



# **Is land titling not enough? Reflections on land tenure security and shared prosperity with indigenous people in Cambodia**

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# Land titling is not enough?

- World Bank: holistic approaches necessary
- World Bank: Shared prosperity through inclusive growth
- Cambodian Comprehensive Land Policy: Hence, the contribution of the land sector through ***the Land White Paper*** will contribute to accelerating the realization of the Millennium Development Goals and Post-2015 Sustainable Development Goals **to lift up people's living standards** which is key to maintain stability, social order, social and political security.



# What do Cambodian Indigenous Peoples say?

- Thank you for support for the collective land titles, but we need more support.
- We need schools, health facilities, improved access to water, market integration!
- We need to improve our livelihoods!
- LAND TITLING IS NOT ENOUGH!



# Land titling not enough for IPs?

- Two general problems in Cambodia:
  1. Communal land titles for IPC provide only limited tenure security
    1. Land conflicts still continue for some(?) titled communities on their reserve lands only (reserved for shifting cultivation)
  2. Titled communities do not participate (well enough) in economic growth and prosperity
    1. IPC are sidelined from market economy
    2. IPC areas are least equipped with infrastructures



## Negative Environment for IPCs

- Competition on land by agribusiness, mining and small holders
  - Economic Concessions encroached on IP land (National, Chinese, Vietnamese, partly funded from International and National Banks from the West)
  - IP areas are subject to massive immigration by small holders,
  - Other people claim „traditional land aquisition by the plough“
- Competition on forest and water ressources
  - Administrations allow timber to be cut from IPC land, illegal logging stays unprocecutud
  - Hydroelectric dams dispossess IPC from their aquatic and forest ressources.
- Weak representation of IP in Cambodian politics



## Positive starting points for IP

- Constitution respects IPs
- Land Law of 2001 guarantees formal titles on IP land
- Social, spiritual, cultural and economic values of IP land is recognised:

Spirit forests, grave yards, land for future generations (reserve land), current settlement and agriculture land are protected (VGGT requirements)

# Communal land titles for IPC provide only limited tenure security?

- Titling process over three main steps
  - Recognition as an Indigenous Community with MRD
  - Recognition as a legal entity with Mol
    - Temporary mapping including conflict resolution, internal rules,
  - Land survey and registration with Land Ministry
- So far 9 IP communities received titles
- 6 IPC still have land conflicts
  - External conflicts: Encroachment from the outside
  - Internal conflicts: Land sales from community members to outsiders



# Types of Land Conflict Perceived by IP Community Members (Oct. 2014)

អង្គការ: **giz** Deutsche Gesellschaft für Internationale Zusammenarbeit

| IPC,<br>Type of Land<br>Conflict               | O'Charar              | Sre Kthum | Ou Rana | Andong<br>Kralong               | La'in          | La'in Kren |
|--|-----------------------|-----------|---------|---------------------------------|----------------|------------|
| ELC  | None                  | None      | None    | Moderate<br>seasonal<br>logging | None           | None       |
| Rich &<br>Powerful                             | None                  | None      | None    | Moderate s.<br>logging          | None           | None       |
| Collective<br>encroach.                        | Strong 150-<br>300 fa | None      | None    | Few fam.                        | Strong 7-10 ha | None       |
| Individual<br>encroach.                        | Strong                | Strong    | Strong  | Moderate                        | Strong         | None       |
| Ethnic<br>neighbours                           | Strong                | None      | None    | Strong                          | Strong         | None       |
| Insider with<br>private title                  | Moderate              | Moderate  | Strong  | Moderate                        | Strong         | None       |
| Strategic<br>accumulation<br>of IPC<br>members | Moderate              | Moderate  | Strong  | Moderate                        | Strong         | None       |
| others   |                       |           |         |                                 |                |            |





# Possible remedies to external conflicts (1)

- External conflicts with **private parties**: Law suit before Court
  - Weak court system, not fully independent
  - Difficult to access for IPs: poor and illiterate
- External conflicts with **public parties**: Law suit before Court
  - No administrative courts in place
  - Civil courts not prepared enough to interfere into public parties
- Assessment:
  - Law suits before court are no promising solution for IPC cases unless the Cambodian court system is fundamentally reformed.
  - Alternatives might be possible with local administrations that can be held accountable. NGO support seems absolutely necessary even here. The level of education and political awareness of IPC will need time to improve.



## Possible remedies to external conflicts (2)

- Strengthening political power of IPC
  - Concept of political power is not part of IPC internal structure: no chiefs, elders only
  - IP live dispersed and have limited awareness of their common fate
  - Political awareness among IPC seems to be rather the exception for those who still depend on natural resources for their livelihood.
- Support from outside is needed:
  - Policy dialogue of Development Partners with Government
  - Advocacy Work of NGOs, including legal support before Court with private parties

## Committee redistributed to members

2014





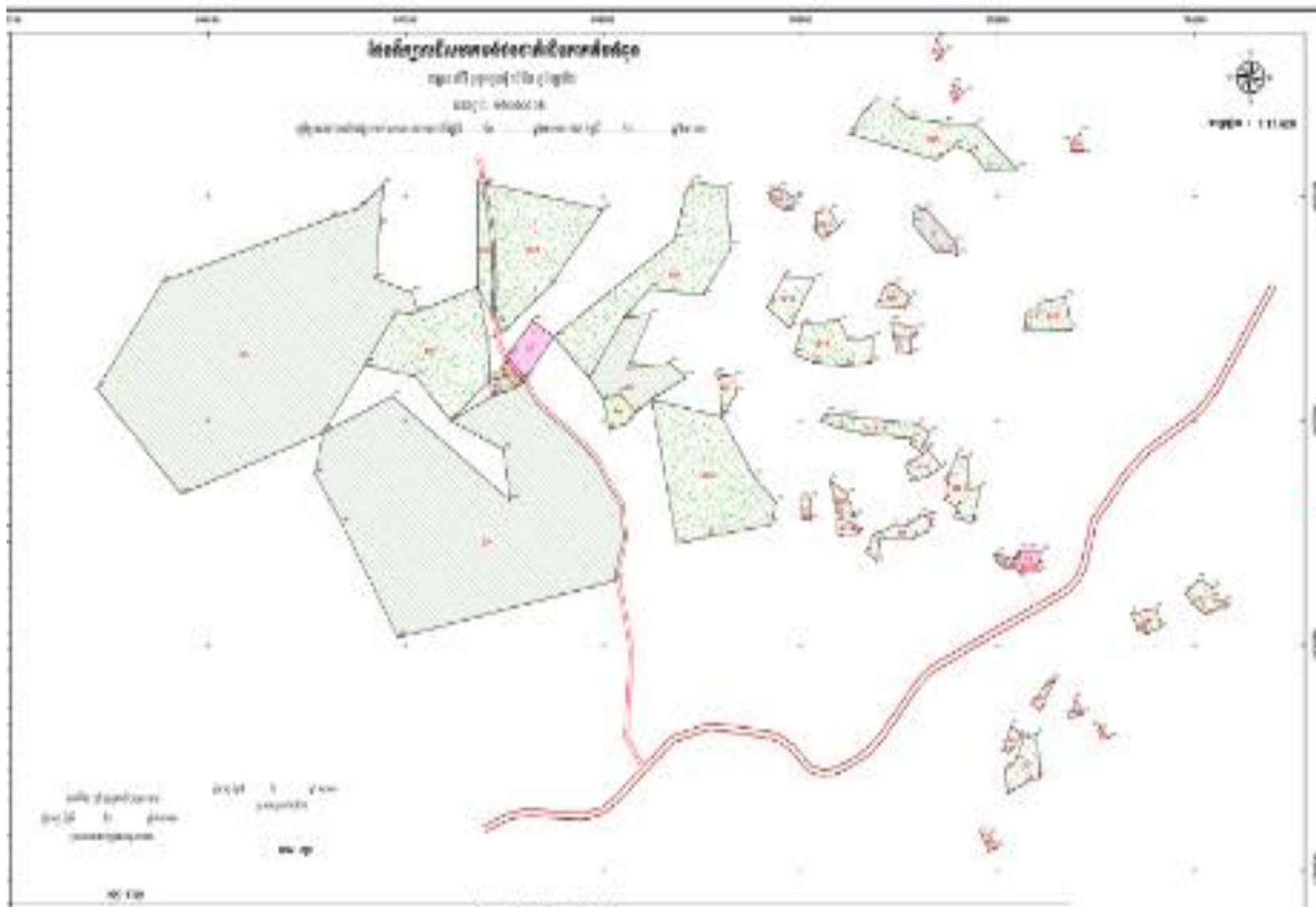
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DEUTSCHE ZUSAMMENARBEIT



អនុវត្តដោយ:

**giz** Deutsche Gesellschaft  
für Internationale  
Zusammenarbeit (GIZ) GmbH

# La In community 2010







# Why is La Eun Kraen community strong?







“We need to have meetings to discuss on the issue and decide together in order to have a good cooperation among committee, elders, members, village chief and commune council” said by **Mr. Prouy Ly, deputy of committee**



“Nowadays, we can sell any types of vegetable at the market. Every thing is money now. So far, we grown for home consumption only, we leave it if there is surplus. The ripen papaya fall down on the soil, potatoes decay in the soil. The children also can earn money, they do not depend only on parents” said by **Mrs. Prouy Korn, community member**



“We’re easy to manage when our community members already know that is community land, so we can not sell it and we need to earn money for living on it” said by **Mr. Gnouy Pen, committee member**

# Why is La Eun Kraen community strong?

- 1. Strong solidarity, trust between community committee and members, and high commitment to not to sell land**
- 2. Strong customs and social interaction:** Big family, informal meetings at fire flame, water spring, rice milling machines, at least ritual ceremonies three times per year..
- 3. Protection of land through land use pattern:** distributed reserved land along the boundary of their community.
- 4. Socially favorably land use patterns:** Location of residential area is easy for meetings, nobody sleeps at the agriculture area
- 5. Economically smart land use pattern:** each HHs have at least 2-3 ha and divided into cashew plot, cassava or peanut plot, and rice and vegetable plot
- 6. Diversification of economic activities:** Animal (pig and cow)raising, rice wine production, and clothes/bamboo basket weaving



# Possible remedies to internal conflicts:

- Strengthening internal cohesion of IPC
  - Obstacles:
    - IPC are not fully reflecting traditional structures:  
Government tends to transform whole villages into IP communities
    - social cohesion is primarily limited to smaller kinship groups
    - Not all IPC members comply with internal rules on land management
  - Opportunities:
    - Review of official process of identification of IPC (DPs, NGOs)
    - Review of process of drafting and agreeing on internal rules on land management.





- More details tomorrow during WS on  
*Experiences and Lessons Learned from Land  
Titling and Land Tenure Security in IPCs*

**Thank you very much !**