Collective Land and Natural Resources Rights for Communities of Indigenous Peoples in Cambodia

Cambodia
Vansey Sao
Organization type: nonprofit/ngo/citizen sector
Budget: $500,000 - $1 million
Website: http://www.icso.org.kh

- Conflict resolution
- Climate change
- Gender equity
- Indigenous cultures
- Land rights
- Law
- Racial equality

Elevator Pitch

Concise Summary: Help us pitch this solution! Provide an explanation within 3-4 short sentences.

To Support the Indigenous communities to secure their land and natural resource rights, through education and support engaging with Cambodia’s communal land title registration based on legal framework process.

Problem: What problem is this project trying to address?

Forest lands and agricultural lands in indigenous peoples’ territory have become a target for mining ventures and large-scale agro-industrial development; Forest lands and agricultural lands are an important source of funds for political elites and in maintaining political patronage; Landless agricultural migrants have much to gain from moving into indigenous peoples’ territories; and Indigenous communities make up a relatively small portion of the national population and have very little power because they are socially, linguistically, and politically marginalized.

The direct effects of these factors are arbitrary seizures of lands, influx of landless agricultural in-migrants, Economic Land Concessions, illegal timber and non-timber forest product harvesting, and conservation management restrictions. The Economic Land Concessions so far have been cited as having caused the most severe impacts on indigenous communities as they reduce or eliminate access and use of vital natural resources. Weak governance and observance of the rule of law leaves forestland and those lands tilled by indigenous communities at the disposal of the powerful and well connected individuals.

Solution: What is the proposed solution? Please be specific!

The literature citing the conditions of indigenous peoples in the South East Asia have indicated that remarkable changes are taking place in their domain in an unprecedented scale. Such changes are the rise of sedentary and intensive forms of agriculture that slowly replaces indigenous traditional and customary law practices and a gradual shift from common-property to private land ownership. In most of Cambodia’s indigenous communities, shifted of property rights usually catalyzed by private companies and influential personalities often contrary to the Land Law. The ensuing state policies have resulted in the privatization and commercialization of land and land-based production, as well as the promotion of mining and agricultural industries. Likewise the lack of access to alternative income opportunities, landless and land tenure insecurity are pushing lowland people to settle in resource-rich frontier areas, potentially putting them in conflict with indigenous communities.

On the other hand, these indigenous communities are also competing for land and resources against land grabbers and land concessionaires. Thus, the situation is leaving the indigenous communities facing land tenure insecurity, weakened traditional common-property. ICSO provides an innovative, truly grassroots based solution to this problem. In addition to building the strength of endogenous indigenous peoples networks through training and coaching on resource related rights and advocacy. ICSO has a one of six projects dedicated to helping communities organize themselves to apply for communal land title. It is called the Village Organizing Project (VOP). As will be outlined below, the process in Cambodian law for securing indigenous communal land title is very complex. Rather than taking a top-down approach and engaging with the Government on behalf of communities, ICSO builds the capacity of communities to engage in the process themselves.

Impact: How does it Work

Example: Walk us through a specific example(s) of how this solution makes a difference; include its primary activities.

The government’s recognition of indigenous communities’ common-property rights is formalized in the process of collective land titling. In 2009, the government signed a sub-decree specifying the procedures of land registration of indigenous communities. As stipulated in the land law of 2001, the process of collective land titling involves three distinct steps. These are [1] Ministry of Rural Development (MRD) recognition of indigenous identity, [2] Ministry of Interior (MOI) registration of community legal entity, and [3] Ministry of Land Management, Urban Planning and Construction (MLMUPC) registration of collective land title. Our project works with Indigenous communities to assist them in this complex process, and while doing so improves their legal understanding of land rights and builds community solidarity as they work together to develop community statutes, an
essential component of step 2. So far, 23 indigenous communities have increased their capacities and their identities were registered by the Ministry of Rural Development (MRD). 6 indigenous communities of these 23 were registered by the Ministry of Interior MOI, have obtained collective land titles awarded by the Ministry of Land Management, Urban Planning and Construction (MLMUPC). By doing this work, the processes and political will to increase land security for indigenous peoples will be developed – a benefit to all indigenous peoples in Cambodia, and also a benefit to the general population who’s climate and environment is moderated by the indigenous peoples’ sustainable management of their lands. The indigenous communities in the other 14 provinces of Cambodia have learnt from the work of ICSO and are actively mobilizing and to organize their community, rebuild their identity and demand legal recognition of their collective land rights. This mobilization is being supported by ICSO organised national Indigenous network called the Indigenous Active Rights Members (IRAM).
At least 10 new communities are strengthened in their knowledge of laws and in their cohesiveness and have had their indigenous identity recognised by the Ministry of Rural Development (and taken some steps toward Ministry of Interior legal entity registration).

17 indigenous communities supported under previous (but not yet received MOI registration) have increased their capacities and their legal entity is registered by the Ministry of Interior (MOI).

6 indigenous communities supported already registered by the MOI, have obtained collective land titles awarded by the Ministry of Land Management, Urban Planning and Construction (MLMUPC).

How many people will your project serve annually?
100110,000

What is the average monthly household income in your target community, in US Dollars?
$50 - 100

Does your project seek to have an impact on public policy?
Yes

If so, how?
Our project is aimed at facilitating the distribution of political power by the state to its constituents, particularly the indigenous peoples in the north-eastern region of the country, through the promotion of the collective land titling and government’s recognition of indigenous community identity and legal entity.

Collective land titles legally protect the communities’ land and forest use rights. With recognized legal entities, they gained their representation rights and are able to participate in the development process. In the long run, they shall be able to improve their capacity to decide how resources are distributed among them. With the current scale of agricultural transformation unfolding in their territory, having community land titles and gaining respective legal entity is a necessity for them to advance their development interest. Likewise, addressing the land conflicts at the community-level has significant implications for the government in its efforts to improve governance and reduce poverty in Cambodia.

As will be outlined below, the process in Cambodian law for securing indigenous communal land title is very complex. Rather than taking a top-down approach and engaging with the Government on behalf of communities, ICSO builds the capacity of communities to engage in the process themselves. The VOP works with communities to raise awareness of the communal land titling process, helps villages come together to draft the community statutes and engage in surveying necessary for the process, and supports communication between communities to share experiences with securing land title. This project not only builds the capacity of indigenous peoples to navigate complex governmental procedures, but teaches them practical skills such as surveying, teaches them about land rights and most importantly helps build solidarity within and between communities.

Sustainability

What stage is your project in?
Operating for 15 years

Does your organization have a board of directors or an advisory board?
Yes

Does your organization have any non monetary partnerships with NGOs?
Yes

Does your organization have any non monetary partnerships with businesses?
Yes

Does your organization have any non monetary partnerships with government?
Yes

Please tell us more about how partnerships could be critical to the success of your innovation.

Collaboration work with local development organization is sustained during the term of the Action. Providing indigenous communities legal services on land and natural resources issues, the Community Legal Education Center (CLEC) has assisted ICSO in articulating the legal framework of land registration. The NGO Forum on Cambodia, who is doing advocacy on priority issues affecting Cambodia’s development, has facilitated ICSO’s participation to the 67th session of the United Nations International Convention on the Elimination of All Forms of Racial Discrimination held in Geneva, Switzerland on February 2010. ICSO is collaborating with OIs, LNGOs, ASEAN NGOs.

In coordination with Women Media Center (WMC), videos depicting land sale, community organizing and land registration, were produced and distributed.

Previous linkages with regional and international network of indigenous peoples’ organizations were sustained. The International Work Group for Indigenous Affairs (IWGIA) which supports indigenous peoples’ assertion for their rights and promotes further understanding and involvement of their aspirations has assisted the participation.

We would like to learn more about how your initiative is financially supported. Please explain your business plan/revenue model

ICSO has been a strong leader in the work done to date on indigenous people rights. By working closely with other NGO’s, the experiences and approaches are adopted by other NGO’s. ICSO also works closely with key donors. ICSO presently has 9 partners/donors to support grant funding for ICSO long term strategy. 7 of them are funding as the program based approach for ICSO.

ICSO have received the NGO Good Practice Certificate of 2010 from the NGO Code of Compliance Committee and this mean the good governance of ICSO is comply with the NGO Code of Conduct for it transparency and accountability. We set every three year strategic plan and doing annually rolling year planning indicating the clear indicators of our action plan and budget.

The Story

What was the defining moment that led you to this innovation?
In 2000-2001 indigenous community leaders in Ratanakiri and other provinces in Cambodia, started to discuss how to provide inputs to the Land Law, which was then approved in 2001. In the following years they decided to form the Ratanakiri Natural Resource Management Network (RNRMN) and requested Community Forest International (CFI) to host a project that would support development for RNRMN.

The CFI project started in 2004 and subsequently RNRMN statutes were developed and recognized by the provincial government. This project has the following main activities: Community rights training and advocacy support; Extension and training to develop the RNRMN; Development of community-led indigenous media production to overcome language barriers and to support cultural maintenance and community rights; and Facilitating the development of community statutes so that indigenous communities can be registered as legal entities, thereby acquiring eligibility to own land collectively as stated by the Land Law of 2001.

Within the course of CFI project implementation, efforts were initiated to institute an indigenous organization that would continue and advance the project’s transitory development endeavors. On July 13, 2006, ICSO was registered officially with the Royal Government of the Kingdom of Cambodia’s Ministry of Interior, with authority S.J.N 840. This proclamation allowed ICSO to operate and provide support for indigenous communities in Cambodia.

ICSO envision that “the Indigenous communities have knowledge, capacity, solidarity and a sense of initiative and ownership in order to manage their natural resources, improve economic, social and cultural affairs with effectiveness and sustainability through community organizations, managing development and directed by community organizations.” Its mission is “to support Indigenous People Networks (IPN) through building and strengthening the capacity building of organization/group members to protect natural and traditional resources rights.

Moreover, its shared values are as follows: working together with mutual respect and commitment to reach a common goal; affirming the dignity and the contribution of stakeholders in all their diversity; strongly believe that the needs and the rights of people can only be fulfilled with their active and informed participation and ownership; strongly believes that indigenous communities or communities working together communally have the right to follow their own language, culture and priorities within Cambodian development; and transparency, accountability, fairness and openness in all what is said and done, and accepts responsibility for individual and collective actions.

Tell us about the social innovator—the person—behind this idea.

Draw atention and lesson learnt from ASEAN countries on indigenous experience by Mr. Graeme Brown, presently Chair of Governance Board. A general approach used throughout the project is one of participation by indigenous peoples with an aim toward increased empowerment and ownership of the process. This is in contrast to the prevailing practices in the recent history of governance in Cambodia, which has been characterised by top-down imposition of “development” and is considered to create disempowerment. As a result of this top-down approach, many people have weakened in their capacity to make decisions, give comments, to initiate and be active as of their customary law with the self-determination. This phenomenon has been noted throughout the world and has been seen to be only rectified by a slow participatory approach that encourages and promotes analysis, comments, initiative and mobilization.

In conducting all planning and activities, the overall intent of increasing empowerment and participation is maintained as a priority. As such, ICSO staff constantly endeavour to abide by a set of guiding principles in their work: These include: (1) Go to peasant people; (2) Live among them; (3) Learn from them; (4) Plan with them; (5) Work with them; (6) Start with what they know; (7) Build on what they have; (8) Teach by showing, learn by doing; (9) Not a showcase but a pattern; (10) Not odds and ends but a system; (11) Not piecemeal but integrated approach; (12) Not to conform but to transform; and (13) Not relief but release.

Some of the major recommendations to governments by the UN Permanent Forum on Indigenous Issues, through the shadow reports based on convention of Economic, Social and Culture rights and Elimination Rational Discrimination,(researched and submitted by ICSO and others in 2007) have been that services and support to indigenous peoples need to be delivered as much as possible by indigenous peoples using indigenous languages and culture for their local and traditional communication. This is considered to be a priority even if the indigenous staff have limited capacity of general education and project management cycle. However, through ICSO’s capacity development and promotion of best practices, the ICSO indigenous staff gain more understanding on project management through the doing-by-learning approach and have steadily grown in their professionalism and effectiveness in working with communities.

How did you first hear about Changemakers?

Email from Changemakers

If through another source, please provide the information.

Approximately 50 words left (400 characters).

Additional

Which (if any) of the following strategies apply to your organization or company (check as many as apply)

Formalizing and documenting property rights (i.e. titling, leasing or certification), Legal education and awareness, Developing/applying technology for surveying, mapping and documenting property rights, Other.

Please explain how your work furthers one or many of the above strategies (if you selected “other”, please explain your strategy)

Our organization works towards policy advocacy through our national advocacy network, we assist indigenous peoples in Cambodia to formalize their property rights through assisting them with the Communal Land Title registration process. Through this project we also provide legal education and awareness related to property rights and provide capacity building in surveying and mapping techniques.

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