

Cambodia

An Assessment of Forest Conflict at the Community Level

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Preface

This assessment of community level forest conflict in Cambodia was conducted within the context of a task order under the Biodiversity and Sustainable Forestry Indefinite Quantity Contract (BIOFOR IQC) entitled “Managing Conflict in Asian Forest Communities.” The purpose of the task order is to understand the types, causes, and impacts of conflicts over forest resources at the community level in selected Asian countries and to assess current or proposed methods to avoid, reduce, and monitor conflict to identify those that are broadly applicable throughout the region. This assessment is intended to provide regionally relevant information while also identifying opportunities to address forest conflict in Cambodia through additional activities within this task order or through the activities of USAID/Cambodia’s implementing partners.

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Acronyms and Abbreviations

BIOFOR	Biodiversity and Sustainable Forestry
CDRI	Cambodia Development Resource Institute
CF	Community Forestry
CFAC	Community Forestry Alliance for Cambodia
CLEC	Community Legal Education Center
CNRM	Community Natural Resources Management
CPP	Cambodian People's Party
CTO	Cognizant Technical Officer
DoF	Department of Fisheries
DFW	Department of Forestry and Wildlife (now Forestry Administration)
FA	Forest Administration
FAO	Food and Agriculture Organization
FMP	Forest Management Plan
FUNCINPEC	National Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia
GTZ	<i>Gesellschaft für Technische Zusammenarbeit</i> (German Technical Assistance)
ha	hectares
IQC	Indefinite Quantity Contract
LAC	Legal Aid of Cambodia
LMAP	Land Management and Administration Project
MAFF	Ministry of Agriculture, Forestry and Fisheries
MCAFC	Managing Conflict in Asian Forest Communities
MoE	Ministry of Environment
MLMUPC	Ministry of Land Management, Urban Planning, and Construction
NGO	Nongovernmental Organization
NREM	National Resources and Environmental Management
NTFP	Non-Timber Forest Product
PLG	Program on Local Governance
PLUP	Participatory Land Use Planning
RGC	Royal Government of Cambodia
SADP	Southeast Asia Development Program
SEIA	Social and Environmental Impact Assessment
SGS	<i>Societe Generale de Surveillance</i>
SIDA	Swedish International Development Agency
SSP	<i>Satrey Santepheap Daoembei Parethan</i> (Peaceful Women for the Environment)
UNDP	United Nations Development Program
UNTAC	United Nations Transitional Authority in Cambodia
USAID	United States Agency for International Development
WCS	Wildlife Conservation Society
WWF	Worldwide Fund for Nature

Executive Summary

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

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

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

Purpose of the Assessment

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

The tasks of the Cambodia Conflict Assessment are as follows:

- Describe the context of forest conflict in Cambodia.

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

Approach to the Assessment

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

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

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

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

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

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

- The forest and land concession systems have thus far failed to meet the real need to use rural land and natural resources to promote economic growth and provide rural jobs. They have instead diminished livelihood options for the rural poor and degraded natural resources while failing to capture economic benefits for the nation.
- Degradation of common or community property resources has weakened the traditional social safety net.
- Most ethnic minority forest communities are unable to defend their land or forest use rights due to their marginal status in Khmer society, widespread illiteracy and poor understanding of the Khmer language, lack of knowledge of the law, and self-perceived powerlessness in the face of the authority figures or outsiders.
- The RGC lacks the political will to guide and control migration to sparsely populated forest areas.

The Context of Forest Conflict in Cambodia

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

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

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

The Nature and Use of Cambodia's Forests

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

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

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

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

The Legal Framework for Forest and Land Management

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

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

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

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

The Causes of Forest and Forestland Resource Conflict

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

Enabling Factors of Conflict

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

Direct Causes of Conflict

- **Land grabbing** (the illegal appropriation of land) is taking place at a wide variety of spatial scales.
- Agricultural settlers are **encroaching** on forestland.
- **Economic Land Concessions** have major impacts on forest communities in terms of reducing or eliminating access to both forest resources and forestland.

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

Underlying Causes of Conflict

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

The Nature of Forest Conflict and Approaches to Reducing It

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

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

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

The Role of Government in Reducing Conflict

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

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

The Role of Donors and NGOs in Reducing Conflict

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

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

The Role of USAID in Reducing Conflict

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

- The **Human Rights in Cambodia Project** (East-West Management Institute/American Bar Association) pursues “impact litigation” cases focusing on forest or land conflicts to

raise the level of compliance with the rule of law. They will also train people in legal advocacy, using the media and lobbying.

- The **Community Forestry Alliance for Cambodia** (CFAC) brings strong regional and Cambodian expertise to community forestry and is assisting communities to establish community forests. CFAC is also working on policy and procedural aspects of implementing the Community Forestry Sub-Decree.
- There are important opportunities for follow-up activities under the *Managing Conflict in Asian Forest Communities* (MCAFC) BIOFOR Task Order that provided funding for this assessment. The MCAFC task order sponsored the **Workshop on Community Level Impacts of Forest and Land Conflicts in Mondulakiri** on 26 and 27 May 2004. The objectives of the workshop were to give forest communities the opportunity to explore their experiences with forest conflict, learn their forest and land rights, and to develop a preliminary action agenda to be carried out by the communities, NGOs, and local government. The workshop participants developed a Draft Action Plan to avoid and mitigate forest and land conflict in the province, which prioritized several follow-on activities including the need to educate indigenous communities about their forest and land rights and to help them to organize to protect these rights.

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

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

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

1.0 Background

1.1 Purpose

The purpose of the task order is to understand the types, causes, and impacts of conflicts over forest resources at the community level in selected Asian countries and to assess current or proposed methods to avoid, reduce, and monitor conflict to identify those that are broadly applicable throughout the region. This assessment is intended to provide regionally relevant information while also identifying opportunities to address forest conflict in Cambodia through additional activities within this task order or through the activities of USAID/Cambodia's implementing partners.

1.2 Significance

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

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

1.3 Tasks and Methodology

The tasks of the assessment are as follows:

- Describe the context of forest conflict in Cambodia.
- Assess the nature of forest conflict including causes, scenarios of conflict, how conflict is expressed, and examples of conflict.
- Describe and evaluate current and proposed methods used to avoid, mitigate, or monitor forest conflicts at the community level in Cambodia;

- Identify additional actions to be taken by the Royal Government of Cambodia (RGC), donors, and nongovernmental organizations (NGOs) to support or expand efforts to reduce conflict. Identify follow up actions that could be taken under this task order or by USAID/Cambodia and its implementing partners.
- Identify key lessons or innovations in Cambodia that might be applied to other Asian nations to reduce forest conflict.

Field work for the assessment was completed over the month of February in 2004. The team was comprised of a senior ARD forest specialist and a Cambodian community specialist. The team interviewed a wide range of people from the RGC, donor organizations, and NGOs in Phnom Penh and conducted field visits to Mondulkiri Province and the southern and central Cardamom Mountains. The team also interviewed a number of people who are familiar with community-level forest conflicts in Ratanakiri Province.

This assessment provided enough time to broadly understand forest conflict in Cambodia and efforts to address it. Cambodia provides a rich field of study for forest and land conflict because natural resource governance is weak, and pressure on resources is rapidly causing conflict scenarios to evolve and the incidence of conflict to multiply. There is also an uncommonly high level of access to information about conflict because the RGC has allowed donors and NGOs to be involved in forest and land conflict issues at the policy and field levels, providing a significant amount of documentation and analysis.

Issues related to forest conflict are multidimensional and often complex, and cannot be addressed in isolation from larger issues of natural resource management, national economic development, rural development, land tenure, and poverty alleviation. We found that issues related to forest resource access by forest communities and their tenure over land are closely linked and are addressed as such in the assessment. Donor organizations and NGOs are working with the RGC and communities to address many forest conflict-related issues in Cambodia, but this assessment appears to be the first attempt to look at community-level forest conflict in a comprehensive manner.

1.4 What is Community-Level Conflict?

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

Denial or restriction of community use of forest resources or forestland required by rural people to meet their material or spiritual needs through forest degradation/clearance, access restrictions, or land appropriation.

Under this definition, a livelihood or social impact constitutes a conflict even if the conflict is not expressed publicly or does not lead to direct confrontation between the parties. Conflict is most often caused by entities outside the community, but does also occur within or between communities.

Assessing community-level forest conflict in Cambodia raises many questions including:

- What constitutes a community?
- Must community use reach a certain threshold in terms of duration or intensity of use to establish their right to its use?
- Are communities entitled to continue land use practices that are not sustainable or that create long-term negative impacts on the environment?
- Do forest communities have the right to maintain control over large areas of forest in a society with an increasing number of land poor and landless families?
- How should community use rights be balanced against other forest uses like concessions or protected areas?

Some of these questions are addressed within the provisions of the 2001 Land Law or the 2002 Forestry Law , while others remain to be defined in implementing regulations under these laws. We argue in this assessment that the best way to prevent conflict is to develop mechanisms and criteria for assigning use and tenure rights to communities, make the rules for obtaining these rights clear, and enforce these rules. The legal framework is now in place to achieve this, but remains to be elaborated and implemented. A number of donors and NGOs working in Cambodia on forest and land tenure issues want to ensure community access rights to forest resources and land and see conflict reduction as one benefit, with the ultimate goal of ensuring sustainable livelihoods for rural communities. Protecting livelihoods must be achieved within the context of multiple demands being placed on remaining forest lands, requiring the development of a rational means to allocate land among livelihood, commercial, and conservation uses..

2.0 Forest Conflict and Underlying Causes in Cambodia

Forest conflict must be viewed from the perspective of Cambodia's recent history and trends in economic and social conditions in rural areas. The direct and underlying causes of forest conflict are discussed in Section 4, but it is important that the reader understand the historical and socioeconomic backdrop of forest conflict from the outset:

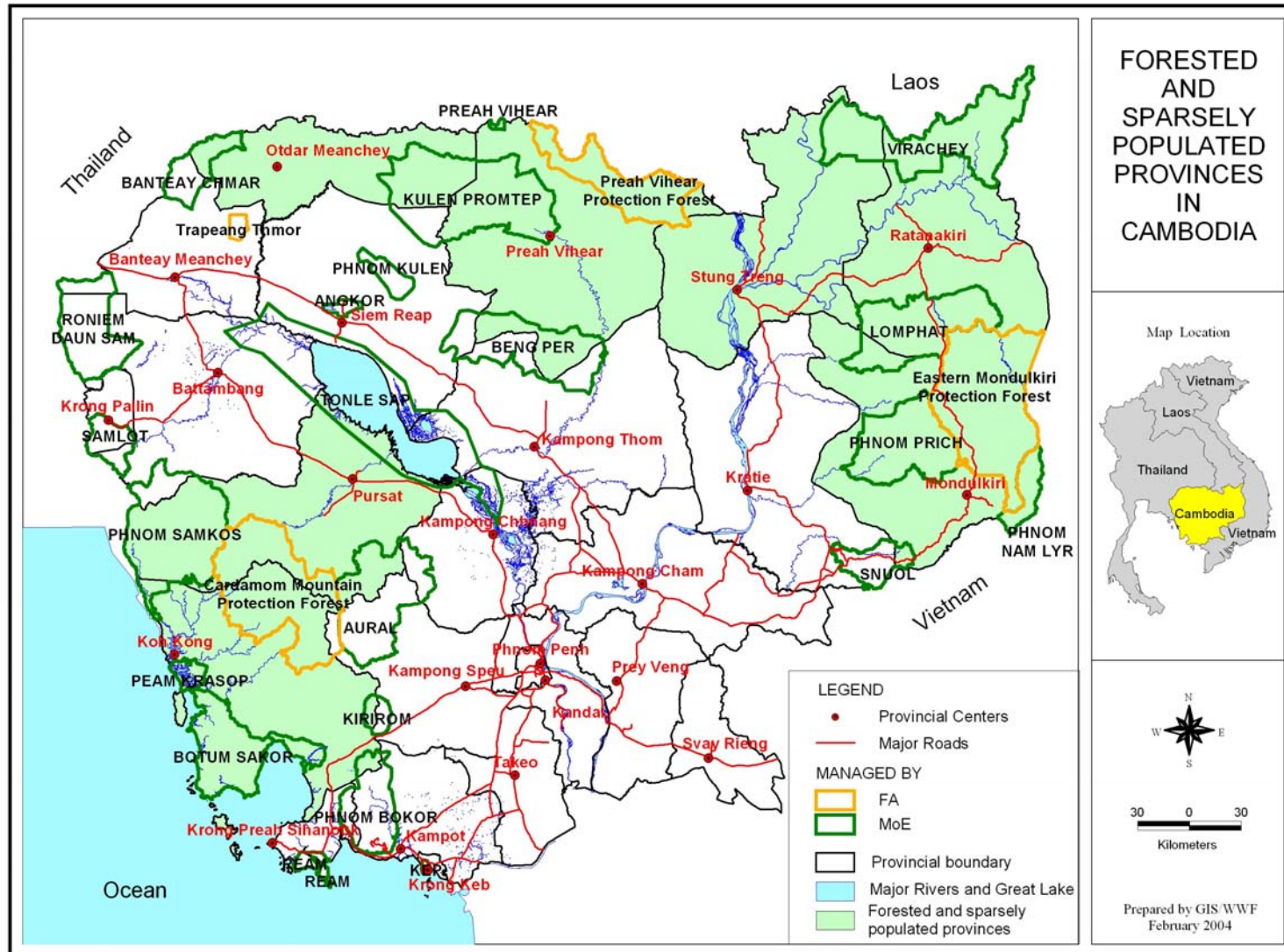
- Cambodia had a 30 year history of warfare and violence starting with US bombing and incursions along the Vietnam border in the late 1960s, followed by civil war in the early 1970s, the rule of the Khmer Rouge in the latter half of the 1970s, Vietnamese occupation and warfare with the Khmer Rouge from 1979 to 1989 that was continued by the Royal Cambodian Army throughout much of the 1990s. Many rural areas were not safe for habitation until the late 1990s. During the Khmer Rouge period and subsequent Vietnamese occupation, families were forced to move from their home villages, in some cases multiple times. Many families have never been able to recover ancestral lands and land tenure issues are only now being addressed.
- A majority of Cambodians live in rural areas below or near the poverty line, struggling to earn their livelihoods through subsistence agriculture on small plots of land. A significant proportion of families are landless or nearly so.
- The population is growing rapidly with the age distribution heavily skewed toward children and young adults.
- Weak governance of land and natural resources is exploited by the powerful and politically well connected, who illegally “grab” land and natural resources.
- The forest and land concession systems have so far failed to meet the very real need to use rural land and natural resources to promote economic growth and provide rural jobs. They have instead diminished livelihood options for the rural poor and degraded natural resources while failing to capture economic benefits for the nation.
- Degradation of common or community property resources has weakened the traditional social safety net.
- Most ethnic minority forest communities are unable to defend their land rights due to their:
 - marginal status in Khmer society,
 - widespread illiteracy,
 - generally poor ability to speak or comprehend the Khmer language,
 - lack of knowledge of the law, and
 - self-perceived powerlessness in the face of the authority figures or outsiders.
- The RGC lacks the political will to guide and control migration to sparsely populated forest areas.

The stage is set for forest conflict as population growth, landlessness, and lack of alternative income opportunities are pushing poor people out of the rice growing lowlands to settle in

resource frontier areas,² putting them in conflict with established forest communities. Forest communities are also competing for land and resources with land grabbers and land concessionaires, who are also converging on the forest-rich upland provinces as described in Section 3.1. Conflict over forest resources and forestland is increasing in Cambodia and the rate of increase will accelerate over the next several years unless steps are taken to reduce the underlying and direct causes of conflict. The ability to reduce conflict has important implications for the RGC's efforts to reduce poverty and improve governance in the country. The Case Studies in Appendix A were chosen to give the reader an indication of the various conflict scenarios in Cambodia. Conflict scenarios caused by land grabbing, encroachment, and land concessions are increasing rapidly in the country, while those driven by timber harvesting have been reduced since the harvesting moratorium of 2001. The primary locus of conflict has shifted from forest resources to land.

² A large number of poor rural people are also moving to urban areas.

Figure 3.1. Provinces of Cambodia



3.0 The Context of Forest Conflict in Cambodia

3.1 Human Context

Cambodia is one of the poorest countries in Asia with a Gross Domestic Product per capita of US\$ 297 in 2002 and was ranked 130th out of 175 nations on the United Nations Development Program's (UNDP) Human Development Index in 2003. Approximately 36% of the population live below the poverty line. A 1998 census counted 11.4 million Cambodians, up from 6.5 million in 1980.³ Approximately 55% of the rapidly growing population are below the age of 20, with the labor force estimated to have grown by one million people between 1998 and 2003. Employment opportunities in rural areas are not keeping pace with population growth, nor is the land currently under cultivation sufficient to provide space for many newly formed families to earn their livelihoods through agriculture.

Cambodian politics are dominated by the Cambodian People's Party (CPP), the leading member of a coalition that took power in 1998. The CPP won another national election in 2003 by a large margin over its primary rival, FUNCINPEC (National Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia). As of this writing, the CPP has not yet been able to form a government, which has caused uncertainty about the implementation of new laws. While the CPP has provided stability and security, the rule of law has not been vigorously or uniformly applied to many areas of national life, with the management of forest resources and forestland being very obvious examples.

Cambodia's population density is low by Asian standards, with 85% of the population living in rural areas. Only 21% of the nation's land area (4 million ha) is considered cultivable and only 2.5 million ha are currently under rice cultivation.⁴ Cambodia's population is concentrated in the central lowlands covering the Mekong flood plain from the Vietnam border in the southeast through the flood plain of the Tonle Sap River and Great Lake to the Thai border in the northwest. Sparsely populated, forested uplands are located in the east and north of the country, particularly in the provinces of Monduliri, Ratanakiri, Stung Treng, Preah Vihar, and Oddar Meanchay, and in the Cardamom Mountains in the southwest, within Koh Kong and Pursat Provinces. These provinces are shaded in the accompanying map (see Figure 3.1).

In a nation where 85% of the population lives in rural areas, with 63% earning their living by subsistence agriculture,⁵ more land is needed to accommodate young families each year. Land holdings average about one ha per rural family, a statistic that masks the skewed distribution of land, with 20 to 30% of the population occupying nearly 70% of the agricultural land.⁶ Many

³ The annual population growth rate is approximately 2.5%. The population is now believed to be approximately 13 million, although there has been no recent national census.

⁴ Rubber is the most important commercial crop. The RGC plans to expand rubber plantations from the current 70,000 ha to 350,000 ha, mostly in areas that are currently forested.

⁵ Rice is by far the most important crop, typically grown in rain-fed fields limited in most places to one crop per year with modest yields.

⁶ After the end of the Vietnamese occupation, private land rights were reestablished after having been abolished by the Khmer Rouge in 1975. Land was distributed to families returning from refugee camps in Thailand or returning home after internal displacement.

rural families are either landless or land poor, with 12 to 15% of the population landless and 40% nearly so, owning less than 0.5 ha of land (Ramamurthy, et al., 2001⁷). Households become landless as the result of fragmentation of land holdings, failure to inherit land, or forced sale of land to meet emergency expenses. Increasingly, families are made landless through forced displacement by land grabbers or land concessions as described in Section 4. Landless and land poor families must eke out an existence at the margins of the rural economy, often depending on aquatic, marine, or forest resources for some portion of their livelihoods. Even families with average land holdings are rarely able to grow enough rice for the entire year, and most rely on natural resources to get them through the lean months prior to the rice harvest.

The disparity in population density between the lowlands and forested uplands is stark. Mondulkiri, with an area of almost 1.4 million ha had only 32,000 inhabitants in 1998 and Ratanakiri had 94,000 people living in an area of 1.2 million ha, while in Kampong Cham, the most densely populated province, 1.6 million people lived on 942,000 ha of land. For land poor lowlanders, the forested uplands appear to offer a wealth of underutilized land and resources, a view shared by entrepreneurs and the government. After a visit to Mondulkiri Province in April 2003, Prime Minister Hun Sen declared the province to be the nation's premier resource frontier, setting off a wave of land grabbing and immigration. Landless lowlanders are attracted to the resource frontier provinces where land and resources are seemingly abundant, putting them into conflict with the people who already live there. Indicators used to for the *Cambodia Millennium Development Goals Report* clearly indicate that the most heavily forested provinces are the least well off in terms of economic and human development. New settlers and investment may increase aggregated development statistics, but the indigenous communities are likely to be further marginalized through grabbing of their land and resources to support this development.

The forested uplands are home to an ethnically diverse group of people, including Khmer and ethnic minorities. People living in the uplands follow different livelihood practices than lowlanders. They typically rely on some form of shifting cultivation (*chamkar* in the Khmer language), in which small plots of forest are cleared, burned, and planted for a number of years before moving on to another plot.⁸ Upland rice is the principal crop, augmented by vegetables and other food plants. Families that originally clear *chamkar* plots are recognized within communities as having use rights as long as the plots remain within the shifting cultivation cycle. As is the case in the lowlands, forest farmers cannot grow enough rice to last the entire year, and usually rely heavily on collection of non-timber forest products (NTFPs) to provide food, building materials, cash to buy rice and other household necessities, and funds to meet family emergencies.^{9,10} Forest communities also rely on fishing in streams and rivers and hunting small animals such as turtles and lizards. Hunting of large mammals has become less common due to game scarcity and tighter control over weapons ownership.

⁷ This Cambodia Development Resource Institute (CDRI) publication is the source of statistical data for this section.

⁸ In the lowlands, *chamkar* refers to plots where cash and plantation crops are grown on a sedentary basis.

⁹ The World Food Program (2001) identified 310 communes nationwide with a population of 2.3 million people where more than 20% of households rely on forests for income generation, and in 59 of these communes, more than 50% of the households rely on forest resources.

¹⁰ There have been a number of primary studies on forest community livelihoods and dependence on forest resources. Examples are Evans, et al., 2003; Lengt, et al., 2002; Meas, et al., 2002; Ngorm, et al., 2002; Mlup Baitong, 2003; So, et al., 2001; and Yang, et al., 2002. General descriptions of forest livelihoods are included in Colm, 1997; McKenney and Tola, 2002; and World Food Program, 2001.

Most long-established forest communities have access to large areas of forest, either under the traditional control of one community or shared among neighboring communities. The liquid resin from trees of the *Dipterocarpus* genus is by far the most valuable NTFP for forest communities, tapped throughout the forested areas of the country (McKenney and Tola, 2003). Unlike most other NTFPs, resin trees are typically “owned” by the person that first taps them, even if the tree is far from that person’s home village (see Box 3.1).

Box 3.1. Liquid resin is the most widely harvested and traded NTFP in Cambodia. Trees that produce liquid resin are a uniquely valuable asset to rural people because they produce a continuous stream of revenue over several decades and are generally accepted as the private property of the tapper. As an example of their livelihood value, some forest communities in Monduliri can grow only enough rice for half the year and the other half they rely on cash from resin to buy rice, with some families earning more than \$300/year from resin. Individual resin trees are claimed by the first person to find and tap them and their tenure is respected by other tappers. *Dipterocarpus alatus* is the species that is primarily tapped but at least five other species in this genus are also tapped. The resin is used for caulking boats and is exported for use in the manufacture of paints. Individual trees may be sold, inherited, or used as loan collateral.

Owners have a strong incentive to protect resin trees from logging and forest concessionaires have a strong incentive to harvest them because of their value as timber. The 2002 Forestry Law forbids harvest of all species that are tapped for resin in recognition of their livelihood value. In a keynote address at a Consultative Group meeting between the Royal Government of Cambodia and the donor community, the Prime Minister reiterated his support for not cutting resin trees. It is questionable, however, if forest concessions would be commercially viable without cutting *Dipterocarps* because this genus is widespread and relatively valuable. Resin trees were actively cut in the past by forest concessionaires and some families are now in dire financial straits after having lost most or all of their trees. Resin trees continue to be harvested during forest clearance for plantations and by illegal loggers. (Based on McKenney and Tola, 2003.)

The ability of forest communities to access forest resources and maintain their traditional livelihood patterns has been under threat since the Khmer Rouge period and continuing to the present. When the Khmer Rouge came to power, they moved upland communities to the lowlands to grow paddy rice. Some people fled to neighboring countries to avoid being relocated. In the absence of the communities, the Khmer Rouge hunted and logged in the forest. Upland communities began to return to their home forests during the 1980s, although many had to wait until the 1990s due to continuing fighting between the Khmer Rouge and Vietnamese/Cambodian armies.

3.2 Cambodia’s Forest Resources

Forest of some type is estimated to cover 10 million ha of Cambodia, approximately 60% of the nation’s land area. There are a diversity of forest types reflecting various combinations of rainfall, soil type, elevation, and human disturbance. The general forest categories are evergreen, which are the most commercially valuable, the less dense deciduous forests found in drier areas, freshwater flooded forests, and

coastal mangroves. The latter two are important because of their key roles in feeding and sheltering aquatic and marine organisms during critical lifecycle periods. The evergreen forests are found in the uplands of the north and northeast, as well as the Cardamom Mountains. Deciduous forests are primarily located in the lowlands, but are also found in the drier uplands. Forest types are often mixed in a mosaic pattern in soil and rainfall transition zones.

Virtually all of Cambodia's forests have been disturbed by shifting cultivation, logging, fires, and warfare. Many valuable forests have been logged past the point of commercial viability and others are seriously degraded. Degraded forests are often further degraded through harvesting for charcoal production followed by conversion to subsistence and commercial agriculture.

A forest cover assessment completed in 1997 (based on 1996 air photos) found that 58% of the country was forested. Another very rapid forest cover assessment was completed over a three-month period in 2003 under the auspices of the Forestry Administration and found that the forest cover had risen to 61%, a result that seems improbable given the logging and deforestation in intervening years.¹¹ During the 1973 to 1993 period, the average national deforestation rate was between 70,000 and 90,000 ha per year and is believed to have accelerated during the next four years (1993-1997), although there are no solid data to prove this. Flooded forests, found mostly in the Tonle Sap basin, suffered the highest levels of deforestation because of their proximity to dense human populations and the value of the land they grow on for agriculture. Mangrove forests have been extensively cleared for shrimp ponds and other types of aquaculture as well as charcoal production.

3.3 Forest Exploitation Over the Past Decade

The scale of forest exploitation changed in 1993 when the first Cambodian government was elected¹² after the United Nations Transitional Authority in Cambodia (UNTAC) period in the early 1990s. The newly elected government quickly selected concessions as the mechanism for forest exploitation. Between 1994 and 1997, the Ministry of Agriculture, Forestry, and Fisheries (MAFF) awarded more than 30 forest concessions covering 6.5 million ha. A protected area system covering 3.3 million ha was established under the management of the Ministry of Environment (MoE). The Department of Fisheries (DoF) was assigned management authority over about 450,000 ha of flooded forest.

Logging was conducted during the mid-1990s on a massive scale, with virtually no concern for sustainable management or impacts on the environment and local communities. The Cambodian government received very little direct revenue from this mining of the nation's wealth as most of the logs were exported illegally to Thailand and Vietnam. In 1994, the RGC gave control over timber exports to the Ministry of National Defense to provide funds for the Royal Cambodian Army to wage war with the Khmer Rouge. This formalized the military's already substantial role in logging. Forests along the Thai border were logged by the military through the 1980s and 1990s as the Khmer Rouge and Cambodian armies relied on timber as a means to fund their military operations.

Forest exploitation became a major point of contention with the donor community as the environmental and social impacts of uncontrolled logging became obvious. In 1999, the Prime Minister issued a decree that signaled a crackdown on illegal logging, slowing the pace of logging, but by then, many of the concessions had already cut the bulk of the commercially valuable timber. Twelve forest concession contracts were cancelled in 1999 covering 2.3 million

¹¹ The accuracy of forest cover assessments depends on the definition of what constitutes forest cover and the intensity of ground truthing.

¹² Receipts from illegal logging are believed to have been used by all three political parties running in the election.

ha, and additional concessions were cancelled in 2002. Concessionaires are required to prepare Forest Management Plans (FMPs) and Social and Environmental Impact Assessments (SEIAs) for their concessions under the 2002 Forestry Law. A total moratorium on logging and log transport was imposed in December 2001, not to be lifted until the concessions submitted acceptable FMPs and SEIAs. The FMPs and SEIAs that were submitted are still under review by the Forest Administration and the logging moratorium is still in place. When it is lifted, between four and eight forest concession contracts are expected to remain in force because of the scarcity of commercially valuable timber and revised timber royalty rates that make continued harvesting financially unattractive to those firms forced to pay them.

The forest concessions had an enormous impact on the lives and livelihoods of people living in or near them. The concessionaires viewed the forest resources within the concessions as their property and in most cases totally excluded local people from the concessions rather than negotiate ground rules for community access to forest resources. The concessionaires routinely hired armed guards, including police and military personnel, to guard the concessions, resulting in intimidation of local people and often direct conflict with them. Communities were affected even after logging was halted because important resources, particularly resin trees, were either depleted or totally lost and the overall quality of the forest was degraded. Roads cut into the forest for log extraction provide continuing access for illegal loggers and agricultural settlers into the forest, both of which continue to threaten the livelihoods of local people.

MAFF began granting economic land concessions in 1995. A total of 40, covering over 800,000 ha, had either been applied for or granted as of 2002. The RGC's stated goal in granting these concessions is to provide jobs and reduce poverty in rural areas. Most land concessions are in forested areas. The concessions are to be cleared for commercial crop plantations (palm oil, cassava, rubber, and cashew) as well as tree plantations to support a proposed pulp mill and grow teak for timber.¹³ Competitive bidding is not required to grant land concessions as is the case for forest concessions, providing a loophole to circumvent the Sub-Decree on the Management of Forest Concessions. This sub-decree also stipulates that land concessions may not be awarded in former forest concessions, which is being ignored by the government. This leaves open the possibility that land concessionaires will clear cut their concession lands and sell the timber without planting commercial crops. Some of the land concessionaires also have forest concessions, causing suspicion that this may be their intent. Forest areas are legally considered state public land and the Land Law only allows economic land concessions on state private lands, therefore many of the existing concessions were given in violation of the law.

Forest use has evolved rapidly over the past decade and continues to do so, changing the nature of conflict over forest resources and land. People and businesses are moving to formerly remote and insecure forest areas on the rapidly improving road network. The December 2001 moratorium on timber harvest and transport has reduced concession logging as a source of conflict, which is now associated more with land concessions, spontaneous in-migration of landless people, and illegal logging. Land concessions present a new and more potent threat to forest communities who face the possible loss of both land and forest access rights without getting suitable employment in return. An example of this situation is described in the Tumring

¹³ Fourteen of the concessions are larger than the 10,000 ha maximum size allowed under the Land Law. The Pheapimex concession covers over 300,000 ha in two provinces.

case study (see Appendix A). Affected people there don't want to give up their land to become rubber tappers because it doesn't fit their traditional lifestyle and provides no means of livelihood diversification.

3.4 The Legal and Institutional Framework for Forestland and Forest Resource Management

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

Currently, there is some concern among knowledgeable observers that it will be difficult to reconcile the two laws, especially in terms of clarifying which lands fall into the Permanent Forest Reserve and which lands are available to be given as concessions or sold. Oberndorf (2004c) believes that potential conflicts can be avoided if the relevant sub-decrees under both laws are written in coordination with each other.

3.4.1 Land Law

The Land Law creates three classes of real property: *state public property* is state land that is in public use, which may not be sold; *state private property* is land not in use that may be sold, transferred, or given as an economic land concession; and *private property*. From the viewpoint of forestland conflict, important provisions of the law are: that no one may legally claim land that they settled on after the date of enactment of the law; indigenous forest communities may apply for community land titles; lands may be awarded to landless families under social land concessions; and regulations for awarding economic land concessions must be developed. The status of relevant implementing regulations is as follows:

- The Social Land Concession Sub-Decree has already been enacted, but is not yet being implemented.
- The Economic Agricultural Land Concession Sub-Decree is being drafted.
- The Sub-Decree on Community Land Title will be drafted this year based on pilots in Ratanakiri and Mondulkiri Provinces. Indigenous communities are given permission in the Land Law to manage land according to their traditional customs until this is passed.

The Land Law is being implemented by the Ministry of Land Management, Urban Planning, and Construction (MLMUPC) and has attracted considerable multi-donor support through the Land Management and Administration Project (LMAP), which is working to title land throughout the country, and will begin working on community titling of the lands of indigenous forest communities.

3.4.2 Forestry Law

The Forestry Law establishes a classification system for forestland comprised of the following functional classes. The *Permanent Forest Estate* is all the forested land in the nation, both in public and private ownership, including land in the protected area system managed by the Ministry of Environment (MoE). Publicly owned forestland under the direct control of the Forestry Administration constitutes the *Permanent Forest Reserve*¹⁴, which is divided into **production forest**, **protection forest** and **conversion forest**. Production forest is used for the extraction of timber and NTFPs, including tree plantations and forests designated for community forests. Protection forest is designated for the protection of watershed functions, biodiversity conservation, and cultural preservation.¹⁵ The Forestry Administration (FA) has already exercised its authority to establish protection forests in several parts of the country. The conversion forest classification is intended for degraded forest that could be reclassified to state private property under the Land Law to be used for land concessions or sold.

Sub-decrees and *prakas* relevant to community forest conflict under the Forestry Law are:

- The Sub-Decree on Legal Procedures for the establishment, classification, and registration of the Permanent Forest Estate. It is critical that clear and transparent procedures and criteria are included;
- The Sub-Decree on Forest Concession Management has already been enacted. Concessionaires must submit FMPs and SEIAs for their concessions;
- The Sub-Decree on designation of forestland that may be used for shifting cultivation, which has not been drafted;
- Sub-Decree on Community Forest Management has already been passed and *prakas* are being drafted on community forestry agreements, management plans, management committee by-laws, and regulations; and
- *Prakas* that are still needed regarding NTFP harvest include those establishing harvest rights of NTFPs within production forests; listing recognized NTFPs; and establishing species and size classes of timber and NTFPs that may be legally harvested.

The Forestry Law also completely reorganizes forest management responsibility within MAFF, doing away with the former Department of Forestry and Wildlife (DFW) and establishing the FA to take its place. A *praka* has been issued that describes the new structure which is led by a director who reports directly to the Minister of MAFF and includes a number of central-level offices including one for community forests. Cambodia is divided into four FA inspectorates, which are further divided in cantonments, divisions, and triages. Some observers see this structure as overly centralized, while others believe that it is a positive change because it puts more staff into the field. Field offices are being established now.

¹⁴ The Permanent Forest Reserve is state public land.

¹⁵ MoE protected areas are not included in this category. They are considered state public property under the Land Law.

Local government has an important role to play in reducing community-level forest conflict, and provincial governments have in fact done so, most notably the provincial government of Ratanakiri. A law has been passed describing the responsibilities of the newly formed commune councils, but there is as yet no law that states the roles of provincial and district government or their relationship with sectoral ministries. The Ministry of Interior is drafting an Organic Law that reflects the important role of local government under the current system of decentralization. Commune Councils, elected in February 2002, have several responsibilities related to environmental management and land use planning, but are constrained from exercising this responsibility by insufficient technical knowledge and funding.

4.0 The Nature of Forest Conflict in Cambodia

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

A fast-growing, young, rural population has surpassed the carrying capacity of the nation's lowland rice-growing areas, creating a large number of landless and land poor people who are attracted to sparsely populated forests, already degraded by three decades of unmanaged logging. Powerful people, entrepreneurs, and agricultural settlers have strong incentives and few constraints to grabbing or encroaching on forestlands. Forest communities typically lack the political power, knowledge, and resources to contest illegal takeovers. The structure of a legal framework for forestland allocation is in place, but the means, capacity, and will to implement it remain weak. Allocation decisions are made without any real effort to evaluate competing uses based on economic, social, or environmental criteria. In an effort to conserve remaining areas of forest, the RGC has designated approximately 30% of the country as protected areas,¹⁶ in some cases creating conflicts with communities over forest resource access.

The working definition of community-level forest conflict used in this assessment is:

Denial or restriction of community use of forest resources or forestland required by rural people to meet their material or spiritual needs through forest degradation/clearance, access restrictions, or land appropriation.

4.1 Direct and Underlying Causes

Conflicts over forest resources in Cambodia result from direct causes that are driven by multiple underlying causes as depicted in Figure 4.1. The key causative factors are:

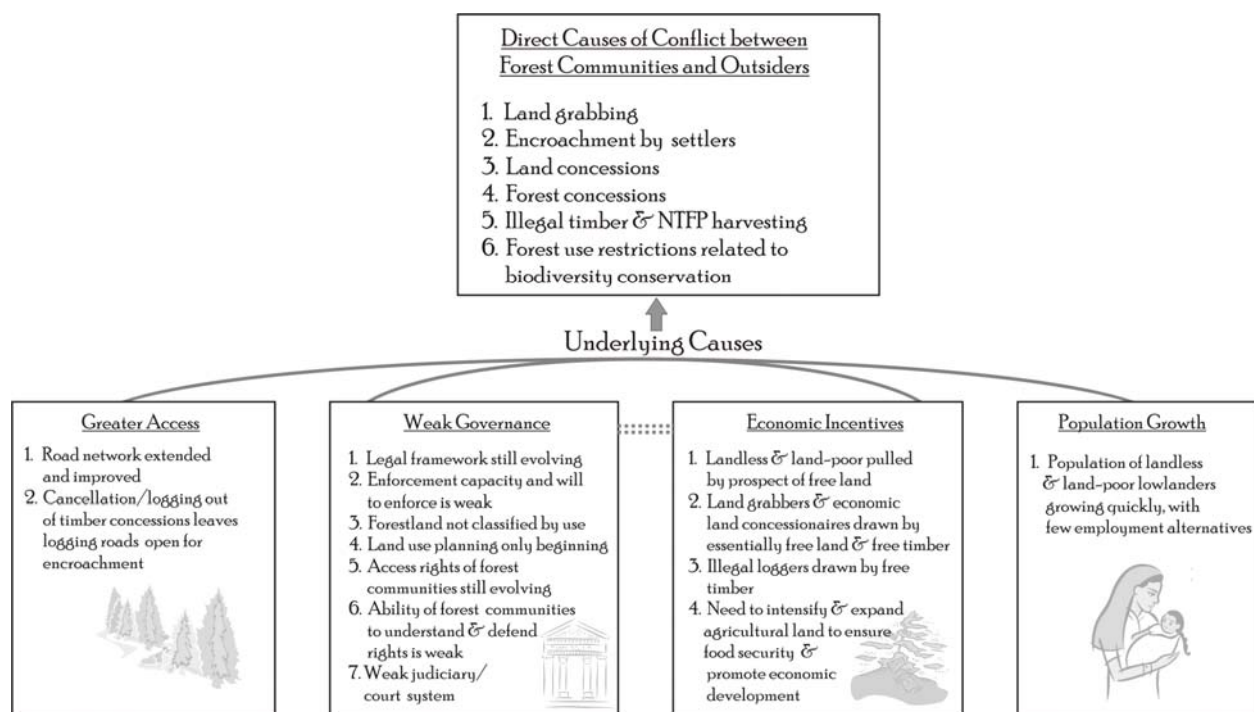
- Timber is valuable and relatively easily harvested and sold in relation to other natural resources, making logging an attractive source of cash to a wide range of groups including the military, government officials, and businessmen. Ready markets for timber exist in neighboring countries.
- The land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

¹⁶ This includes approximately the flooded area of the Tonle Sap (Great Lake) which covers about 8% of Cambodia's land area.

- Communities that most depend on forest resources make up a relatively small portion of the national population and have very little power because they are socially, linguistically, and politically marginalized.

The combined effect of the weak observance of the rule of law, the incentive to harvest forest resources and claim forestland, and the inability of traditional users to gain recognition of and defend their use rights creates a climate for conflict. Among these, the most serious and difficult to address is the failure to enforce laws that allocate and protect forest resource access rights in a transparent, rational, and equitable manner. The Special Representative of the United Nations Secretary General for Human Rights stated in his report to the UN General Assembly on 22 August 2003 that “Individuals in positions of power and State authority, particularly in law enforcement and the armed forces, are rarely held accountable for their actions, even when serious crimes are involved, and corruption continues unchecked.” He went on to say that “land continues to be a major source of conflict and of human rights violations...” and that he has been “disturbed by acts of intimidation against vulnerable communities striving to protect their rights, such as communities that depend on forests for their livelihood.”

Figure 4.1. Underlying and Direct Causes of Forest Conflict at the Community Level



4.1.1 Direct Causes of Conflict

- **Land grabbing** (the illegal appropriation of land) is taking place at a wide variety of spatial scales.
- Agricultural settlers are **encroaching** on forest land.
- **Economic land concessions** have major impacts on forest communities in terms of reducing or eliminating access to both forest resources and forestland. To date, land

concessionaires have consulted with affected communities on a very limited basis and have made little effort to accommodate their land and resource access rights.

- **Forest concessions** have been put on hold by the logging moratorium, but will resume operations at some point on a more limited spatial scale. The cancellation of forest concessions has left a management vacuum which in some cases is being filled by illegal loggers and agricultural migrants who are illegally encroaching on state public land.
- **Illegal timber and NTFP harvesting** has become a chronic and difficult to control source of conflict.
- **Forest use restrictions related to protected area management and protection forest** have mixed results for communities living in or near protected areas. In some cases, protected area status has reduced illegal encroachment and harvesting by outsiders, while in others it has not. Enforcement of protected area regulations also places restrictions on forest use by forest communities, or may simply create uncertainty over what their rights are within protected areas.

4.1.2 Underlying Causes of Conflict

- **Weak governance and observance of the rule of law** puts forests at the disposal of the powerful. This results from the uncertainty surrounding the still-evolving legal framework and role of provincial and lower levels of government in land and natural resource management, the weak enforcement capacity and will to enforce by government agencies, little judicial involvement in land and forest cases, and no effective extra-judicial mechanism to settle land and resource conflicts. Weak governance is also related to the following three causes:
 - **Forest communities** in most cases do not understand their rights and are unable to defend them.
 - **Forest use classification and comprehensive land use planning** for forest areas has not yet been started as required by the 2002 Forestry Law. Forestland and resource allocation decisions continue to be made on an ad hoc basis without consideration of the full range of forest values for actual and potential uses. The boundaries of the national forest estate have not been mapped nor has forestland suitable for conversion to other uses been identified.
 - **Economic incentives** for illegally harvesting timber and grabbing forestland are enormous since much can be gained with a small investment risking little chance of prosecution. The military has a particular incentive because their personnel are poorly paid, field units have limited operational funds, there is an excess of armed soldiers in rural areas, and military units have a history of financial dependence on forest resources.
- **A growing population of young, landless people** who have limited employment and livelihood options in their home areas are increasingly attracted to encroaching on forestland.
- **Forest access has been improved** by the extension and upgrading of the nation's primary road network including major links with neighboring countries for easy access to

remote forest areas and a means to move timber quickly. Forest roads that were built by concessions and have been abandoned now provide forest access for spontaneous migrants, commercial agriculture firms, and illegal loggers. Examples include the newly constructed Highway 48 in the southwest, which connects to the Thailand to Phnom Penh road and crosses an extensive forest, and the vastly upgraded logging road that connects Mondulkiri to the lowlands. This road is being linked to an improved road leading to Vietnam and Ratanakiri Province.

- **Social Land Concession Sub-Decree** could be used to facilitate resettlement of landless people in forest areas, which could cause significant conflict with people already living there if steps are not taken to appropriately locate the concessions and avoid conflicts with local people. At present, this is a potential rather than actual source of conflict. The World Bank is funding an ongoing study regarding the implementation social concessions including means to avoid social and environmental impacts.

4.2 Scenarios of Forest Conflict at the Community Level

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

4.2.1 Conflicts with Outsiders

- **Forest Concessionaires** gained notoriety during the timber boom years of the 1990s by their heavy-handed treatment of communities, typically employing armed security forces to prevent or restrict communities from using forest resources and land. While most concessionaires have ceased operations since the logging moratorium, there is a lasting livelihood effect on communities in terms of degraded resources and loss of NTFPs, especially resin-producing trees.
- **Economic Land Concessions** cover far less land area than the forest concessions did at their peak, but the conflicts they create with communities are potentially more intense and longer-lasting (see the Tumring case study). Forest concessionaires wanted to push communities out of the way during harvesting, while land concessionaires seek to convert large swaths of forest into commercial crop plantations, foreclosing any use of the forest or forestland by communities. These concessions create both forest resource and land conflict.
- **Land Grabbers** are generally businessmen or government officials who try to establish a claim to potentially valuable forestland, especially along roads, and primarily for speculation. Since land is typically sold outside formal channels, based on possession rather than legal title, this tactic often works.¹⁷ In Ratanakiri Province, land grabbers have either seized land along roads from forest communities or purchased it from them at a

¹⁷ The Land Law specifically forbids recognizing claims to land based on occupancy after the date the law was signed in 2001. Whether this provision is enforced by the government remains to be seen.

nominal fee. This forces the communities to clear land further in the forest and also destabilizes the social structure of the community. Plots of land along roads near the provincial capital of Mondulakiri have been staked by townspeople over the past year in hopeful anticipation of a rush of settlers and businesses to the area. In some lowland areas, land grabbing is occurring on a much larger spatial scale. The effect of land grabbing on local livelihoods depends on the amount of land involved and its importance for growing crops and gathering forest products.

- **Agricultural migrants** are an important and growing source of conflict with forest communities because they directly compete for the same land and resources. Indigenous forest communities traditionally make land available to newcomers, welcoming them into their communities. Many forest communities now contain a mixture of ethnic minorities and ethnic Khmer as a result. Hospitality turns to conflict when new settlers invite their friends and relatives to join them as has happened along the road from Kratie to Mondulakiri. Hundreds of families from Kampong Cham Province have now settled along approximately 10 kilometers of road in the Snoul Wildlife Sanctuary (see case study in Appendix A). The settlers have cleared the forest for a distance of 100 to 200 meters on each side of the road and are beginning to seriously encroach on the lands of ethnic Phnong communities. The encroachment is facilitated by the upgraded road, the tacit approval of the district governor, and the inability of the FA and MoE to halt the encroachment.
- **Illegal loggers, some NTFP harvesters, and poachers** explicitly operate outside the law, but often with the tacit approval and even involvement of the military and government officials. These operations are smaller in scale than forest concessions, but weapons are often used to intimidate communities (see Appendix A). These operations cause a slow bleeding of forest resources at the expense of the environment and community livelihoods.
- **Protected area and protection forest managers** sometimes restrict community access to forest resources through enforcement of protected area or other government regulations. The conservation rationale for restricting some activities is clear to communities in some cases, such as stopping hunting of an endangered animal species. In cases where the resource is apparently abundant and is an important livelihood resource, communities typically see harvest restrictions as being in conflict with their livelihood needs.

4.2.2 Conflicts with Neighboring Communities

Conflicts between neighboring forest communities were not common in the past because traditional use rights over land and resources were established and generally observed. Resin trees are the most economically valuable forest resource and the basis for establishing tenure over specific trees is understood and observed in almost all reported cases. However, increased conflicts between communities are being noted by some observers.

4.2.3 Conflicts within the Community

Conflicts within forest communities over competing claims to the same land or NTFP can usually be solved within the community through traditional conflict resolution mechanisms. In

recent years, a new type of conflict has emerged in which a community member sells community land to an outsider without consulting other community members. Experience in Ratanakiri Province indicates that these conflicts often cause social cohesiveness to unravel, leaving the community more vulnerable to losing its land and resources.

4.3 Expression of Conflict

Community-level forest conflict is often defined by its expression in terms of how it is initiated and how communities respond.

4.3.1 Initiation of Conflict

- **Intimidation** is the most widely used and reported means to initiate conflict, through the threatened or actual use of force to restrict or deny access to forest resources. This practice used to be widespread when the forest concession system was operating, and is still employed to some extent by land concessionaires and land grabbers.
- **Physical restriction of access** through blocking roads or rivers or fencing off areas. This technique has been used by some land concessionaires.
- **Degradation or destruction of the resource**, for example by illegally cutting resin trees or clearing the forest for a plantation. This permanently ends resource access by communities.
- **Competition for resources and land**, such as between a forest community and agricultural migrants.

4.3.2 Community Response to Conflict

- **Acquiescence:** forest communities, especially those composed of ethnic minorities, often feel powerless to oppose outsiders, especially if they appear to have a connection to the government or military. A common response is to retreat further into the forest.
- **Protest:** Communities have in some cases responded to conflict with concessionaires by submitting letters of protest to the firm and to government officials, sometimes followed by a protest demonstration at company or government offices.
- **Non-violent confrontation:** a number of communities have been trained by NGOs in non-violent confrontation techniques, such as blocking logging trucks or seizing illegally cut logs and logging equipment.

5.0 Approaches to Avoiding or Mitigating Forest Conflict in Cambodia

Conflicts between communities and outsiders over land and forest resources are viewed by many donors and NGOs as a fundamental rural development issue in Cambodia and a major human rights and governance issue as well. Donors and NGOs are taking a number of approaches to resolve these conflicts, sometimes in partnership with government agencies. There seems to be broad recognition among those working on forest and land conflict that a comprehensive strategy comprised of a number of approaches is needed to successfully reduce forest and land conflicts. This strategy has not been formally articulated to the knowledge of the authors, but is comprised of the following categories of interventions:

- Finalize the national **legal and spatial planning framework** for allocating forest resource and land use/tenure rights.
- Instill **respect for the rule of law** regarding forest and land allocation, tenure, and use.
- Develop the **capacity of forest communities** to effectively demand their rights.
- Develop **mechanisms and procedures** for conferring tenure and use rights and assist the government to confer these rights.
- Improve **natural resource governance** at the province, district, and commune levels including detailed land use planning at the village and commune levels.
- Avoid conflict before it occurs by **providing alternative livelihoods** for potential or actual land encroachers.
- **Monitor and report forest crimes** and community-level conflict.

Following is a description of what is being done in each of these areas and how it might be expanded or made more relevant to community-level conflict.

5.1 National Legal and Spatial Planning Framework

The general legal framework for allocating and managing the nation's lands and forests is articulated in the Land Law (2001) and the Forestry Law (2002). These laws can potentially provide the legal basis for reducing conflicts over land and forest resources. As discussed in Section 3.4, both of these laws must be elaborated through sub-decrees and implementing guidelines (*prakas*) in order for them to be implemented effectively.

The Forestry Law calls for the functional classification of the national forest estate into various use categories. It is absolutely critical that forestland be comprehensively and rationally allocated in order to create a spatial framework within which to allocate forestland for community forestry, timber production, protection, conversion to other uses, and smallholder settlement. The current lack of such a framework makes it difficult to accommodate legitimate national needs such as developing agro-industry, identifying settlement areas for landless people, and securing access rights for forest communities. Developing and adopting a forestland classification system is

likely to require a lengthy consultation process because it will signal a shift in control over land and resources.

5.2 Rule of Law

An appropriate legal framework will not by itself reduce forest conflict—the law must be respected by all members of society and enforced by the government. Achieving this will require building political will that is currently weak as well as ensuring that the judiciary upholds the law. There are a number of approaches to building respect for the law:

- Use **the media** to publicize instances of law breaking. Global Witness and OXFAM GB have effectively used the Cambodian and international media for this purpose.
- Use the judicial system by bringing cases to trial on behalf of a group of clients whose legal land rights have been violated in an effort to **win landmark rulings**. The USAID-funded Human Rights in Cambodia Project implemented by the East-West Management Institute and the American Bar Association is planning to use this approach coupled with a court watch program to monitor the performance of the courts with regard to these cases. The judiciary is, however, constrained by low salaries, political intimidation and high levels of corruption.
- Bring **cases to trial on behalf of individual people or rural communities** over land rights issues. Legal Aid Cambodia (LAC) does this, and the USAID-funded Human Rights in Cambodia Project will do this as well.
- A number of NGOs use **political lobbying** to work on community forest rights issues, but most often at provincial and lower levels of government. There is a need for more national-level political lobbying.
- **Accelerate political reform** in terms of reducing corruption and political interference in government agencies. Institutionalize change within government rather than working around it, where possible.
- **Diplomatic pressure** regarding forest issues have been brought to bear on the RGC by a number of donors and has been articulated by the UN Special Representative for Human Rights in Cambodia. The Consultative Group on Cambodia has also brought forest issues, including community impacts, to the attention of the RGC. These efforts have yielded important policy results, but have been less successful in changing patterns of forest exploitation.
- **Cadastral commissions** have been set up at the national, provincial, and district levels in accordance with the Land Law to provide a nonjudicial mechanism to resolve land disputes. Representatives of a number of sectoral agencies are on the commissions. The effectiveness of the commissions is currently limited by absence of funds for field investigations and intimidation by the powerful people who are typically the defendants in land cases. Representatives of local military units often sit on the commissions, which has a chilling effect on their work.
- **Strengthen the judicial branch** of government, which is currently the weakest, in accordance with the judicial reform policy adopted by the RGC in 2003.

5.3 Improved Local Governance

Governments at the provincial, district, and commune levels are believed to be most appropriate for addressing forest and land conflict issues because the officials are closer to the communities and usually have a better understanding of their needs. The RGC adopted the Seila Program as the mechanism to support decentralization of government functions and the Seila Natural Resources and Environmental Management (NREM) Strategy focuses on mainstreaming NREM at these levels of government. NREM activities were piloted in Rattanakiri Province using land use planning as an important tool of improved natural resources governance.

The Participatory Land Use Planning (PLUP) Manual was originally developed with German (GTZ) funding for use in lowland communities and that approach is now being modified by the Swedish International Development Agency (SIDA)-funded Community Natural Resources Management (CNRM) Project for use in indigenous forest communities. The work is being done in partnership with, and under the auspices of, the MLMUPC. The PLUP methodology is also being scaled up for use at the commune level. The Forestry Administration, in collaboration with the Wildlife Conservation Society (WCS) is applying the PLUP methodology to integrated forest management in two districts of Mondulakiri Province.

The PLUP process, while conferring no rights, gives communities a basis for communicating with government and outsiders about how they use forest resources and land. As a result of this process, the community forest management rights of a number of communities in Ratanakiri were recognized by the provincial government through the efforts of the CNRM and NGO projects. This experience indicates that forest community use rights can be protected with the support of local government.

5.4 Community Capacity Building

A number of NGOs have taken the approach that communities must have the capacity to understand and demand their forest use rights. This requires that the following interventions be made at the community level and among communities:

- **Educate** communities to raise their awareness of their land and forest use rights. The Community Legal Education Center (CLEC) is implementing the Indigenous Communal Land Project to develop and deliver training programs to inform indigenous communities of their land and forest use rights. Other organizations are also providing information to communities such as the Seila Program, the NGO Forum, and the local NGO Mlup Baitong. Seila and Mlup Baitong use radio programming to provide information. NGOs working on community forestry also provide land rights education as part of their work to establish community forestry.
- **Empower** communities by giving them the confidence to demand their rights, even in the face of intimidation. A number of NGOs and donor-funded projects do this explicitly or implicitly. The NGO Forum and the Southeast Asia Development Program (SADP) work with communities through local NGOs to provide this empowerment as does the American Friends Service Committee Peace and Conflict Program.

- **Organize** communities so that they can work together effectively. This has been done by a number of NGOs, but most notably through the Forest Network, which works nationally with support from the NGO Forum and SADP.
- **Network** with surrounding communities and other forest communities in the province and nationally. The NGO Forum facilitates quarterly meetings of participating local NGOs and communities to discuss problems and solutions related to forest use rights.
- **Advocate** for forest community rights at all levels of government. Many NGOs do this, but the NGO Forum and OXFAM Great Britain are among those that do it on a regular basis. An NGO Forum-organized protest by 178 of its Forest Network members at the FA office in Phnom Penh in December 2002 was the largest attempt at grassroots advocacy that has taken place to date. The protesters gathered to voice their concerns about inaccuracies in FMPs and SEIAs submitted by forest concessionaires. Police forcibly broke up the demonstration. NGOs more commonly aim their advocacy efforts at the provincial level.
- **Teach** attitudes and methods of non-violent confrontation. The Working Group on Active Nonviolence, formerly funded by USAID through the Asia Foundation, provides training to local NGOs and communities in non-violent conflict resolution. This approach has been use effectively by a number of communities.

5.5 Tenure and Use Rights

The ultimate means to halt community-level forest conflict is by legally protecting community land and forest use rights through community land titles combined with community forestry agreements. The four categories of interventions described in the Sections 5.1 through 5.4 above should be seen as providing the climate and conditions to achieve this end. Legal recognition of land rights is urgent given the pressure on forestlands for agricultural resettlement and commercial uses. Donors recognize the pressure on forestland, and are expanding the LMAP project to include forest communities. Traditional tenure regimes simply are not recognized in law or in practice and will not withstand the pressure being put on them. Three mechanisms for securing tenure and use rights are:

- **Individual Title** granted under the Land Law. This can probably only be applied to individual house lots and therefore has limited ability to protect forest access rights.
- **Community Forest Agreement** granted under the Community Forestry Sub-Decree provides use right protection for large areas of forest that are used to produce NTFPs and timber. An important hurdle will be obtaining FA agreement to grant community management rights over forests with valuable timber resources, not just degraded forest as has been the case in the past. The Cambodia Development Resource Institute (McKenney and Tola, 2003) inventoried community forests in Cambodia in March 2002 and found that there were 237 covering an area of about 70,000 ha. The Cambodian-German Forest Project conducted an assessment of community forestry initiatives and identified 57 initiatives in 18 provinces, involving 404 villages (Fichtenau, et al., 2002). These were created primarily with the assistance of NGOs who have been working with communities on community forestry for almost a decade. Among the NGOs involved are Concern, Mlup Baitong, and the Non-Timber Forest Project (NTFP). The Food and

Agriculture Organization (FAO)-implemented Tonle Sap Participatory Natural Resource Management Project has been assisting communities to establish community forests for a number of years. The Community Forestry Alliance for Cambodia (CFAC) recently started a community forestry program in Cambodia, with funding from USAID and the MacArthur Foundation. Many of the community forests have been formally recognized by provincial governments, but under the Community Forestry Sub-Decree, the FA will have to review and approve each of them in order to issue a community forestry agreement. This is likely to be a time-consuming process.

- **Community Title** under the Community Title Sub-Decree of the Land Law can be used in conjunction with community forestry agreements to confer rights to communities over lands used for swidden cultivation and spiritual purposes. The MLMUPC launched pilot community land titling projects in Ratanakiri and Mondulhiri Provinces to gain experience prior to drafting the sub-decree.

5.6 Monitoring

Cambodia has a relatively long and varied experience with external monitoring of forest exploitation and “forest crimes.” The UK-based NGO Global Witness has been playing a watchdog role in Cambodia for a number of years and did this with the sanction of the RGC and financial support from the donor community until April 2003. MAFF and MoE also established internal forest crimes monitoring units aided by FAO technical assistance that ended in 2002. Early in 2004, the *Societe Generale de Surveillance* (SGS) was contracted by MAFF with World Bank funding to continue the monitoring role formerly played by Global Witness. SGS’ role is much more limited than the role played by Global Witness, although Global Witness continues its monitoring efforts with its own funding. The monitoring activities undertaken by Global Witness, the forest crimes monitoring units and SGS are focused on the forest crimes themselves, such as illegal harvesting, and not specifically on community impacts or resulting conflict. It can be expected, however, that illegal logging and community conflicts will be closely related.

The Forest Network, comprised of local NGOs and forest communities and facilitated by the NGO Forum, acts as a mechanism for communities to report forest crimes and conflict. The NGO Forum submits these reports to the government and interested donors. This is the only organized effort at grassroots forest monitoring in the country.

6.0 What Still needs to be Done

6.1 Government Role

The role of the RGC in reducing forest conflict is clear, but will require considerable effort and political will to achieve. Necessary actions are discussed elsewhere in this report. The most important of them are:

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

6.2 By Donors and NGOs

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

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

6.3 Role for USAID

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

- The **Human Rights in Cambodia Project** (East-West Management Institute/American Bar Association) pursues “impact litigation” cases focusing on forest or land conflicts to raise the level of compliance with the rule of law. They will also train people in legal advocacy, using the media and lobbying. These are important steps toward improving the climate for respect for the rule of law regarding community rights to forests.
- The **Community Forestry Alliance for Cambodia** brings strong regional and Cambodian expertise to community forestry and will assist communities to establish community forests. CFAC will also work on policy and procedural aspects of implementing the Community Forestry Sub-Decree.

There are important opportunities for follow-up activities under the *Managing Conflict in Asian Forest Communities* (MCAFC) BIOFOR Task Order that funded this assessment.

The MCAFC task order sponsored the **Workshop on Community Level Impacts of Forest and Land Conflicts in Mondulhiri** on 26 and 27 May 2004. The objectives of the workshop were for forest communities to explore their experiences with forest conflict, learn their forest and land rights, and develop a preliminary action agenda to be carried out by the communities, NGOs, and local government. The local NGO Women for a Peaceful Environment works with communities on forest conflict and played a key role in organizing the workshop. CLEC trainers led two sessions on community rights under the Land Law and the Forestry Law. The workshop was attended by approximately 80 people, half of whom were from indigenous communities in the province. The rest were from local government agencies, NGOs, and USAID. The workshop participants developed a Draft Action Plan to avoid and mitigate forest and land conflict in the province, which prioritized several follow-on activities (see workshop report for details).

Among the priority actions identified in the workshop were the need to educate indigenous communities about their forest and land rights and to help them to organize to protect these rights. A MCAFC task order will provide funds to the Worldwide Fund for Nature Cambodia Conservation Program to educate and organize communities in an area that is experiencing a rapidly escalating threat from land encroachment. WWF will produce and distribute relevant education materials including a videotape in the predominant local language on land rights. Discussions are also in progress to provide funding to the local NGO Women for a Peaceful Environment to expand their efforts to educate and organize communities to protect their rights and avoid conflict.

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

The nature of conflict over forest resources varies considerably among Asian countries, largely in relation to the extent and quality of the forest resource and the amount of pressure being put on it. Even within a country, variations in population density and land use result in different scenarios of conflict. In Cambodia, for instance, the nature of forest conflict is much different in the forested, sparsely populated uplands than it is in degraded lowland forests, flooded forests or mangroves. These differences indicate that there can be no single blueprint for addressing forest conflict, but rather a toolbox of approaches that can be tailored to particular situations.

The ability to effectively intervene to reduce forest conflict depends to a large extent on the quality of governance in a country and the willingness of the host government to cooperate with civil society and donors to address direct and underlying causes. The RGC has been more open than many governments in the region in allowing donors and NGOs to address politically sensitive issues related to forest management and forest conflict, but has been slow to take effective steps to reduce conflict. Efforts to improve forest and land governance are now gaining momentum, but so also are the causes of conflict. While the final outcome of the effort to protect the resource and land use rights of forest communities will not be known for several years, it is clear that the multifaceted efforts now being employed to protect resource access and decrease conflict in Cambodia provide an important body of experience from which to draw lessons, if only preliminary ones.

The overarching lesson from Cambodia is the importance of a comprehensive approach that addresses all aspects of the problem including:

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

The final report of this Task Order will compare approaches to reducing forest conflict in several countries and identify those that work particularly well and are worthy of adoption elsewhere. Specific approaches used in Cambodia that are clearly effective and will be compared to similar efforts in other countries are:


- The Forest Network approach to organizing and empowering communities;
- Efforts to educate communities about their rights;

- The use of community forestry as a means to avoid conflict;
- The application of the PLUP process to forest communities;
- The necessity to address forest resource and forestland conflict comprehensively;
- Involvement of the lower levels of government in conflict avoidance and mitigation.

Appendix A. Case Studies

- Case 1: Villagers in Conflict with Illegal Loggers**
- Case 2: Forest Communities in Conflict with New Settlers**
- Case 3: Forest Communities in Conflict with Economic Land Concession, a Parastatal Rubber Plantation Company**
- Case 4: Forest Communities in Conflict with a Foreign Company**
- Case 5: Villagers in Conflict with a Forestry Concession**
- Case 6: Forest Conservation and Community Livelihoods in the Central Cardamoms**
- Case 7: Forest Conservation and Providing Livelihoods through Resettlement**

Case 1: Villagers in Conflict with Illegal Loggers

Village: Srae Roneam	
Commune: Ksem	
District: Snoul	
Province: Kratie	

Case study based on interviews with 15 villagers and *The Cambodia Daily* article “Taking Back the Trees: Grassroots Group Combats Illegal Logging in its Own Backyard” by Van Roeun and Solana Pyne (February 21-22, 2004).

Background

The village of Srae Roneam is located on National Route 7, just west of the Snoul Wildlife Sanctuary border. The village is home to 227 families of Khmer and Phnong ethnicity. Nearby forestland is used by the villagers for chamcar and wet rice agriculture and they collect non-timber forest products (NTFPs), including resin, honey, vines, rattan, and wild vegetables over a larger area. Resin collection is second to rice as a livelihood asset but the forest traditionally used by villagers for this purpose has been heavily logged and the stock of resin producing trees depleted as a result. The villagers have discontinued their traditional shifting cultivation and now use a smaller area of land more intensively.

Conflict Scenario

Srae Roneam’s community forest is part of the Samling Corporation’s forest concession and has been the target of illegal loggers since the logging moratorium began. Samling stopped harvesting more than two years ago when the logging moratorium took effect, but illegal loggers have been very active harvesting high-value “luxury” timbers that could not be legally harvested by the concessionaires. These forests, and others that lie along Route 7 and the road to Mondulkiri, are extremely vulnerable to illegal logging because this road is being upgraded and connects to the main road to Vietnam. Luxury timber is worth several thousand dollars per truckload in Vietnam, and even a motorbike load of wood is worth harvesting. The land along Route 7 is also increasingly at risk for land grabbing as the road improvement project progresses.

1996-1997 was the most intense period of commercial logging when most of the large trees around the village were cut. Resin-producing trees were routinely felled, which had a particularly serious affect on the villagers because it has deprived them of a major portion of their cash income. When the villagers begged the loggers not to cut their resin trees the loggers responded that “we cut above where you tapped the tree so that you can continue to collect your resin,” which is either a very cynical or very ignorant response. The loggers were armed and the villagers did not dare to resist. The villagers have tried to replace the lost liquid resin income by collecting less abundant and less valuable dry resin as well as scrap metal from US bombs dropped in the late 1960s and early 1970s.

The villagers are now organized to protect their rights and confront loggers nonviolently. With advisory and capacity-building assistance from Women for a Peaceful Environment (*Satrei Santepheap Daoembei Parethan* [SSP])—a local nongovernmental organization (NGO) in the Forest Network—the villagers established a community forestry committee in 2001. This group has a majority of women members and is led by Mom Sakim, a very determined village woman who has the support of her community. The group believes that they must make a stand now to protect the forest for the use of future generations of their community. The group advocates for legal recognition of their right to manage their community forest and to continue to access forest resources from a larger area of forest. They have gained media attention and NGO recognition for their efforts to confront illegal loggers.

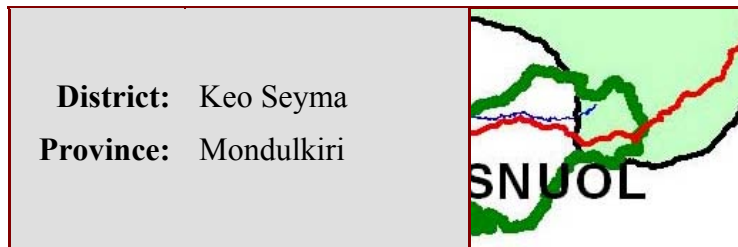
Beginning last year, the group has confronted loggers in the forest and have stopped timber-laden trucks on the highway or as they leave the forest. Many timber trucks pass the community each day on Route 7 but they are often not able to react quickly enough to stop them. They do receive tip-offs from neighboring villages up the highway, which sometimes gives them enough lead time to intercept the truck. They have confiscated rough cut timber, 18 chain saws, and a number of trucks, but the latter are normally returned to their owners by local authorities. The villagers have received little support from the authorities in their enforcement efforts, other than from the District Governor. The Governor of Kratie ordered a crackdown on illegal logging in January 2004 but its effects remain to be seen.

The villagers have received numerous death threats from the armed illegal loggers. In June 2003, the villagers assisted Ministry of Environment (MoE) staff to place markers on the border of the Snoul Wildlife Sanctuary. Shortly thereafter, Mom Sakim found the following note on a broken marker post warning her: “Don’t be strong. Be careful. You will be killed before your time.” The illegal loggers have also come to the village at night to threaten the villagers and have even asked for grease for their rifles when they threaten them. The illegal loggers went so far as to physically threaten the district governor. The villagers say that soldiers and police are heavily involved in illegal logging and a few of their fellow villagers are also guilty of assisting the loggers.

Srae Roneam’s community forest committee has applied for legal recognition of their community forest twice, but has received no response for either application. The applications, including cover letter, map of demarcating area requested for community forest, by-laws, and regulations, were submitted before and after the passage of the Community Forestry Sub-Decree. Despite lack of recognition by the government, the group patrols their forest and reports forest crimes to local government and the Forest Authority (FA). They have thus far received strong support and cooperation from the district authorities.

Aside from advisory and capacity-building support from the SSP and support from the district authorities, the Srae Roneam community forestry committee receives neither material nor financial support. However, its members hope that once they obtain a Community Forestry Agreement from the FA, they can begin reforestation of their degraded forest.

Case 2: Forest Communities in Conflict with New Settlers



Case Study based on interviews with Nha Raing Chan, Third Deputy Governor of Mondul Kiri Province; Prak Chanthy, Staff of Women for a Peaceful Environment (*Satrei Santepheap Daoembei Parethan* [SSP]), and Megan MacInnes of Nomad RSI.

Background

Most of the district of Keo Seyma is within the Snoul Wildlife Sanctuary and lies along the upgraded logging road that connects the provincial capital of Mondul Kiri to Kratie Province and the lowlands. Forests not in the Wildlife Sanctuary are part of the Samling forest concession. The district is contained within a large area of forest covering mountainous terrain along the border with Vietnam. Most inhabitants of the district are of the Phnong ethnic group and live in villages in the forest. Some are beginning to move toward the road to facilitate access to markets and services. Their livelihoods are based on shifting cultivation, resin tapping, non-timber forest product (NTFP) collection, hunting and fishing (see Evans, et al., 2003 for a detailed description of livelihood patterns in a Phnong community in Mondul Kiri).

Conflict Scenario

Before the moratorium on logging, many conflicts arose between the Phnong villagers and illegal loggers. Legal and illegal logging over the past decade has resulted in the loss of many resin trees, with some communities affected much more than others. Since 2002, SSP has been helping to organize these communities to defend their rights and begin developing the institutional basis for community forestry. Their work has not been well received by the district authorities, leading to a confrontation at a public forum. The relationship further deteriorated when community representatives read the names of people they believe to be involved in illegal logging (including the district governor) at another public meeting. Local people also attended the national protest in Phnom Penh in December 2002, putting them even more at odds with local officials. Provincial authorities and the Forest Administration (FA) have now become more collaborative and supportive but the district authorities remain displeased with the communities and SSP. FA now works closely with the communities and sometimes intervenes on their behalf with district authorities.

The indigenous communities of Keo Seyma now face a greater threat than illegal logging. Immigrants from the lowlands are flooding into the forest to claim land. This influx is facilitated by the rehabilitation of roads from Mondul Kiri to Kratie and Ratanakiri Provinces, political support for immigration from the district governor, and the inability of the FA and Ministry of Environment (MoE) to control encroachment into the protected area and forestlands. Over

several months, between late 2003 and early 2004, more than 400 new settler families (many of whom are Muslims from the Chamcar Leu district of Kampong Cham Province) moved in, built homes, and cleared land along both sides of the road for several kilometers. New settlers are also moving further into the forest, taking over shifting cultivation plots used by the indigenous communities. As conflict over land intensifies, communities complain to district and provincial government. There has been no direct intervention, but the provincial government is reportedly establishing a committee consisting of various line agencies to address the problem.

In the latest development, communities feel threatened by MoE rangers, who have been recently armed and are allegedly assisting illegal loggers. The communities now question their own cooperation with the government's policy on firearm reduction.

Case 3: Forest Communities in Conflict with Economic Land Concession, a Parastatal Rubber Plantation Company

Commune: Tumring
District: Sandan
Province: Kampong Thom



Case Studies based on secondary information and interviews with Hak Sokleap, Project Officer for Mlup Baitong; Thong Sophet, Executive Director of Rural Poor Family Development (RPFDF); and Ea Sopheap from Legal Aid of Cambodia.

Background

Tumring Commune consists of eight villages inhabited by a total of 683 households. The population of Tumring includes ethnic Khmer as well as Kuoy, an indigenous ethnic group. The Kuoy are concentrated in three villages, namely Khaos, Tum Or, and Runteah. The major livelihood activities of the Tumring people are wet rice farming, swidden agriculture, and non-timber forest product (NTFP) collection.

Conflict Scenario

A large portion of Kampong Thom Province was granted to three forest concessionaires in 1997, including the forests in Tumring Commune. The concessions restricted the access of locals to the forest but the communities were still able to continue practicing their traditional way of life. The forest concessions were cancelled after an initial round of heavy logging. In 2001, the government granted 6,200 ha of former forest concession land in Tumring to the Tumring Rubber Plantation Development Company, a subsidiary of Chup Parastatal Rubber Plantation Company. The Prime Minister also promised local residents that they would have land to pursue their livelihoods. At the inauguration ceremony of the Tumring Rubber Plantation Development Company, the Prime Minister declared that each family would be given three ha to plant rubber trees, plus a land reserve for future generations. He also assured the people that the company would pay them to clear their plots and would provide them with rubber seedlings and agricultural inputs.

The Tumring communities are very reluctant to give up their traditional livelihoods and lifestyle for the life of a rubber tapper, which is more labor-intensive and less secure. Rubber prices are volatile and this single source of income does not provide a livelihood safety net like the forest does. They also have real concerns about how they will feed themselves during the five to seven years required for the rubber trees to begin producing latex. They were told by the plantation company that they can inter-crop beans during this period, but not rice, which is their staple

food. The villagers are also worry that when the forest is gone, they will no longer have access to NTFPs for cash income and wood for house construction.

To date, about 900 ha of land claimed by communities has been clear-cut and bulldozed by the plantation company. As a result of the clear-cutting, between 50,000 and 60,000 of the people's resin-producing trees have been felled. The communities have been in open conflict with the company as a result. The armed security force employed by the rubber estate company has beaten community members, seized their farm implements, and threatened to shoot them. In February 2004, the company bulldozed two ha of land with standing crops belonging to two widow-headed families and the cemetery of a Kuoy community in Khaos village.

The UN Special Envoy for Human Rights to Cambodia wrote a letter to the Prime Minister requesting that he intervene. The communities recently asked Legal Aid of Cambodia for assistance. RPF, a local NGO, has also advocated for the people's rights, although their staff has reported receiving death threats from the company's armed guards. With the intervention of the senate and government, some of the land in conflict has been returned to communities along with limited compensation for loss of agricultural crops and resin-producing trees. Under order from the national and provincial governments, the District Cadastral Conflict Resolution Commission recently ruled in favor of returning land to 23 families in Tum Or village.

Case 4: Forest Communities in Conflict with a Foreign Company



Case Study based on interviews with Amanda Bradley and Hak Sokleap, both staff members of Mlup Baitong.

Background

The villages of O Kon Trom and Kraol Tunsaong were settled with government support when the Khmer Rouge forces and organizational structure was dismantled in this area. Each household was then given five ha of land for a residence as well as rice and chamcar land. Family ownership rights to these properties were formally recognized by commune authorities.

Conflict Scenario

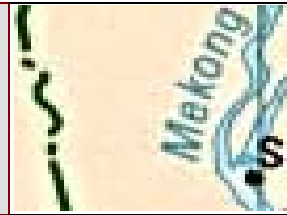
In 1999, Jel Jidang Cassava Production Company, a Korean-owned firm, was granted a 3000 ha concession for cassava production, including land already occupied by the villagers. The company started to clear the 3,000 ha in 2000, expanding to 5000 ha in 2001. They clear-cut the land they intended to plant and logged outside their concession as well. The expanded concession included 1,026 ha of land belonging to 206 families in six villages. The villages of O Kon Trom and Kraol Tunsaong, home to 127 households, lost the most land.

The company hired the army to force families off the land. The army intimidated the villagers including death threats. Many families left out of fear, but faced starvation because they had no land to grow crops. Twenty-two families elected to remain on their land and continued to be threatened and abused by the company and its armed guards. A checkpoint was erected and a canal (2 by 2.5 meters) was dug around the area to obstruct movement and halt transportation of goods to-and-from the villages. The villagers complained to nongovernmental organizations (NGOs) and the provincial and national governments.

In September 2002, the government issued an order demanding that the Korean-owned company cease harassing the villagers, and warned that it faced revocation of its concession if the order was breached. The company ignored the order but reduced the scale of illegal activities such as logging trees outside the concession. In late 2002, district authorities visited the area and told the villagers that an investigation would be conducted, which resulted in their land being returned to them. The 22 families that refused to leave got back their entire five ha of land, while those who left were given only about three ha per family at a different location.

Case 5: Villagers in Conflict with a Forestry Concession

Village: Yeav
Commune: Kampong Cham
District: Sambour
Province: Kratie



Case Study adapted from *Community Responses to Threats of Violence: Case Studies from Cambodia* by Women Peace Makers, 2002.

Background

The village of Yeav is situated in a forested area along the Mekong River. In addition to subsistence agriculture, the villagers also collect non-timber forest products (NTFPs) from the forest, especially liquid resin, for cash income.

Conflict Scenario

Yeav is located within the Pheapimex forestry concession, the largest in Cambodia. Prior to the logging moratorium, one of the company's camps was located near the village. This camp included 110 logging trucks. The company built a road from its camp, through the village, past the school, and into the forest. The road was built on top of an existing community road, but after the company widened the road, they forbade villagers from using it. Heavily laden timber trucks dug ruts into the road, making it impossible for children to ride their bicycles to school. The loggers also cut down most of the resin trees and forced villagers to sell resin from remaining trees to a buyer associated with the company.

The company employed about 40 military personnel to protect its concession. These concession guards threatened the villagers, saying that they would "hurt" anyone who complained. They regularly carried their weapons in the village and claimed that "this place belongs to us—we bought it from the government." The control exerted by the company is highlighted by the following example. A local man harvested some bamboo to earn money to pay medical expenses for his pregnant wife. He sold the bamboo to an outside buyer rather than selling it to the company's designated buyer. Soldiers employed by the concession beat him severely for this infraction of their rules.

Villagers filed many complaints, but despite the best efforts of local authorities, problems with the company continued. One day, 81 people in the village got together and decided to force the company to repair the road it had destroyed. They decided to block it by erecting posts across it so that company trucks couldn't pass. Each family agreed to bring one post. Three nights later, people decided to act the following morning. At 7 a.m., people gathered at the spot where they had agreed to block the road, calling others to join them along the way. About 30 initially arrived, soon followed by others. Roughly 20 people brought posts and everyone began digging holes in the road.

The villagers had erected 10 poles when four logging trucks came out of the company camp, headed for the forest. By that time, approximately 80 villagers had gathered, and they made a human wall across the road. Each truck had four soldiers, all with AK-47s. The two soldiers riding in the first truck got down, carrying their guns and radios, and asked, “Who gave you permission to block this road? Our company bought this road from the government.” A villager said, “We won’t let your trucks go out into the forest any more. The manager of your company must come and negotiate with us.” Others said, “Don’t point your guns down, point them up. We don’t have guns. The road is damaged, and children can’t go to school. Tell the company owner to come and negotiate with us.” The driver of the first truck radioed the company manager and said, “Villagers have blocked the road and won’t let us out into the forest. Please come and straighten things out.” Villagers could hear the manager’s voice over the radio say, “Make the villagers open the road. We will repair the road for them.” Someone said, “You can’t just say it. We need it in writing. Otherwise we won’t let your trucks out.”

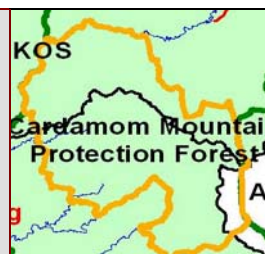
A half-hour later, the manager arrived in a car with two other people. He said, “If you don’t open this road, I will file a complaint.” They said, “Go ahead and file a complaint. This is our road.” One villager said, “If you don’t settle this, we won’t open the road. This is the road our children use to go to school.” The manager said, “Why do you need to block off the road just to have us repair it? We will repair it.” Villagers replied that they didn’t believe him. “If you want us to believe you, we need it in writing, and you need to bring a tractor out to fix the road so that we can see it. Then we will let your trucks out into the forest.” The manager agreed, wrote a statement agreeing to repair the road, and signed it. All the villagers witnessed him signing it. He said he would repair the road the next day, so the villagers could go ahead and pull out the poles. The villagers said, “If you don’t fix the road tomorrow, we’ll come back and close it off again.” And they went home. The next day, the company started work on the road, and within three days it was finished so that children could go to school.

From then on, the company no longer claimed the forest in people’s backyards belonged to the concession. Company guards stopped threatening people until the community filed complaints about the cutting of resin trees, which triggered more threats. The villagers told each other that they were not afraid to die standing up to the company. Company workers heard this, and agreed to negotiate with the community. The manager signed a letter saying they would stop cutting resin trees.

The relationship between the communities and the concession was finally stabilized after an incident when villagers brought wood to build a bridge in a nearby village and were stopped by armed company guards from the concession. People continued to bring the wood, and the guards continued to try to stop them. The villagers went with the soldiers to their camp for a negotiation that resulted in permission to build the bridge. The concession even contributed 90 liters of fuel for cutting the wood and a tractor to haul it. The company has kept its promises and no longer terrorizes the community. The community now receives a great deal of support from district and provincial officials as it organizes a community forest within the concession.

Case 6: Forest Conservation and Community Livelihoods in the Central Cardamoms

Commune: Ta Tei Leu
District: Thmar Baing
Province: Koh Kong



Case Study Based on interviews with Seng Vuth, Commune Clerk; Phel Lang, Village Elder; Chea Duong, Buddhist Clergyman; and Sarah Milne, Community Programs Coordinator for Conservation International/Cambodia.

Background

Ta Tei Leu is among the oldest communes in Cambodia, dating back more than 400 years. It was founded by a hunter, who told his friend, Ta Tei, that he found a beautiful and quiet place for a village. The hunter and Ta Tei along with other families settled in the area, and named it after Ta Tei. In the early 1940s, about 700 people in 300 households resided in the area and made their livelihood by shifting cultivation, paddy rice farming, wildlife hunting, and harvesting of forest and non-timber forest products (NTFPs) including resin, honey, rattan, yellow vine, cardamom, and wild vegetables.

During the Khmer Rouge regime, shifting cultivation was forbidden. Small-scale irrigation systems were installed in Ta Tei Leu and paddy rice production was promoted. Anticipating the arrival of Vietnamese troops in 1979, the Khmer Rouge forced the villagers to withdraw into the forest. When the Khmer Rouge were defeated, Vietnamese troops and allied forces of the People's Republic of Kampuchea government evacuated people from the area and relocated them in what is now known as Chi Phat Commune. The Ta Tei Leu area remained completely under army control until the early 1990s. Some villagers began to return to the area in 1996 when the Khmer Rouge threat decreased and security improved. In 1998, the flow of returning villagers increased along with a few new settlers. Currently, there are only 91 households in the three villages of Ta Tei Leu Commune, but other families still claim their traditional land rights and plan to return to their ancestral land sometime in the future.

When the villagers returned to Ta Tei Leu, they resumed their traditional livelihood activities. They practice shifting cultivation on a very short five-year cycle, with each family cultivating approximately one hectare per year. They do not cut mature forest because they believe that land with big trees belong to the spirits, which cannot be touched. Much of paddy land that they tilled prior to the war or developed during the Khmer Rouge period remains unused because most families do not own a water buffalo for plowing. The majority of households rely on shifting cultivation and gathering of NTFPs, including liquid resin, aloe wood, and cardamom. They are prepared to stop shifting cultivation if they can obtain draft animals to cultivate their paddy fields.

Conflict Scenario

The forests in and around the commune were logged both by the military and commercial forest concessions awarded in the mid-1990s. Because the forests still have significant biodiversity value, the concessions were cancelled and the area was decreed as the Central Cardamoms Protected Forest by the Forestry Administration (FA) in mid-2002. The US-based nongovernmental organization (NGO) Conservation International (CI) has since assisted the FA to manage the protected forest as part of the Cardamoms Conservation Program. As part of the effort to conserve forest biodiversity, restrictions have been placed on community forest use. Shifting cultivation, hunting, and collection of cardamom, aloe wood, and yellow vine is prohibited, and resin collection has recently been added to the list. These rules are enforced by FA personnel, who are backed by the military police.

The people of Ta Tai Leu Commune are upset by the restrictions on their traditional livelihood practices and by what they see as heavy-handed enforcement of these restrictions. People have reported numerous encounters with armed patrol teams including confiscation of farming tools when they tried to open old shifting cultivation fields and confiscation of saws when they cut timber for house construction. The people have protested the restrictive rules to the FA and CI staff.

Villagers recounted two incidents that they feel are particularly serious. In one incident, armed rangers transporting logs for construction of the FA/CI office stopped at a village shop for drinks. After a few drinks, a fight began among them, leading to shots being fired into the floor of the shop. The group then left without paying. The persons involved in the fight were later transferred from the area but the villagers remain fearful that violence may reoccur. A second incident took place in January 2004 when villagers and monks tried to rebuild their Buddhist temple. The monks visited the FA/CI office and asked if they could cut trees along the road near the pagoda. They were given verbal but not written permission. When the monks began to fell the trees they were apprehended by FA guards and taken to the FA/CI office where they were held for several hours. The villagers believe that this was an unacceptable act of disrespect and feel helpless that they could do nothing to stop it.

The villagers report that the number of armed patrols and military police enforcing the protected forest rules have increased. The patrols are more frequent and widespread. People fear becoming poorer because their livelihood options are so limited. CI conducted livelihood surveys in Ta Tei Leu that verify these livelihood conflicts. CI is in discussion with the FA Cardamoms Conservation Program about granting customary land and forest use rights to the communities. CI has hired a tractor to help families plow old paddy fields and is trying to obtain funds to purchase water buffaloes to be given to the villagers to plow their fields annually. Readopting wet rice cultivation would be an important step toward resolving the current livelihoods/conservation conflict. Many households lost the agronomic skills needed to grow wet rice during the decades they were forced to live elsewhere, so regaining these skills will be an important part of the process.

Case 7: Forest Conservation and Providing Livelihoods through Resettlement

Villages:	Chi Phat & Choam Sla	
Commune:	Chi Phat	
District:	Botum Sakor	
Province:	Koh Kong	

Case study based on field visits to Chi Phat and the resettlement area and interviews with villagers and WildAid Country Director, Suwanna Gauntlet and staff member, Delphine Vann Roe.

Background

The case study area is in the southern Cardamom Mountains. Chi Phat and Choam Sla villages were forced labor camps during the Khmer Rouge period. When the Khmer Rouge troops fled in 1979, many of the laborers stayed in the area to farm and were joined by families that had been relocated there from the Thmar Baing District by the Vietnamese Army (see Case Study 6). In the mid-1990s, the forests in the southern Cardamoms were awarded as forest concessions and were heavily logged. Throughout the concession period, people living in Chi Phat earned their livelihoods through shifting cultivation, hunting, and gathering non-timber forest products (NTFPs) such as cardamom, yellow vine, wild vegetables, and honey. The forest concessionaires employed some of the local men.

Battalion 314 of the Royal Cambodian Army is also stationed in the vicinity of Chi Phat and its soldiers earn supplemental income from the forest. The forest concessions have been cancelled, leaving behind many unemployed workers. Chi Phat Commune is now home to more than 230 families, with 139 households in Choam Sla village alone.

Conflict Scenario

The revoked forest concession that covers all of Chi Phat Commune is in the process of being designated a protected forest under the Forestry Administration (FA). The US-based conservation nongovernmental organization (NGO) WildAid is assisting the FA to conserve the forest. In 2002, the FA told the communities to cease shifting cultivation but gave them permission to harvest NTFPs. When people tried to clear shifting cultivation plots, forest guards seized their farm implements. They cannot farm paddy fields developed during the Khmer Rouge period because most families do not own draft animals for plowing. When the villagers protested the prohibition against shifting cultivation, they were allowed to continue this practice until the end of 2002. WildAid has observed rapid deforestation in the area of Chi Phat, reflecting clearance of new areas rather than cycling back to previously used plots.

In 2003, the livelihood conflict grew more pointed when shifting cultivation was totally forbidden and further intensified in 2004 when resin collection was restricted. The villagers are under the understanding that an across-the-board prohibition on resin collection is being enforced in 2004, but WildAid maintains that this ban is only directed at military personnel.¹⁸ If the resin collection prohibition is in fact broadly applicable, communities are left with no livelihood options since they lack draft animals for paddy farming. WildAid has initiated a plan to resettle people from Chi Phat to an area near Highway 48. About 60 families have recently been relocated and another 50 are expected to move this year. Each household receives a resettlement package including 1.5 ha of agricultural land, corrugated iron metal roofing, 50 kg of rice, small livestock, carpentry tools, agricultural implements and inputs, and land preparation assistance. They will share in the use of water buffaloes and wells and a school is being built. The relocated families dismantled their houses in Chi Phat and moved the wood to the newly created village.

The villagers say that they are compelled to move to the resettlement area in order to survive, but would prefer to remain in Chi Phat if allowed to follow their former livelihood strategies. They maintain the option of moving back to Chi Phat if things do not work out in the resettlement area. Merchants in the Chi Phat market fear that the town will become deserted as more families move out and less cash is in circulation. The merchants say that there is a climate of fear, with resentment directed toward foreigners.

¹⁸ In February 2004, several soldier's wives tried to sell dry resin that their husbands collected from the forest and were arrested by military police working for the FA, resulting in a dispute with the soldiers.

Appendix B. List of Interviewees

Name	Position	Organization	Contact Information
Susan Merrill	Acting Mission Director/GDO	USAID/Cambodia	855 23 216 436 smerrill@usaid.gov
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Robert Oberndorf	Policy and Legal Advisor	Community Forestry Alliance for Cambodia	855 23 220 714 cfac3@online.com.kh
Bruce McKenney	Programme Manager, Natural Resources and Environment	Cambodia Development Resource Institute	855 23 881 701 bruce@cdri.forum.org.kh
Ea Sopheap	Lawyer	Legal Aid of Cambodia	855 23 210 522 lacland@bigpond.com.kh
Tan Sokhom	Environment Officer	The NGO Forum on Cambodia	855 23 994 063 sokhom@ngoforum.org.kh

Name	Position	Organization	Contact Information
Andrew Maxwell	Advisor	Cambodia Conservation Program	855 23 218034 amaxwell@online.com.kh
Joe Heffernan	Elephant Conservation Coordinator	Flora and Fauna International	855 12 777 540
Prak Chanthy	Staff Member	Women for a Peaceful Environment	012242935
Mom Sakin	Community representative	Snuol Community Forestry	012426698
Thong Sophet (phone conversation for the Tumring case)	Executive Director	Rural Poor Family Development	
Prak Munny	Senior Provincial Program Adviser, PLG, Mondulkiri Province	UNDP/UNOPS	855 23 361 900 012501911@mobitel.com.kh
Megan MacInnes	Project Supervisor	Nomad RSI	855 12 664 014 012664014@mobitel.com.kh
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Jeremy Ironsides	LUP Consultant	Ratanankiri	Jeremyi@camintel.com
Suos Pinreak	National NREM Coordinator	Seila Task Force Secretariat	
Phael Krep	First Deputy	Commune Council, Sen Manorum, Oraing Dist, Mondulkiri Province	none
Chrot Khorn	Second Deputy	Commune Council, Sen Manorum, Oraing Dist., Mondulkiri Province	none
Nya Rang Chan	Third Deputy Governor	Mondulkiri Province	855 12 917 103
Patrick Evans	Team Leader	Participatory Natural Resource Management in the Tonle Sap Region	855 63 963 525 pte@online.com.kh
Seng Vuth	Commune Clerk	Ta Tai Leu Commune, Thmar Bang District, Koh Kong Province	none
Chea Duong (main informant in group interview)	Buddhist Clergyman	Ta Tai Leu Commune, Thmar Bang Dist, Koh Kong Province	none

Name	Position	Organization	Contact Information
Toeou Soboeum	Wife of village chief	Choam Sla Village, Chi Phat Commune, Botum Sakor Dist, Koh Kong Province	none
Luong Thek (main informant in group interview)	Recent settler from Chi Phat in resettlement area	Prolean Village, Andong Teuk Commune, Botum Sakor Dist, Koh Kong Province	none
Group interview	villagers	Dak Dam Commune, Sen Monorom Dist, Mondulkiri Province	none
Group Interview	villagers	Srae Ronean Village, Khsim Commune, Snouls District, Kratie Province	none

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Appendix D. Photographs



Firewood collection, Kompong Thom Province



Village Interview for Forest Conflict Assessment



Logging Truck, Tumring Rubber Plantation



Aerial of Tumring Log Collection Area



Resin Tree Stump,
Tumring, February 2003



Resin Tree Stump

