLT work for over a decade now.

Sincere interest in the communities is essential. A first step would be to get regular participation and feedback methods into place. Ask villagers for advantages and disadvantages of the process, about opinions, challenges, ideas or thoughts for modification, etc. Raising critical voices in Cambodia in general, especially against someone you feel you are dependent on or even subordinate to, is still a difficult topic. Creating a basis for the villagers on which they feel comfortable doing so is thus necessary. However, this would not be enough and still leaves a partly dependent community as likely someone else will, if at all, eventually try to make some changes. Again, a real cooperation has to exist. There should be an easier way for villagers to get in contact with communes and districts to raise concerns and needs, as so far it often still requires an NGO as a facilitator. But it could go even further. Representatives of the villages and commune staff could form a joint committee in order to actually work together on issues and solutions.

It might not always be easy and take some time to get a common understanding, but it will be worthwhile if long term solutions for and with the communities want to be found. The situation will not change; on the contrary, more people will move to the former remote areas, while indigenous people will not just disappear and make space. It has to be guaranteed that the Indigenous keep as much land as needed for their traditional way of life in order to let cohabitation with new settlers not turn into another source of conflict. If people want to co-exist in the future, then finding agreements and understanding each other is a key element

Though the topic of how to resolve conflicts connected to land has only been briefly outlined, the many ways of doing so, especially when of greater extent or with companies, have not been covered. As has

already been stated, land conflicts remain a challenging issue for Cambodia, partly because the system of solving them is likewise very complex. It is rarely transparent for indigenous people which authority institution is actually responsible for which case. Some cases go to court and others are handled by cadastral commissions or they get shifted between the different institutions. Often cases are getting prolonged or people have the feeling that they were closed in favour of the party that has bigger financial interest. While this cannot be changed from today to tomorrow, the actual act of knowing where to go to and get support should be made simpler. Furthermore, recognize and facilitate the inclusion of traditional systems into legal systems. This means respecting charges against destruction of cultural sites or other actions that go against indigenous beliefs. As for decisions that are made within the traditional solving system, they should be legally binding just the same if all parties agreed on them.

## 2) Interconnectedness for Independence

The issue of being dependent often arises due to changes in people's environment that have been too sudden and often forced upon them. As this cannot be taken back entirely, people should at least be willing to bring about a turning point and start to work with a conscious mind of what their actions can result in for other people. In doing so, an inclusive approach has to lead all actions. NGOs likewise have to be aware of the fact that they are seen as the main supporters by the villages and this often results in great dependence. A habit of asking for more support in the villages is still very common and is furthered by existing structures. As this is a common challenge many development actors face and thus a difficulty in development work as such, it cannot be part of this study to make recommendations. Nevertheless, in terms of the CLT process, some ideas are worth being considered in order to slowly decrease levels of dependence.

Connect the CLT villages among each other in order to further exchange of experiences or organize regular committee meetings in a common area. Though they all pursue their own target of getting a title, it has to be prevented that this brings rivalry to the communities. In the end, they have similar motivations and all pursue the same individual but likewise common goal to protect indigenous land and culture and this feeling should be proactively spread. The more people stand up for it together, the more will change. Helping each other out to reach goals will further an even bigger solidarity and a bigger network to count on, while hopefully reducing conflicts between the communities. They are all in the same boat and face the same set of challenges that are mostly likely not caused by a neighbouring village, at least in its roots.

In this sense, the potential of communities with a long CLT experience should also be taken into consideration. If mechanisms could be installed for these communities to advise villages that either want to start the process or are in a lower step, the communities could help themselves instead of constantly being dependent on support of people from outside. For some, this might help to overcome

mistrust and for others it might help to understand the process and its obligations better to make a decision based on all facts. This could also alleviate problems related to language and translation barriers, if communities of the same indigenous group collaborate.

Related to that, work with the communities to get a translation for the core concepts of the by-law and internal rules for all major indigenous groups to facilitate translation and extension processes in the communities. However, this should not substitute all of the own translation, as with own analysis of the regulations comes a better understanding and greater sense of ownership.

As for the NGOs, but also other institutions working with indigenous communities, get more staff with indigenous background. Moreover, and instead of training each community from the start and each time facing the same difficulty of understanding problems due to the different language, why not invest some financial capital in training local people that speak the local languages to be facilitators and CLT experts in the future. If it works well, having enough indigenous CLT representatives to cover all areas could replace regular extension workshops that have to be done by relevant departments or NGOs.

All in all, establish a CLT network. This has already been successfully done with farmer groups and can support CLT communities just the same. Further and facilitate exchange between the communities and invest money in future experts. All these investments will pay off, as people are willing to be trained and have the capacity to assume these tasks.

### **3) Transparency for Agreement**

Furthermore, especially advise the communities to connect to their neighbouring village to openly talk about the process as early as possible. Start discussing in advance where both sides see their boundaries, as at one point it will come to village mappings and in staying open and connected, border conflicts could possibly be prevented as well as an unnecessary prolong of the process caused by it.

This also entails that NGOs, though already in the process of meeting for mutual learning and updates within the CLT process, have to connect increasingly with regard to the actual villages they provide guidance with. Arising border conflicts due to GPS data collection could also display that the respective NGOs do not share and collaborate proactively enough on their individual and especially bordering CLT villages. Simply said, if known that a bordering village is supported by another NGO, call the person responsible and set up a meeting.

### **4) Dealing with Companies**

As for the companies, many are present already and though it might not always be easy, only demonizing them will not solve any problems for the time being. Surely not all companies will collaborate but at least in some cases it might be worth trying to start negotiating on a calm level, if

possible. In more extreme cases, it has proven to be effective to research the background of the companies and with whom they are working with. Unfortunately, often Western corporations are involved and secretly invest in deceitful actions. While local companies seldom have a reputation to lose, global enterprises surely do. It would not be the first time to stop local companies to execute plans by making big investors pulling out of the contract due to public outcries. Generally, one way of trying to stop the continued destruction of habitats and homes is to get as much attention to the problem as possible – nationally as well as internationally. It needs brave people to do so, but talking to the communities has made it clear that overcoming fear is already part of their protection work and will be continuously done to achieve more.

## 5.6 Closing Words

In recent years, indigenous people have been losing quite a lot: Their livelihoods, their culture and eventually their sense of community. Some already turned away from their indigenous culture or even from their land in search for a more modern and presumed better life. Others simply left to look for jobs, as the basis for being self-sufficient has disappeared. With each member leaving or turning their back to the old ways, a community and its solidarity gets weakened. The CLT process can help to reduce or stop these developments, but changes have to be made to make it more adapted to indigenous peoples' lives and moreover, to guarantee the people full and honest rights. One thing gets very clear – the process and work surrounding the CLT is extremely complex, lengthy and connected to a lot of challenges, especially for the indigenous groups.

As acknowledged by many interview partners, villagers are already doing a lot and give their contributions, though potential for improvement is still seen, especially in terms of developing a greater sense of ownership within the whole community. However, they continue to need support from NGOs and relevant departments. As for the issue of needing support, it would be nice to see the communities become more independent with regard to the CLT and in general in terms of managing their land. Putting aside for a moment why the whole situation arose in the first place, it has to be said that just like the whole process still has to develop, this part of it has to develop likewise. Some improvements have been made, and many more are still to come. Important is the willingness of all participants to allow this development to happen in the future, as this will also mean taking over responsibilities on the one side, and handing over control on the other side.

Many communities thus have to find back their social cohesion and become more self-determined in the cooperation with authorities, whereas the latter have to willingly facilitate communication for and with the communities to have a channel to transfer their voices. The collaboration furthermore needs

to take place on a mutual and equal basis and a sincere interest in involving the communities in development and management plans has to be present.

Otherwise, dependency will stay higher as necessary. If indigenous people can bring in their background and their views, they will contribute to further the CLT process in a way that will fit to the communities better and will eventually make it smoother as less difficulties should arise. With less difficulties, the communities are left with more time and power to further their own development and independence. It could trigger a positive chain reaction, but someone has to start it.

There is no point in pretending that the communities would have needed the CLT process to actually manage their land and lives. They have been doing so for generations without people coming to support them with that task. The process got necessary due to drastic changes, interferences and human rights abuses the people have had to endure, which has a major effect on their ability to cope with current circumstances. Nevertheless, the process also brought positive side effects with it. Advantages for the communities can be summarized as follows: Strengthening local groups and creating leaders that can engage with local authorities or other actors and represent their communities; build up solidarity and strengthen ties within the community, involve and bring together the whole community; build up trust between the villagers but also to local authorities, if the engagement is working well; and in this sense, increased communication with local authorities.

It seems as if each community interviewed adapted to the process and brought in own ideas to handle the tasks and also difficulties to some extent. Not all development has thus to be seen as troublesome and it is surely not a bad thing that indigenous people learn new things in many areas. It gets increasingly important that communities are able to engage with local authorities and other actors and can express their dispositions, ideas and demands towards them. Many of these abilities are acquired during the CLT process itself or as part of capacity building. However, both sides have to make an effort. A lack of willingness to learn from the indigenous people as well or at least taking into consideration their lifestyle, will bring imbalance to the relation that needs to be built further in order for the communities to get more independent and for the whole situation to be improved in the future. Apart from that, the cooperation and communication among other stakeholders has to increase as well, as many challenges are caused by other partners that can prolong the whole process.

It is important to see the bigger picture and the truth is, we could learn a lot from the indigenous communities. The mere fact that the effort is made to teach them how to live on their land, how to handle our laws and in a way our way of life only shows how deep interference has already gotten from outside. The truth is, these people are closer to a life in peace, in line with nature und ultimately with themselves if they have the chance to follow their traditional way of live again.

**“The truth is: the natural world is changing. And we are totally dependent on that world. It provides our food, water and air. It is the most precious thing we have and we need to defend it.”**

— Sir David Attenborough —

Many indigenous people as well as many of their supporters already follow that path. It is important to protect the land and the forest and indigenous people are an important part of that practise. So what are they doing to be a part of it and as a result, what can we do to further strengthen them in that effort? More importantly, what can we do to contribute our own share in defending our nature as well? Maybe walking in the footsteps of an Indigenous for some time will open our horizon and help us to answer this question.





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