

Progress towards indigenous communal land titling in and around Keo Seima Wildlife Sanctuary , Mondulkiri

Briefing note by Wildlife Conservation Society (WCS) Cambodia Program, Nov 2017

The Keo Seima Wildlife Sanctuary (KSWS) covers 292,690 ha. It is located in eastern Cambodia, mainly in Mondulkiri Province with a small area extending into Kratie Province. It was formerly the Seima Biodiversity Conservation Area, lying within a suspended logging concession of Samling company. Previously, the KSWS was known as the Seima Protection Forest (SPF) which was created by a Prime Ministerial Sub-decree in late 2009. In 2016, the Seima Protection Forest (SPF) was reclassified by the Royal Government of Cambodia as KSWS under the Sub-Decree No. 83 dated 09 May, 2016 and managed by the Ministry of Environment. KSWS is managed by the MoE with long-term technical and financial support from WCS and a range of donors¹.

The objective of the KSWS is to conserve a critically important community of endangered species, the forest landscape they inhabit, and the livelihoods of the indigenous ethnic groups that live there. A central aspect of the management strategy is to assist all villages who wish it to obtain communal land titles, thereby strengthening their ability to participate in conserving their own resources, and to collaborate with the MoE in co-management. KSWS is a national pilot site for the production of avoided deforestation carbon credits using the REDD+ framework - this approach will strengthen the protection of community rights in several ways².

The right to communal land titles is provided by the Land Law (2001) with detailed procedures set out in Subdecree 83 (2009). The initial focus of community work in Seima was on Participatory Land-use planning (PLUP) and as in 2003-4 GTZ funded the very early stages of this in Andoung Kraloeng (AK) village. AK was the first village in the province to attempt PLUP and went on to be adopted as the only pilot village in Mondulkiri for testing the legal framework on communal titling. Over the years it has been visited by many delegations from government agencies³.

In 2005 AK completed its PLUP with support from the provincial authorities and began to implement protective measures in cooperation with FA and WCS. Since this time the village committee and elders have grown stronger and more effective, and have successfully repelled many attempts by outsiders to grab land and damage other resources in the village. In 2007 the village became one of the first three to be registered at Ministry of Interior (MoI) as a legal entity eligible in 2017 to hold a communal title. In 2009 physical demarcation was completed, and in March 2012 the land title was presented to the community, making AK the third village in Cambodia to reach this stage and the first in a Protected Forest. This historic achievement has opened the door for other villages to receive the same level of protection.

Since then, a further 6 of 18 IC/villages in and around Seima of MDK and country wide have received land titles. Up to November 2017, Five more IC/villages have being largely completed the titling process; one village has submitted it's land claim, and two more are submitted and being reviewed for legal entity registration at MoI. The identity of the villages, their status, and the date of the issuance of the land titles, are summarized in Table 1. Statistics on the area of land under each category issued through indigenous land titles are given in Table 2.

¹ For further information contact *Simon Mabood*, Email: smabood@wcs.org and see www.wcscambodia.org/saving-wild-places/seima-forest/land-tenure-mondulkiri.html

² Evans, T, Arpels, M., Clements, T. (2012) Pilot REDD activities in Cambodia are expected to improve access to forest resource use rights and land tenure for local communities. pp 73-82 in Naughton-Treves, L. and C. Day. (eds.) *Lessons about Land Tenure, Forest Governance and REDD+. Case Studies from Africa, Asia and Latin America*. Madison, Wisconsin: UW-Madison Land Tenure Center. www.rmpportal.net/landtenureforestsworkshop

³ Community work has been conducted by former FA-led team, then newly MoE led team with department of Rural Development, involvement of provincial Department of Land Management Urban Planning and Construction and cadaster, Department of Environment and Department of Agriculture, forestry and fishery. Funds have been received from a wide range of donors - recently the Multi-donor Livelihood Facility (MDLF; Danida/Dfid/NZ Aid), the McKnight Foundation and the MacArthur Foundation have been the main donors. The Canadian International Development Agency (CIDA) was funding cadastral surveys and monumentation costs through the CLASP project. From 2013 funded by SFB-USAID and up to present are REDD+, EU, AFD.

The procedure, as currently set out in official guidelines, requires approval from three Ministries:

Step 1: *Ministry of Rural Development* conducts an initial review to confirm that a community has the traditional characteristics through self identification and determination that will enable it to become registered ('identity evaluation').

Step 2: *Ministry of Interior* registers the Indigenous Community Committee and by-law as a legal entity

Step 3: *Ministry of Land Management, Urban Planning and Construction* surveys the land, places it on the national land register and issues a title.

When done well, with sufficient capacity-building and enough time for a participatory approach the process helps to strengthen the existing levels of community organization and the ability of traditional leaders to enforce these community rights against various threats.

WCS, FA, MoE the three ministries listed above and several local NGOs⁴, have encouraged many neighbouring villages in KSWs to consider titling their lands in the same way. To date 19 have engaged in the process, while three have chosen not to (see Map and Table below). In addition to the seven titles already issued, five further villages have already registered as legal entities and being titling and one of these has formally submitted a land claim. Eventually it is hoped to work with all the 30+ potentially interested villages around the reserve.

TABLE 1: Progress with Indigenous Land Titling for the villages in and around the Seima Protection Forest, Cambodia.

No	Village	Commune	District	Year started	Status	Lead NGO supporters	Other NGOs
1	Andoung Kraloeng	Sen Moronorm	O Rang	2003	Land title issued 20 March 2012	WCS	
2	Ou Rona	Sre Khtum	Keo Seima	2005	Land title issued 25 May 2013	WCS	
3	Gati	Sre Preah	Keo Seima	2007	Land title issued 11 Mar 2013	WCS	
4	Sre Lvi	Sre Khtum	Keo Seima	2008	Land title issued 25 May 2013	WCS	
5	Chakchar	Sre Chhuk	Keo Seima	2009	Legal entity officially registered. Lands conversion requested to MoE	WCS	
6	Khmom	Sre Chhuk	Keo Seima	2009	Legal entity officially registered. Lands conversion requested to MoE conversion	WCS	
7	Sre Andaol	Sre Chhuk	Keo Seima	2009	Legal entity officially registered. Lands public display finished	WCS	
8	Sre Khtong	Sre Chhuk	Keo Seima	2009	Legal entity officially registered. Lands public display finished	WCS	
9	Ou Chrar	Sre Preah	Keo Seima	2009	Land title issued 11 Mar 2013	DPA	WCS
10	Pu Kong	Sre Preah	Keo Seima	2009	Land being demarcated and measured in Oct 2017	DPA	WCS
11	Pu Trom	Romonea	Sen Monorom	2009	Land title issued in 2015	ELIE	WCS
12	Chneng	Sre Khtum	Keo Seima	2009	Legal entity registered and dissolved	MVI	
13	Sre Khtum	Sre Khtum	Keo Seima	2008	Land title issued 7 June 2013	MVI	WCS
14	O Am	Sre Khtum	Keo Seima	2008	Not interested	WCS	

15	Pu Rang	Sen Moronorm	O Rang	2011	Legal entity registered and PLMUPCC rejected ICT	MVI	CLEC
	Pu Ngaov	Memong	Keo Seima	2012	Land titling rejected by MoE	MVI	
16	Pu Ngoal	Memong	Keo Seima	2012	Not interested in ICT	MVI	
17	Pukes	Memong	Keo Seima	2013	Legal entity being registered at MoI	WCS	
18	Pu Char	Memong	Keo Seima	2012	Land titling being review at PLMUPCC	MVI	
19	Sre E	Rumnear	Sebmonorom	2013	Legal entity being registered at MoI	WCS	
20	Putang	Rumnear	Sebmonorom	2011	Not interested in ICT	WCS	
21	Sre Ampil	Sre Khtum	Keo Seima	2010	Legal entity registered	DPA	
22	Sre Preah	Sre Preah	Keo Seima	2007	Not interested in ICT	[DPA]	
23	Pu Char	Sre Preah	Keo Seima	2007	Not interested in ICT	[DPA]	
24	Pu Haim	Sen Moronorm	O Rang	2011	Mixed interest – some settlements request support	WCS	[MVI?]
25	Ronaeng	Sre Chhuk	Keo Seima	not yet	Request support		
26	Preah	Sre Chhuk	Keo Seima	not yet	Request support		

⁴ My Village (MVI), Development and Partnership in Action (DPA), the Elephant Valley Project (ELIE) and Community Legal Education Centre (CLEC).

TABLE 2: Summary statistics of the area of each category of land for indigenous land titles issued to date:

Village	Population		Land area titled (ha)						
Name	HH	People	Burial Forest	Crops	Reserved	Settlement	Spirit Forest	Paddy rice	TOTAL
Andong									
Kraloeng	124	563	10.0	633.3	610.3	134.6	3.8	31.8	1423.7
Gati	65	399	1.0	154.0	69.4	204.5	3.0	71.9	503.9
O Chrar	24	160	6.9	94.7	219.1	140.2	6.5	64.3	531.7
O Rona	229*	1041	1.2	366.8	236.8	33.4	3.1	7.4	648.8
Sre Khtum	84	454	6.7	282.2	817.1	47.1	2.4	183.2	1338.6
Sre Lvi	27	143	6.7	307.6	11.7	20.2	6.9	33.6	386.7
Pu Trom	186	959							
Grand Total	739	3719	49.8	2363.5	1354.2	597.3	65.4	373.7	4803.9

* Around 20% of families in O Rona village chose to withdraw from the indigenous community, and received individual land titles; this figure is the total village population.

Other key agencies involved in communal land titling include

- the provincial Working Group on Indigenous Communal Land Registration
- the Commune Councils, district and provincial authorities
- the International Labour Organization
- the Provincial Sub-committee on Forests, Biodiversity and Development

The Former FA has consistently provided institutional support in which currently being replaced by MoE to this approach, and recognises its value as a way to stabilise and manage the use of land by indigenous communities in this landscape.

ICT & REDD+ benefit Sharing

In July 2016, Royal Government of Cambodia (RGC) which represented by MoE, through a long-running partnership with Wildlife Conservation Society (WCS), has sold the first carbon credits of KSWS REDD+ project to an American company. The revenues from the carbon sale will be used to cover the transaction costs, operation costs, project strengthening and community development. The Keo Seima Wildlife Sanctuary (KSWS) REDD+ Project covers 166,983 ha of forest in the KSWS in which There are 20 IP villages which are participating in the KSWS REDD+ project. The sale and terms agreements were signed and in the carbon revenue distribution part of the agreements, expanded community activities which using the community development budget allocation will be determined by FA (now MoE) and WCS, with input from the beneficiary communities according to a process to be developed by FA (now MoE) and WCS. These are likely to include such activities as: well and irrigation construction; repair of bridges and other basic village infrastructure; agricultural training and provision; support to health care services for villages, and pregnant women in particular; community forestry and forest management; and priority social services, especially for women and children.

For those villages with Indigenous Community Land Title (ICT), they all agreed that a committee should be established in each village by using the legal documents of ICT and the members of committee should come from the Indigenous Community Committee (ICC), members of the commune council, chief of the village and a representative from WCS. 14 of 20 village are ICT who directly benefited from REDD+ in which 14 ICC get the first opportunity to use REDD+ p

budget with amount of 11,766.80 USD /village for community development in July 2017-July 2019. Now, They have use their legal entity status for opening bank account by following completion of 12 village REDD agreement in Oct, and expected that the whole implementation will be applied benefit sharing and conservation.