

Mapping and Tenure Security in Cambodia's Indigenous Communities

Report Summary

September 2009

Introduction

National level discussions involving community, NGO and government representatives on ways to improve the tenure security and recognition of indigenous communities land have included recommendations to assist them in mapping the boundaries of their claims. However, a lack of a consensus on how mapping of indigenous community lands should proceed, and how this should be recognized has hindered implementation of these recommendations. In order to help clarify these issues, research was carried out from March to October 2008 to understand the results of mapping activities carried out to date¹.

The aims of this research were (a) to better understand the impact on tenure security and access to natural resources of various approaches to mapping in Cambodia's indigenous communities; and (b) to inform discussion about how mapping might be used to enhance tenure security and access moving forward. The research explored a variety of issues including participation and community understanding, the legal recognition of maps, cooperation with government authorities and other stakeholders, the strategic use of maps and problems faced. This paper summarizes the findings from this research.

Methodology

Research was conducted in 16 villages with ten NGO partners in six provinces. A Cambodian researcher led the research accompanied by the participating NGOs and at times by two international consultants. The researchers spent

one day in each village carrying out an assessment of mapping activities. As well as interviews, discussion, and village walks, different kinds of maps were presented and discussed to assess their understandability and usefulness. This was followed by an assessment of mapping strengths and weaknesses within the partner NGOs. Research findings were fed back to participating communities and NGOs in two regional workshops and one national level workshop.

Communities selected for this research included a mix of those who had carried out mapping to build community participation and understanding, and those whose priority was to gain recognition of claims from government authorities. Villages selected demonstrated a range of situations faced by indigenous communities in Cambodia.

Main Mapping Approaches Being Used

1. Mapping for participatory land use planning (PLUP)

PLUP activities have been implemented in indigenous villages in Ratanakiri province since the early 2000s. Because of the length of time to complete a PLUP, a 'quickstep' PLUP was implemented from 2003 to 2005. In total 26 Communes out of 49 in the Province completed a quick or slow step PLUP. Key research findings about this work include:

- PLUPs have often been conducted quickly as a one off activity without sufficient village level preparation (capacity building and engagement) or follow up. As a result the maps produced have often been little understood or used at the local level.

1. This study was a collaborative effort of Heinrich Böll Foundation, the World Bank, NGO Forum on Cambodia and several NGOs and indigenous communities.

- PLUP is without a solid basis in Cambodian law, and official recognition of PLUP style maps remains weak. Even PLUPs approved at the provincial level have not prevented sales or grants over indigenous community lands.
- Government PLUP teams lack incentive due to low salaries.

The few successful examples of successful PLUP type mapping are largely due to long term NGO support, high levels of community solidarity, engagement with and recognition by relevant authorities, and low to moderate levels of outside pressure on land and forest resources. PLUP has been weakest in accessible villages with high levels of in-migration, rapidly increasing land values and/or government promotion of intensive agriculture. PLUP processes initiated, but not completed, have not improved community solidarity or tenure security. There was some residual awareness of maps and mapping however.

2. Mapping for community forestry (CF)

CF mapping was seen by villagers as a way to secure what was left of their communal resources. However this kind of mapping does not attempt to address broader land tenure security issues. Also the process is highly dependent on following the requirements of an outside agency. This means ownership by the community of their forest area may be compromised. Also in none of the villages visited had the CF process been officially recognized. However given that people are in search of new ways of dealing with land and forest problems, CF mapping was perceived as a positive step by those involved in it. As one community forest committee member from Mondulkiri province explained: “We can’t see the future but we have to do what we can now or we will lose everything. We have all this knowledge in our heads, but ...without a map it’s hard to communicate our problems to others”.



3. Mapping as part of the ‘legal entity’ registration process

Registration of indigenous communities as legal entities is a prerequisite for communal land titling. NGOs have been assisting villagers to prepare maps of village boundaries and/or what they claim as their traditional territory. This is to show they are an indigenous community and to gather evidence of a claim for a communal land title.

Village boundary mapping, in these instances, was generally conducted quickly, with villagers reporting they did not learn much about maps and mapping in the process. However many villagers found the experience of negotiating with their map with neighboring villages and the commune council was empowering. A local NGO representative said the process “helps people to be brave. Now they dare to complain.”

4. Mapping as part of participatory community development processes

Because of the dual goals of community mapping, to empower communities and to gain recognition from outsiders of the community’s claims, there is a tension between sketch mapping (which may facilitate greater community understanding and ownership), and more technical scale mapping which is more legible to outsiders. Efforts to make scale maps for official recognition have often fallen short of their objectives. Therefore some communities/NGOs are using participatory sketch mapping to build community solidarity.

Community representatives said their sketch map is used for internal discussions as it is easier to understand. Women in particular said they prefer to read sketch maps as many do not have time to join in the mapping trainings and cannot read the technical scale maps. However villagers said they need a scale map for presenting to outsiders. There appears to be a good argument for a two step process, with sketch mapping for wider community engagement and scale maps for communicating with the outside world.

Mapping and Specific Land & Natural Resources Management (NRM) Issues

Village boundary disputes

Unclear village boundaries have been a major reason for land selling. Villagers often cite defining village boundaries as one of the key advantages of mapping. People do not feel their tenure is secure so they sell their village land, before their neighbor does. Those with the weakest land claims are often the first to sell their land (Fox et al. 2008)². PLUP was supposed to deal with resolving boundary disputes but quick step PLUP mapping only delineated commune boundaries, and left disputes between villages unresolved.

Engagements with concessionaires or prospective concessionaires

Fear of losing lands and livelihoods to concessions was expressed in many communities. Most often concessions are approved without consulting the affected communities. Companies also feel they do not have to explain anything to local communities. Communities say they want a map of their land to show the companies. Also they say the company's maps are often out of date and do not show key information such as the present location of villages. Because of this they are difficult to read. Updating government mapping databases with field data which shows present land uses, could be addressed as part of wider mapping support processes.

Land Transactions

Some villages have been able to preserve their solidarity and have prevented land selling. Several other villages have been selling their land. The sale of indigenous communal land is not permitted under the Land Law (2001). Small scale local deals however characterize the land market in upland areas. Local authorities play an ambiguous role in brokering and endorsing land transactions of dubious legality. Fraud and duress are common. Land transactions create many conflicts - buyers expand beyond what the locals understood they had sold, members of the village (or neighboring villages) challenge the legitimacy of the sale, etc. Representatives

of a number of villages stated that one of their objectives for mapping was to stop land selling and preserve land and natural resources for future generations.

Conclusions & Recommendations

The results of efforts by indigenous communities, supported by NGOs/IOs and government departments, to claim and protect their land and forests with maps have been inconclusive. A map is not able to significantly alter the power imbalances which indigenous communities face. However in the right circumstances the process of mapping and the existence of a map accepted by stakeholders can be a catalyst in changing attitudes within communities and amongst local authorities. Mapping can also tip the terms of the negotiation or the weight of evidence slightly in the community's favour.

Some general conclusions from this research include:

1. Demand for maps

Indigenous communities are in search of new ways of dealing with the land and natural resources challenges they face. Despite the insufficiency of mapping as a broad solution to indigenous tenure security, there is an ongoing demand from indigenous communities for mapping of their lands. NRM committee members said that before they could live without a map, but this is not possible now as they would lose all their resources and would not have enough land for agriculture.

2. The best case scenario - maps made and used with effect

The strategic use of maps in defending the community's interest was found to be most effective in villages where mapping supported the development of community solidarity (through community building, and empowerment, awareness raising, etc.), and competency around land issues. This, however, had occurred only in a minority of the villages studied.

3. The general case - mapping with disappointing results included such factors as:

- Mapping efforts led by local NGOs with limited capacity and where land tenure and

2. Fox, Jefferson, Denis McMahon, Mark Poffenberger and John Vogler (2008). Land for My Grandchildren: Land Use & Tenure Change in Ratankiri: 1989-2006.

communal governance structures were already in a state of crisis.

- Mapping initiated by government departments often with little community engagement, capacity building or follow up.
- Mapping suspended before completion or the communities never receiving the final product.
- Without follow up maps completed as recently as two or three years ago were rarely used with effect.

4. NGO support is of inconsistent quality

Many NGOs supporting mapping lack the capacity to undertake mapping activities effectively. These NGOs often have to deal with intermittent funding. Also there is little learning occurring between NGOs. More secure funding, ongoing learning and exchanges, and technical backstopping would enhance this work.

5. Communities lack the confidence and capacity to understand and effectively use their maps

Communities are not receiving the focused support they require to reinforce their claims. Local authorities often challenge the community's mapping capacities. Maps are only as effective as the community representatives who use them. Often there was only one small map in the community, often in the house of the village or NRM committee chief. Map literacy would be greatly improved by having the maps more prominently displayed, and map reading taught as part of non formal education classes, etc. The involvement and understanding of village women also needs to be addressed. Appropriate training would include women facilitators who can help to explain mapping to village women and allow women to contribute their ideas.

There is also a trade off between producing a map and building community understanding. Community control and ownership is the key to successful community mapping and for this communities need ongoing support. More emphasis is also required on strategies for using the map to work collaboratively with other stakeholders.

6. No single solution...

Maps on their own will not solve indigenous peoples' land tenure issues. Strategies to protect land need to tap into multiple sources of power (community solidarity, local administrative recognition, legal recognition, international public opinion, etc.). Strategies need to be defined at the community level to respond to these factors.

7. ...but some general lessons

Community capacity to use a map for advocacy purposes will only be achieved with (a) preparatory and community participation processes and (b) follow up engagement, cross community networking and advocacy support. Maps need to be simple to make them as user friendly as possible. Communities have also advocated for physical demarcation of boundaries with marker posts, etc.

8. Avenues for communication between communities, NGOs, and the government authorities are few

It is important to structure regular dialogue with relevant agencies, including strategic engagement with processes that could lead to greater recognition of community claims. Engagement with the Forest Administration over forest demarcation for example could be fruitful. Engagement with commune councils to get local level recognition of maps and claims, can also help resolve local level disputes "The map would stop us from going on others' land and others from taking ours" (Dak Dam village CF member).

In Conclusion

Participatory mapping processes can only be part of a much wider effort to provide communities with the skills and information they need to defend their interests. Mapping therefore cannot be separated from other necessary parts of community empowerment - community cooperation and organizing, developing new skills, etc. If donors want to successfully support government as well as non-governmental organizations in securing indigenous peoples' access to land and natural resources, work at the community as well as at the policy level will need to be resourced much more intensively.

The full-length study can be found at: www.boell-cambodia.org