



ដែនការិសអង្គភាពមិនមែនប្រហិជាយ ពួកឱកខ្មែរ
The NGO Forum on Cambodia

ធ្វើការូបត្ថាដីក្នុងការរំលែកដោយជួល
Working Together for Positive Change

PREY LANG DEVELOPMENT CASE: DO PEOPLE BENEFIT FROM ITS DEVELOPMENT?



Phnom Penh, Cambodia
October 2013

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Printed Date: October 2013

Published by: The NGO Forum on Cambodia
Land and Livelihoods Program
Forestry Rights Project

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ACKNOWLEDGEMENTS

The author wishes to thank the many people from the various communities who took part in the surveys and to the Prey Lang Community Network (PLCN) members for their support and logistical assistance. The author was widely assisted by staff from various NGO's such as National Resource Protection Group (NRPG), East West Management Institute (EWMI), Cambodian Centre for Human Rights (CCHR) and the NGO Forum on Cambodia (NGOF). Special thanks must also be given to LICADHO for their support, particularly with mapping of Economic Land Concessions and also to the Open Development Cambodia (www.opendevcam.net) as an excellent source of official documentation. The author also thanks botanist Ida Theilade PhD, Senior Researcher at the University of Copenhagen for her valuable input and to the data collection team who coped admirably with some extremely difficult circumstances.

While the author provided the majority of images, thanks must also be given to Lars Schmidt of the University of Copenhagen, to LICADHO, and to NRPG for additional images used in this report.

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ACRONYMS

CDC	Council for Development of Cambodia
CF	Community Forestry
CCHR	Cambodian Centre for Human Rights
CMDG	Cambodia's Millennium Development Goals
CTSP	Cambodia Tree Seed Project
EHE	Environment and Health Education
EIA	Environmental Impact Assessment
ELC	Economic Land Concession
ESIA	Environmental & Social Impact Assessment
EWMI	East West Management Institute
FA	Forestry Administration
FiA	Fisheries Administration
MAFF	Ministry of Agriculture, Forestry and Fisheries
MLMUPC	Min of Land Management, Urban Planning and Construction
MoRD	Ministry of Rural Development
MoWRAM	Ministry of Water Resources and Meteorology
MoE	Ministry of Environment
MIME	Ministry of Industry, Mines and Energy
NGO	Non Governmental Organization
NFP	National Forest Programme
NGOF	NGO Forum on Cambodia
NRPG	National Resource Protection Group
NTFP	Non Timber Forest Products
PLCN	Prey Lang Community Network
REDD/REDD+	Reduced Emissions from Deforestation and Forest Degradation
RGC	Royal Government of Cambodia
VRG	Vietnamese Rubber Group
UN	United Nations

Khmer term

Chamkar Vilchum	Traditional rotational agriculture farm
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SUMMARY

Prey Lang Forest is seriously threatened by Economic Land Concessions (ELCs), mining activities, and illegal logging and clearing, which appear to involve local and provincial authorities on at least some occasions, often with the support of the military and or companies involved in land concessions. Some ELCs are being granted illegally without following existing government legislation, conducting Environmental Impact Assessments (EIA) or consulting with local communities. These communities are losing the traditional lands and resources they rely upon to survive.

Like most indigenous communities around the country, Prey Lang communities oppose ELC's in their areas and are deeply concerned about their future security. The loss of the forest is seen as nothing less than catastrophic by the majority of those interviewed for this report. They do not want to change their livelihoods by working for concessionaires due to low wages, short-term ad hoc employment, and poor working conditions. Rather than benefiting rural communities, the ELC's are expected to increase in landlessness and poverty¹, as they have in other areas.

Although Cambodian law provides for forest protection and land use planning, weak implementation often enables illegal activities and the various problems arising from ELC's. One obvious solution would be to close legal loopholes such as the Prakas on The Implementation on General Guideline for Conducting Environmental Impact Assessment Article 2, which requires concessionaires to conduct "IEIA or full EIA for proposed projects and submit them to the MoE for review, "except some particular and urgently needed projects that are decided by

¹ Land Governance for Equitable and Sustainable Development Land Acquisition by Non-Local Actors and Consequences for Local Developments: Impacts of Economic Land Concessions on the Livelihoods of Indigenous Communities in Northeast Provinces of Cambodia, Men Prachvuthy, March 2011

the Royal Government".² This loophole has enabled concessionaires to delay ESIA's until well after forests have been cleared and land converted to other purposes.

In Sandan widespread allegations describe local and district officials, including forest officers, as being involved in land grabbing and illegal logging. The Forest Administration officers at the Sandan check post have been accused of heavy involvement in illegal logging, motivating many complaints by local people. In other areas of the forest, community informants made similar complaints about forest officers.³

The Forest Administration will attempt to have Prey Lang designated as a protected area, and such a goal maybe attainable. However, the current scale of illegal activities must be addressed in the long-term to maintain even the minimal integrity of the forest.

Laws must be strictly implemented and the allegations against local and district officials of involvement in illegal logging should be investigated immediately. In order to stop most of the illegal logging across Prey Lang, the government should permit local communities to co-manage the landscape of Prey Lang, in particular to co-manage the FA check-posts.

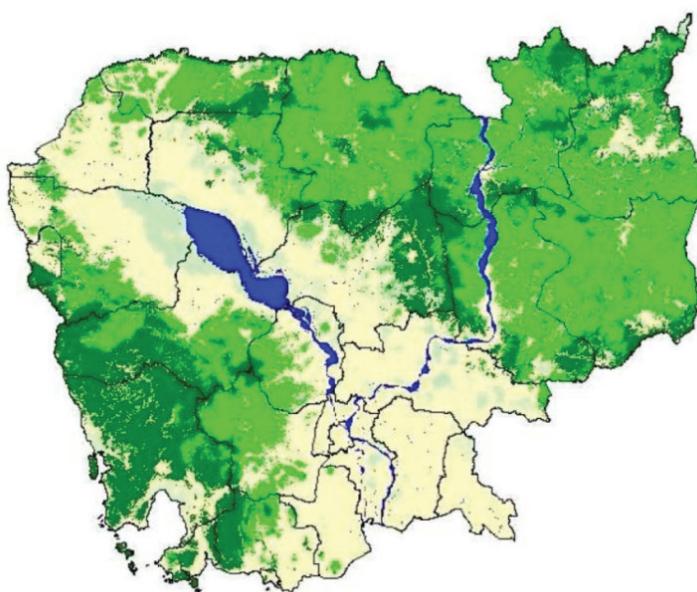
² Prakas on the implementation on general guideline for conducting environmental impact assessment, 02 Sept 2009. (Ministry of Environment, Prakas No 376)

³ Details can be found in the Results section of the report under "Forestry Administration Activities".

CHAPTER I - INTRODUCTION

1. Cambodian Forestry

The recent history of Cambodia's forests has been one of constant decline. During the 1980's the country's forests were cut by both the Khmer Rouge and Vietnamese to fund their fighting. When the Vietnamese left the Kingdom in 1989, the various factions that remained enmeshed in civil conflict continued this practice. After the elections in 1993, the Royal Cambodian Government (RGC) established 36 forest concessions covering a total of 7 million hectares, almost 70% of Cambodia's forest-cover (National Forest Programme 2010-2029). During this period, weak law enforcement allowed illegal logging and land grabbing to go unchecked and deforestation rose dramatically. Eventually Cambodian forest communities raised significant complaints to both the World Bank, which had promoted forest concessions, and the RGC. On January 1st, 2002, the Prime Minister issued a moratorium to on logging concessions while the Forestry Administration (FA) subsequently developed a new strategy for the management of the countries forests⁴.



Map 1: National Forest Cover Map 2006 FA

Since 2006, many of the forest concessions have been reassigned for other purposes, in essence violating the spirit of the moratorium which remains in

⁴ National Forest Programme 2010-2029 and the associated "Background document" issued by the FA

place. ELC's have become a major driver of deforestation even while illegal logging has continued to be a serious problem. The main crops for which forests are being cleared are rubber, sugar cane and more recently, crops for bio-fuels such as cassava. Some of this conversion is via ELCs while other conversion represents ad hoc land grabs.

Land encroachment, largely for agriculture, and the continuing migration of landless people are also significant drivers of national deforestation. The continuing use of fuel wood by a large percentage of the population, including the brick kilns of this fast developing nation, should also be considered as a serious threat to Cambodia's remaining forests⁵.

Despite the dramatic loss of forests over the past few decades, Cambodia still has one of the highest levels of forest cover in South East Asia. According to the FA's 2010 annual report, the country had 56.94% forest cover, a drop of 2.15% since 2006, while under Cambodia's Millennium Development Goals (CMDG) the Kingdom should increase its national forest cover to 60% by 2015. A spokesman for the FA warned in Jan 2010, "...that the government's Millennium Development Goal of 60 percent forest cover may not be met because of the trend of loss due to economic land concessions," while also noting that a number of additional concessions are under consideration⁶.

2. Forest Land Management

The majority of the Kingdom's forests are state property and fall under the management of different government agencies, depending on classification of the forest type. The main laws covering forestry issues are the Land Law (2001) and the Forest Law (2002). The Land Law (2001) classifies land into four main categories: i) *State Public Property*: land that carries a public interest and is held by the state in public trust; it cannot be sold or transferred to another entity. Prey Lang falls under this category. ii) *State Private Property*: state land that does not carry a public interest and can be sold and transferred to another entity; this includes degraded forest often converted to ELCs; iii) *Indigenous Land*: land where indigenous communities have established their residence and carry out traditional agriculture and forest livelihoods; iv) *Private Land*: land owned privately. However, it should also be noted that by passing a Sub Decree on Rules and Procedures on Reclassification of State Public Properties and Public

⁵ REDD + in the Prey long Area - A feasibility study: March 2011, Stavros Papageorgiou, Jenny Hewson, David Emmett, Marc Steininger. Conservation International.

⁶ Cambodia: Forests under threat - The Phnom Penh Post, 17th January 2011, by Vong Sockheng and James O'Toole in reference to the FA annual report 2010.

Entities⁷ it is possible to have *State Public Property* converted to *State Private Property*, a common progression in transferring forested land to concessionaries.

Under the Forestry Law (2002) forests are defined as the Permanent Forest Estate, which is divided between the Permanent Forest Reserve and private forest areas. The Permanent Forest Reserve, around 70% of Cambodia's forests, is considered State Public Land falling under the management authority of the FA and is further divided in table 1 below. In addition to the FA, the Ministry of Environment (MoE), Fisheries Administration (FiA) and several other government agencies are also involved in the management of the country's forests. The Ministry of Agriculture, Forestry and Fisheries (MAFF) is directly involved with issuing ELC's to businesses; the Ministry of Industry, Mines and Energy (MIME) issues mineral exploration and mining licenses, while Exploitation, Development and Use Concessions, which include concessions for mining, are issued by the Council for Development of Cambodia (CDC). The Ministry of Water Resources and Meteorology (MOWRAM); Ministry of Rural Development (MoRD), the Ministry of Environment (MoE), the Ministry of Roads and Transport (MoRT), and the Council for Development of Cambodia (CDC) can also have significant input on other kinds of development. Other stakeholders in Cambodia's forests include the military, private companies, indigenous communities, NGO's and the donor community, serving to complicate management issues even further.

Table 1: Administration of Cambodia's Permanent Forest Estate

Forest Type	Jurisdiction	Definition of Forest Type
Permanent Forest Reserve - State public land.		
Production Forests	Forestry Administration	For Forest Concessions and Community Forest areas, primarily for sustainable production of timber and NTFP's
Protected Forests	Forestry Administration	For conserving biodiversity, protecting vital ecosystems such as watersheds.
Conversion Forests	Forestry Administration	Idle and heavily degraded forest. Can be reclassified through Sub-Decree for development or for economic/social land concessions.
Private Forest Areas - Non-state private lands with forest resources		
	Forestry Administration	Includes forestlands transferred to indigenous peoples through indigenous communal land titling.
Protected Areas	Ministry of Environment	Other category of state property.
	Fisheries Administration	Flooded forests, mangrove forests.

⁷ Sub-decree No. 129 ANK.BK – November 27, 2006

2.1 National Forest Programme 2010-2029

In 2010, the FA issued its National Forest Programme (NFP), a national plan for Cambodia's forest resources from 2010 to 2029. The NFP's nine objectives are designed to "Advance the sustainable management of forests for their contribution to poverty alleviation, enhanced livelihoods, economic growth and environmental protection, including conservation of biological diversity and our cultural heritage".

The NFP's first objective provides a strong argument for protecting Prey Lang because of the value of the forest to hundreds of thousands of people. Together with the forest's importance in terms of eco-system services and biodiversity, the framework of the NFP provides ample reason for providing Prey Lang with the highest form of protection currently available, that of *Protected Forest*.

Table 2: National Forest Programme objectives produced by the FA

National Forest Program – Objectives	
1	Maximize sustainable forest contribution to poverty alleviation, enhanced livelihoods and equitable economic growth.
2	Adapt to climate change and mitigate its effects on forest-based livelihoods.
3	Macro land-use planning that allows for holistic planning across sectors, jurisdictions and local government borders.
4	Forest governance, law and enforcement at all levels.
5	Develop a conflict management system.
6	Raise awareness, capacity of institutions and quality of education to enable sustainable implementation of the National Forest Programme.
7	Ensure environmental protection and conservation of forest resources.
8	Apply modern sustainable management models adaptive to changing context.
9	Develop sustainable financing systems.

2.2 Community Forestry Programme

Community Forestry (CF) in Cambodia began during the mid 1990s and was further developed into the National Community Forestry Programme in 2006. Issuance of CFs has continued to expand in recent years and the NFP commits to a 20-year program to further develop Community Forests around the country⁸. This is in part to meet the country's Millennium Development Goals to reduce

⁸ National Forest Programme 2010-2029, produced by the FA – page 89

poverty and increase security in rural areas. Under the CF program, communities are assigned areas of forest to manage. CF agreements are signed for an initial period of 15 years, to be followed by a review, the details of which have yet to be decided.⁹ The expansion of the CF Program, provided that it is properly implemented, supported and enforced, would help forest communities sustain and protect their resources. As of 2009, the government listed over 400 CF sites¹⁰ in the country. However, too often, the areas granted were degraded or low quality forest with very few NTFPs. For example, the CF in Sre Veal village in Sandan appears to have been used to placate community members prior to the issuance of an ELC. In the case of Sre Veal, villagers complained the CF was only “low forest”, while the ELC received primary forest, from which the villagers had previously harvested most of their NTFPs.

3. Economic Land Concessions

The FA's 2010 annual report, acknowledged 1.3 million hectares in ELCs at the time of publication. This included many concessions inside protected areas. In recent months, the new concessions have been announced in Snoul Wildlife Sanctuary of Boeung Per Protected Forest, which is only a few kilometres west of Prey Lang and which has already been significantly damaged by clear-cutting even in the heart of the forest. As with Prey Lang, local forest dwelling communities are protesting against these ELCs and the logging that is taking place adjacent to them. Other protected areas that have concessions, as of April 2012, include Phnom Aural Wildlife Sanctuary, Phnom Samkos Wildlife Sanctuary, Virachey National Park, and Bokor National Park.

In 2011, it has been difficult to keep up with the pace of ELCs that have been issued with conflicting information being provided by officials. On October 24th 2011, Boeung Per's director Von Theoun was quoted as saying that 100,000 of the 242,500 hectares protected area is now being developed through ELCs issued under various sub-decrees¹¹. Just weeks later it was reported that in the latest 'Royal Book', which lists all government-issued sub-decrees, Prime Minister Hun Sen had signed over 25,729 hectares of land in the Kulen Prumtep Wildlife Sanctuary, and a further 760 hectares in the Boeung Per Wildlife Sanctuary in

⁹ National Forest Programme 2010-2029, produced by the FA – page 91

¹⁰ National Forest Programme 2010-2029, produced by the FA – page 90

¹¹ <http://www.phnompenhpost.com/index.php/201102852407/National-news/wildlife-sanctuary-shrinks-again.html>

December 2011. Von Theoun, was quoted as saying 14 companies were now developing about 150,000 hectares in the area¹².

Box 1: Taken from the Cambodia Daily article, “Carving up Cambodia,” March 10th 11th 2012.

“A trend among the new concessions is that they are increasingly being granted inside protected forest areas, causing deforestation rates to soar. The Ministry of Environment recently opened up its 23 national parks and wildlife sanctuaries to investment firms, giving away about 346,000 hectares in 13 conservation areas or 10.5 percent of the total area-to rubber plantations, Licadho data shows. Much of it is located in pristine forest areas. About 251,000 hectares of these concessions were granted in 2011 alone, according to sub-decrees obtained by The Daily, while another 40,000 hectares have been allocated so far this year”.

We may never know just how much land exactly has been given over to private companies. As of April 2012, the NGO Forum on Cambodia put the figure at 1.78ha million¹³, while LICADHO suggested 2,036, 170ha¹⁴. These differences are possibly due to the difficulties in obtaining data on granted ELCs.

The claims of mass job creation from these concessions are often grossly exaggerated and more often than not the jobs that do exist require skills that local people do not possess and so end up going to people from outside of the area¹⁵.

¹² <http://www.phnompenhpost.com/index.php/2012010353748/National-news/companies-granted-wildlife-land.html>

¹³ NGO Forum on Cambodia “ELC Database 2011”. Note: No actual data for 2012 available now.

¹⁴ “Carving Up Cambodia: One concession at a time”; A Join LICADHO/Cambodia Daily Analysis, The Cambodia Daily, Issue number 730, March 10-11, 2012, Pg 4ff.

http://www.camnet.com.kh/cambodia.daily/selected_features/Carving%20Up%20Cambodia.pdf

¹⁵ Land Grabbing & Poverty in Cambodia: The Myth of Development, by Licadho May 2009: Economic Land Concessions and Local Communities by NGOF, August 2011.

Box 2: Definition of an Economic Land Concession

Definition of an Economic Land Concession

According to Art.2 of the Sub Decree on Economic Land Concessions, issued by government in 2005, an ELC “refers to a mechanism to grant private state land through a specific economic land concession contract to a concessionaire to use for agricultural and industrial-agricultural exploitation”.¹ It is therefore a right to occupy private state land for agricultural and industrial-agricultural exploitation, serving economic purposes. Art. 2 further define: “Industrial-agricultural exploitation refers to:

- cultivation of food crops or industrial crops including tree planting to be tree plantation.
- raising of animals and aquaculture,
- construction such as a plant or factory and facilities for the processing of domestic agricultural
- raw materials, or a combination of some or all of the above activities”.
- The maximum duration of an Economic Land Concession is 99 years².

¹Art. 3 Sub Decree on ELC's

²Art. 59 Land Law

On April 2nd 2010, during a parliamentary discussion on ELCs, Im Chhun Lim, Minister of Land Management, Urban Planning and Construction (MLMUPC) told lawmakers the government had awarded only 950,000 hectares to economic concessions, 300,000 of which had been withdrawn due to company inactivity¹⁶. The Minister's figures suggest one third of all concessions are not concluded.

4. Indigenous Peoples - Rights and Land Tenure

Traditionally, forest communities are deeply invested in the land and forest. In Prey Lang, resin trees are not only a primary source of income but they also represent an important form of equity. Resin trees are passed down through generations; in the case of an emergency, a tree may be sold. While resin and other NTFPs may not provide a large income, the forest does offer security for indigenous communities and provides important resources not just for them but for other consumers as well.

The indigenous peoples of Cambodia are spread throughout the country. According to the 2008 population census, 1.34% of the total population or

¹⁶ <http://www.cambodiamirror.org/2010/04/03/the-government-provides-950000-hectares-of-concession-land-to-companies-friday-2-4-2010/>

179,000 people reported having an indigenous language as their mother tongue¹⁷. However as there are an increasing number of indigenous people speaking only Khmer, this number of indigenous people is believed to be significantly higher.

Defining just who falls under the term “indigenous people” is not clear. Cambodia has a wide range of laws to ensure the rights of its indigenous peoples, however there are a great many communities termed Khmer which share similar characteristics and practices; they depend on the same livelihoods, share many of the same beliefs in forest spirits, and often have communal ‘Spirit Forests’, mirroring the culture of local indigenous groups. Once labelled “Khmer,” these communities are considered ineligible for indigenous rights to communal land. To qualify for certain rights as indigenous people they must prove they are in fact indigenous and not Khmer. It has been reported that some private companies and local authorities have tried to side step provisions to protect indigenous communities by variously claiming they are not indigenous people because they do not wear traditional clothing or because they use motorbikes, own mobile phones, or speak Khmer¹⁸, all of which have little relevance to identifying if someone is from an indigenous group.

Indigenous peoples in Cambodia are for the most part forest dwellers often living in long-established communities. They rely almost entirely on the natural resources around them for their everyday existence, collecting building materials, foods, and medicines. For many, the forests also provide an income, which is mainly derived from the sale of tree resin that is collected from several species of dipterocarps. It is estimated that 20,000 tons of resin are collected annually in Cambodia¹⁹. This is often the only source of income for villagers with most families claiming ownership of several hundred trees. Actual income varies depending on both the quantity and quality of the resin collected. Additional income is also derived from other forms of NTFPs such as rattan, while timber has historically been used for construction rather than for generating income. The poor quality of the soil found in much of Prey Lang is not ideal for rice farming so people often grow other crops such as soy, beans, corn and cashew, which are generally used as cash crops to buy the family rice²⁰.

¹⁷ Current Population Census Of Cambodia 2008, Hor Darith, Deputy Director General, National Institute of Statistics (NIS)

¹⁸ Losing Ground – Forced Evictions and Intimidation in Cambodia September 2009.

¹⁹ Capacity Building for Law Compliance in the Forest Sector - Case study: Cambodia by Liviu Amariei for FAO/ITTO, December 2004

²⁰ This is taken in part from information collected during this study and from the report Dipterocarp oleoresin in Vietnam and Cambodia: harvesting techniques, resource management and livelihood issues - Hong-Truong Luu Center for Biodiversity and Development (CBD), Femy Pinto NTFP-Exchange Programme for South and Southeast Asia May 2007

Educational standards are often low, in part because of the remoteness of some communities but largely due to language. This is complicated further as many of the indigenous groups do not have a written language. Khmer is currently the only language taught in Cambodian schools, with the exception of a handful of bi-lingual schools in Mondulkiri, which were initiated by the government in 2009²¹. The educational status of most indigenous people remains low, greatly affecting their ability to comprehend their rights under Cambodian law.

While Cambodian law provides several provisions for the protection of indigenous lands, contradictions between various laws and sub-decrees are also depriving many indigenous people around the country of these rights. For instance the Protected Area law²² specifies that indigenous people cannot obtain land titles for farmland in community protected areas²³. This directly conflicts with the Land Law, which provides for some state public land to be included in communal land titles of indigenous peoples.

A sub-decree on land registration also places limits on the amount of spirit forest and burial grounds to be included in collective titles²⁴, whereas the Land Law states that the boundaries of the immoveable property of indigenous communities are to be determined on a case by case basis²⁵.

The 2001 land law provides for collective land titling of indigenous land, however the sub-decree required to implement the law was not adopted until 2009 and contains many confusing and contradictory clauses. The Sub-decree on Procedures for Registration of Indigenous Community Land was passed in May 2009, however, before the land can be registered, the community must be registered as a legal entity by the Ministry of the Interior, before making an application²⁶. The Ministry of Interior has yet to adopt a legal framework to recognise and register indigenous communities and often the courts will not adjudicate on cases concerning indigenous community rights until they have been registered. This makes the entire process very difficult and it was only in December 2011 that the first 3 communities, in Rattanakiri and Mondulkiri

²¹ Rights of Indigenous Peoples in Cambodia: February 2010, NGO Forum, Indigenous People NGO Network, Asian Indigenous Peoples Pact, Cambodian Human Rights Action Committee, Human Rights Task Force.

²² Protected Area Law, 2008, Article 26

²³ Quote from "The Rights of Indigenous Peoples in Cambodia, Feb 2010

²⁴ Under the Protected Area law the MoE determine community protected areas.

²⁵ Quote from "The Rights of Indigenous Peoples in Cambodia, Feb 2010

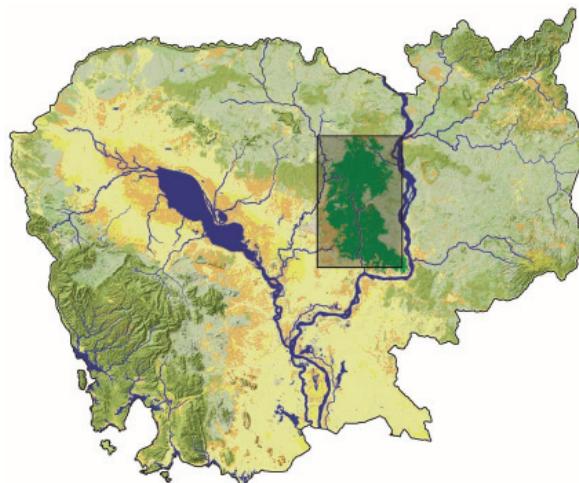
²⁶ Article 3, Sub-decree on Procedures for Registration of Indigenous Communities

provinces finally received their communal land title from the government. Some had waited almost 6 years²⁷.

5. Geography and Population in Prey Lang

The greater Prey Lang area straddles the four provinces of Kratie, Kampong Thom, Preah Vihear and Stung Treng and has been variously described as ranging from at least 350,000 hectares by EWMI to 520,000 hectares in the recent Conservation International REDD report²⁸. These consist largely of subsistence farmers and forest dwelling communities, which rely directly on the forest for their livelihoods collect firewood, building materials, medicinal plants, and much of their daily food intake from the forest. According to some studies as much as 80% of families in Prey Lang also collect and sell various forms of tree resin as their main source of income²⁹. Communities include some of the most remote in the entire country with, what can be best described as 'challenging' transportation issues, even at the height of the dry season.

The population of Prey Lang includes a large number indigenous people, mostly from the Kuy ethnic group. For the Kuy and other forest dwelling communities, Prey Lang not only provides for most of their daily needs, it is an essential part of their cultural and spiritual life with the majority of communities setting aside areas of *Spirit Forest*. Traditional rotational farming or 'Chamkar Vilchum' is widely practiced with families clearing small areas of forest to grow rice and other vegetables such as soy and corn. As the quality of the soil that exists across much of Prey Lang is quite poor, crops can only be grown for 2 to 3 years on any one site without the use of expensive fertilisers. Families then rotate to another site and the forest is allowed to regenerate, typically for around 20 years before



Map 2: Location of Prey Lang forest, supplied by EWMI

²⁷ ADHOC quote <http://www.phnompenhpost.com/index.php/2011121653455/National-news/indigenous-families-6-year-title-wait-ends.html>

²⁸ REDD + in the Prey long Area - A feasibility study: March 2011, Conservation International.

²⁹ An Ecological Survey of Prey Long, McDonald, J.A. 2004 for Global Witness,

they return to the original plot. This traditional form of farming has existed for many hundreds if not thousands of years and has been sustainable until the recent increase in outsiders encroaching on the forest.

6. Biological Diversity

6.1. Vegetation

Prey Lang is now the last remaining significant area of lowland evergreen forest in all of Burma and Indochina with this forest type now recognised as being globally threatened. Botanical surveys over the past few years have revealed a diverse and unique floral composition within Prey Lang that is made up of at least seven different forest types.³⁰ These can be classified into the broader categories of evergreen, semi-evergreen, and deciduous forests.

Table 3: Vegetation types of Prey Lang

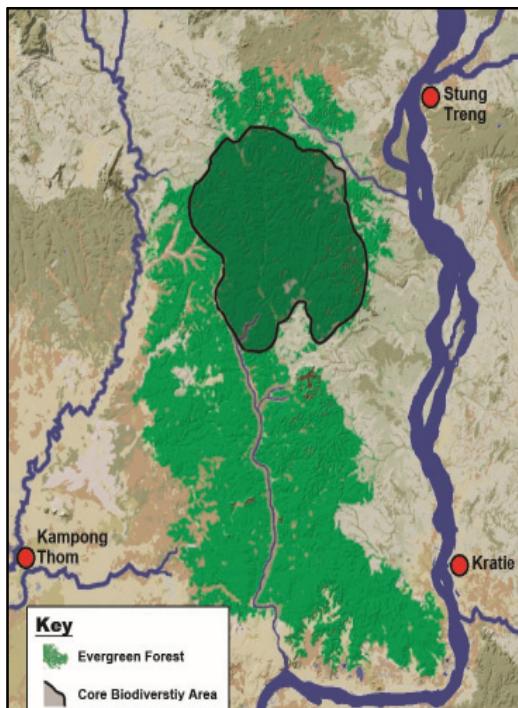
Vegetation Type	Characteristics
Deciduous forest	This type of forest is similar to the dry seasonal forest found in dryer climates Indochina. Trees are relatively short (3-12 m), with mainly drought tolerant species with small leaves and thick barks. Dry deciduous forests form a transition to natural grassland, which are found on the very dry sandy sites.
Semi-evergreen Short forest	This forest is a transition type to tall evergreen forest, and often with similar species composition, yet trees are significantly smaller.
'Sralao' forest (Lagerstroemia)	<i>Lagerstroemia</i> stands are distinct by their white bark and high, erect, fluted stems. They often dominate patches of forests.
Short riparian and Melaleuca forest	This forest type occurs near rivers and streams, periodically inundated and remaining moist during the dry season.
Deciduous swamp forest	A quite unique forest type occurring around Pes Lake in the northern part of Prey Lang. Several unique species and growth forms are found in this swamp forest; normally associated with mangrove forests.
Primary evergreen dipterocarp forest	This forest type is found on the moist but not waterlogged areas. The forest consists of a large diversity of species with canopy closure at 30-50 m.
Evergreen swamp forest	This forest type occurs on very wet sites with permanent or long-term inundation. The forest type is rare and endemic to Cambodia.

Note: Adapted from MacDonald (2004); Olsson and Emmett (2007)

³⁰ An Ecological Survey of Prey Lang, Kampong Thom, McDonald, J.A. 2004 for Global Witness; REDD+ and Conservation of Prey Long Forest Cambodia – Summary of Scientific Findings, 2007-2010: Ida Theilade, Lars Schmidt. (Macdonald 2004; Schmidt, L. & I. Theilade. 2010)

Of particular interest to botanical experts are a number of unique areas of evergreen swamp forest, which contain many rare or endemic species, increasing Prey Lang's importance on a global level. This mosaic of lowland evergreen forest provides a wide range of habitats capable of supporting numerous species of wildlife. This now rare forest type has been cleared throughout the region to make way for the development of agriculture and for social expansion. As such, the protection of Prey Lang will offer an opportunity to the scientific community to study the flora and fauna of this primeval forest and potentially make important discoveries that might otherwise be lost³¹.

From a national perspective, Prey Lang has been found to be home to 80% of Cambodia's most valuable and endangered indigenous tree species (CTSP, 2003). Of the 20 species of trees that have been recognised as 'high priority' by the Cambodian Tree Seed Project (CTSP), 15 are found across Prey Lang. These include some of the most valuable Asian tree species, highly prized for producing long straight boles, such as Beng, and Rosewood. The recent increase in the price of Rosewood has seen this species being decimated across South East Asia and beyond. As of late 2011, the price for a cubic meter of Rosewood in neighbouring Vietnam was reportedly between US\$7,000 and US\$10,000 per cubic meter³². All the Rosewood trees found during a 10-day botanical survey in Prey Lang's core area in April 2011 were very small, as illegal loggers had already cleared any trees of significant value. The same was true for other trees of similar value making it clear that a number of individual tree species are already under intense pressure. Saving the remaining trees



Map 3: Map showing the main evergreen forest area of Prey Lang and an approximation of the Core Area as supplied by EWMI

³¹ REDD+ and Conservation of Prey Long Forest Cambodia – Summary of Scientific Findings, 2007-2010: Ida Theilade, Lars Schmidt.

³² This figure was suggested by Mr Chut Wutty of the NGO Natural Resource Protection Group (NRPG) and was echoed in discussions with several conservationists working in Cambodia.

requires urgent action.

Cambodia's catalogue of medicinal plants lists over 1,000 species, many of which are found in Prey Lang. Very few of these species have been identified by scientists, let alone investigated for their medicinal properties and the botanists on the recent expedition expect that with more wide spread surveys throughout Prey Lang, many new species will be discovered.

6.2. Wildlife

Prey Lang is home to a wide range of species including many that are globally threatened. Among mammals, the Asian Elephant, Malayan Sun Bear, Banteng, Gaur, Pangolin and Pileated Gibbon are of particular interest to conservationists, as are several highly endangered species of turtles such as the Asian Box Turtle, Asian Leaf Turtle and the Elongated Tortoise. Wildlife surveys have been so far limited with Conservation International conducting a camera trap survey and surveys of the swamp forests. According to reports from local people there are also small numbers of the critically endangered Siamese crocodile to be found in some of the more remote swamp forests. Other species of significance include Dhole, a type of wild dog, several species of deer and wild cats such as the Clouded and Marbled Leopards, the Leopard and Fishing Cats³³.

Until recently there were large numbers of the relatively common Long-tailed Macaques in Prey Lang. However, according to local people, large-scale poaching removed several thousand of this species from the central and eastern sections of the forest in 2006. It is believed these were then laundered into the international market for scientific research and testing, with most being sold to Chinese and US laboratories³⁴. Today it is extremely difficult to see this species anywhere in Prey Lang and they may in fact be locally extinct. The reclusive Pileated Gibbon can still be heard from time to time in Prey Lang but all other species of primates are conspicuous by their absence.

With regard to bird species, Prey Lang is a home to the enigmatic Giant Ibis, Cambodia's national bird. The Giant Ibis is one of the world's rarest birds with only around 200 individuals still remaining³⁵, all of them in northern and eastern Cambodia. As they require a very specific habitat to survive, these magnificent

³³ A Floral and Faunal Biodiversity Assessment of Prey Long: November 2007, Annette Olsson & David Emmett, Conservation International, Forest & Landscape, University of Copenhagen, Forestry Administration.

³⁴ <http://www.reuters.com/article/2008/11/23/us-cambodia-monkeys-idUSTRE4AM0TC20081123>
Article regarding a report from the British Union for the Abolition of Vivisection (BUAV)

³⁵ <http://birdlifeindochina.org/content/western-siem-pang-land-giants>

birds are under increasing pressure from development in Cambodia, particularly on the Northern plains of Preah Vihear. There is very little data available on birds in Prey Lang, however, other species of significance include large water birds like the Woolly necked Stork, Greater and Lesser Adjutants, and the glamorous Green Peafowl.

The impacts of traditional hunting by forest dwelling communities in Cambodia are not fully understood. Clearly this has been going on for many generations and yet most wildlife populations appear to have remained fairly stable until recent times. Today, the improvement in access, the arrival of migrants and illegal logging, are clearly taking a heavy toll on wildlife populations. Loggers often spend several weeks at a time in the forest and typically survive by setting snares to catch their food. Migrant families often hunt or set snares to supplement their food over the first few months, even years, as they establish themselves in an area. The continuing encroachment around Prey Lang could quite possibly lead to problems with crop raiding by species such as elephants and wild cattle, as has happened in other deforested areas in Cambodia.³⁶

7. Eco-System Services

Located toward the centre of Cambodia, Prey Lang provides a number of vital eco-system services for large parts of the country. This forest complex is one of Kingdom's most important watersheds helping regulate the supply of water to two of the country's largest cities, Kampong Thom and Kampong Cham. Additionally the forest works to mitigate both floods and drought, providing a year round flow of water to both the Mekong River and the Tonle Sap Lake. Prey Lang also works as a natural filter regulating siltation downstream and is an important spawning ground for fish³⁷.

A recent USAID report discussed the effects the continued deforestation of Prey Lang will likely have on hydrology³⁸. The report's recommendation was a balanced approach to any further development of Prey Lang with careful consideration given to conservation to ensure that the natural hydrology and ecosystem services would not be negatively affected. The report found that if the

³⁶ WCS report on Human-Wildlife Conflict in and Around Seima Biodiversity Area, Mondulkiri and Kratie Provinces, Cambodia. Kara Scally, Tom D. Evans and Nut Meng Hor. 2007

³⁷ REDD+ and Conservation of Prey Long Forest Cambodia – Summary of Scientific Findings, 2007-2010: Ida Theilade, Lars Schmidt

³⁸ USAID report 'Rapid Socio Economic Hydrology Assessment of Prey Long Forest' published in 2011

current path of increasing development continues there may be short-term social and economic benefits but that it would prove far more costly to the country in the long-term because of the effects on the hydrology of the region. In return for short term profit the country would see increasing sedimentation and loss of nutrients; reduced flooding and drought mitigation; as well as major declines in biodiversity, fisheries and carbon sequestration. Watersheds, as with forests, cannot easily be restored so any further developments need to be assessed carefully for their potential effects on the Prey Lang watershed.

Additionally, it was noted in the recent “Infrastructure and Tonle Sap fisheries”, by the World Fish Center³⁹, that dams such as the one planned for the Stung Sen will affect the Tonle Sap by reducing water flow in drier years by as much as 25%, changing the natural flood patterns of the lake, leading to flooding up to one month late and significantly reducing the area of flooding. The report also notes that dams are historically known to affect water quality, specifically oxygen content and drift patterns, which could negatively affect fish eggs. More importantly, massive amounts of sediment will be caught by these dams, which are expected to reduce the overall water quality and subsequent fish productivity.

8. Carbon Sequestration/REDD+

The Cambodian government plans to use some of its forests to access international monies that are expected to become available through carbon credits over the next few years. Carbon sequestration plays a significant part in the FA's 2010 National Forest Programme with plans to use the REDD+ (Reduced Emissions from Deforestation and Forest Degradation) mechanism as an alternative to excessive development of the national forest estate⁴⁰.

While it is highly questionable just how effective REDD+ can be with regard to reducing global emissions it does have the potential to protect important areas of forest in developing countries like Cambodia. With the assistance of RECOFTC, the University of Copenhagen and Conservation International among others, the FA has already conducted a preliminary assessment for a REDD project in Prey Lang. The conclusion was that Prey Lang would be an ideal site⁴¹. This is in part

³⁹ http://www.worldfishcenter.org/resource_centre/Infrastructure%20and%20Tonle%20Sap%20Fisheries%20-%20English.pdf

⁴⁰ National Forest Programme 2010-2029 and associated “Background Document”: Forestry Administration, Ministry of Agriculture Forests and Fisheries, Royal Government of Cambodia.

⁴¹ REDD+ and Conservation of Prey Lang Forest Cambodia – Summary of Scientific Findings 2007-2010 by Ida Theilade & Lars Schmidt.

due to its high carbon content from the peat in the swamp forest areas, which hold around 30% more carbon than typical evergreen forest and more than 3 times the amount a rubber plantation would hold. Other issues taken into consideration were the high value of the forest in terms of social impact, due to the large number of communities that rely on the forest for their livelihoods. Certainly, should a REDD project take place in Prey Lang, it can only be of benefit to efforts to protect the forest and in turn help the communities that rely on it.

The problem with REDD in Cambodia is ‘leakage’, both locally and nationally⁴². While the FA tries to develop REDD projects, other ministries could potentially decide to develop the land instead. The pilot project currently underway, in Mondulkiri has already experienced this problem with several mining exploration licences being issued within the Seima area⁴³. As previously noted in the ELC section (Box 1) the government has already announced hundreds of thousands of hectares of concessions inside previously protected areas. At this time, it’s unclear how any overlapping interests are to be dealt with by the government. However, with so much forest being sold off, seemingly with little or no consultation between the various ministries concerned, it is debatable whether carbon markets would see Cambodia as a good or safe investment.

9. FA Proposed Protected Forest

A major issue regarding Prey Lang is the agreement and mapping of its geographic boundaries. There have been numerous maps of Prey Lang produced by various researchers, conservationists, and NGO’s, however until now government agencies have never provided any definitive map making disputes regarding the forest extremely difficult to resolve. Government responses to questions from the UN Special Rapporteur in 2009 simply claimed that communities being adversely affected by ELCs or other developments were simply not in Prey Lang. This argument has also been regularly used in response to complaints by NGOs and community groups. Requests made to MIME for copies of ESAs and concession agreements for mining concessions in Prey Lang were also met with the response, via a phone call, that “MIME has not issued any

⁴² Leakage is the term used to refer to deforestation simply moving from one area to another, negating the effects of the REDD project to reduce global carbon emissions.

⁴³ Licadho map 20-12-2011, used in the Cambodia Daily article “Carving Up Cambodia” March 10th 2012

concessions in Prey Lang". Interviews with MIME were refused on the same basis.

In December 2011, the FA then issued a draft Sub Decree for a Prey Lang Protected Forest and Biodiversity Conservation Area, including coordinates demarcating areas similar to that identified in the map used by CI. According to an anonymous FA source speaking in late 2011, the FA was conducting a detailed ground survey of Prey Lang area with the aim of proposing the area to be protected. A more definitive map was expected to be proposed to the Minister in July 2012. The FA informant stressed that the map is simply a 'starting point' and can in no way be considered an official government demarcation of Prey Lang.

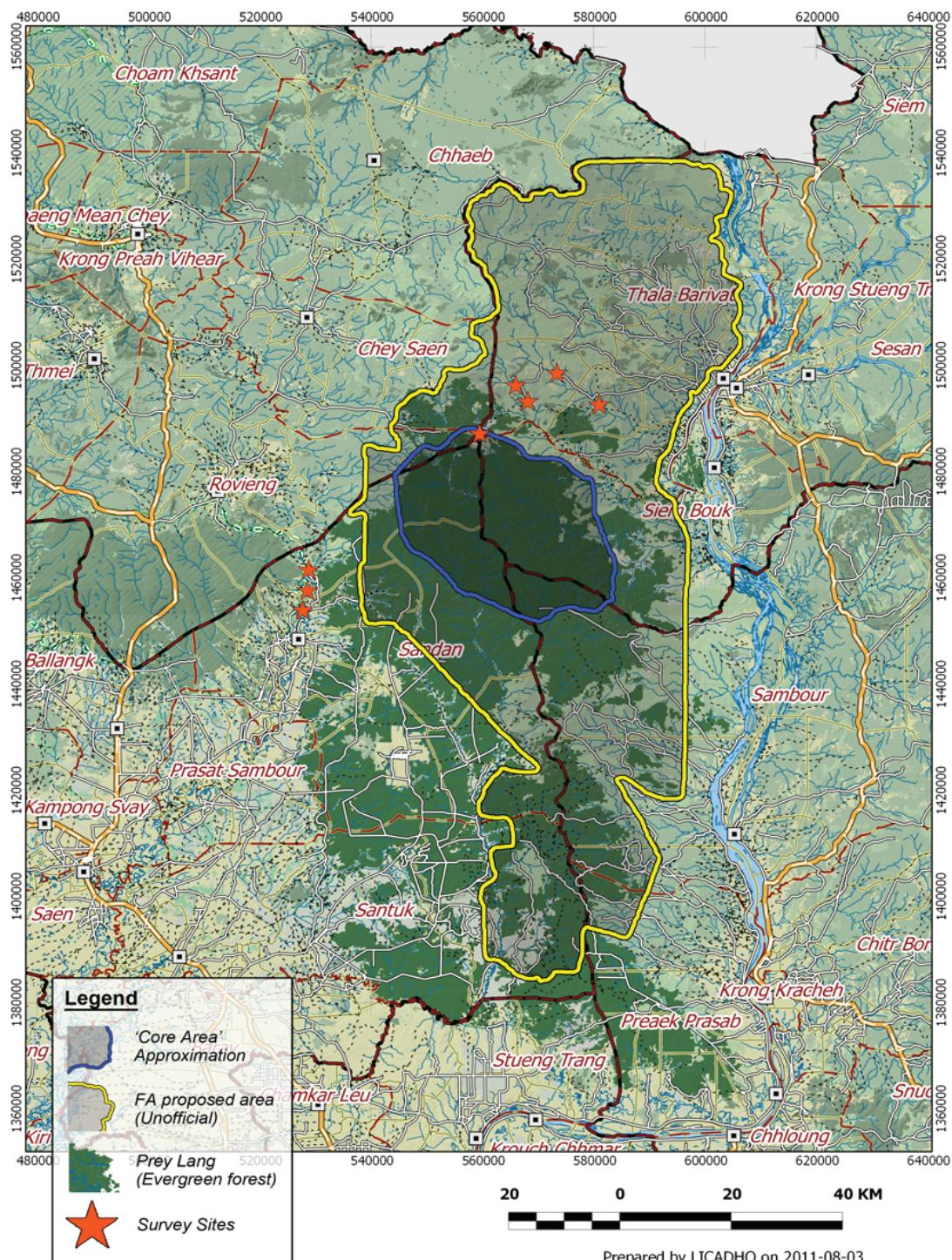
The map includes a large area to the north, which is not generally referred to as being part of Prey Lang. It was explained by the source that this was because when an area is first proposed it is often reduced by 30% to 40% by the end of the process and that this part would most likely be sacrificed. The map notably excludes *all* the known ELC's including the most contentious ones in Sandan and Rovieng districts, the area around Tumring to the south west of the forest and a strip of land bordering the Mekong, thereby excluding a large part of the natural watershed. The FA representation does cover the most bio-diverse and ecologically important areas of Prey Lang, as suggested by botanical and biodiversity surveys conducted by Forest & Landscape of Denmark in conjunction with the FA and Conservation International⁴⁴. Also overlaid on Map 4 is an approximation of the core biodiversity area, while the evergreen forest that is highlighted represents the area analysed for the 2011 Conservation International report REDD+ in the Prey Lang Area⁴⁵. This proposed area does also provide important protection for the Stung Chinit watershed that leads to the south of Prey Lang⁴⁶.

⁴⁴ REDD+ & Conservation of Prey Long Forest Cambodia - 2007-2010, by Ida Theilade & Lars Schmidt.

⁴⁵ REDD+ in the Prey Long Area – A feasibility study (preliminary results. March 2011.

⁴⁶ See USAid report 'Rapid Socio Economic Hydrology Assessment of Prey Long Forest' published in 2011 for maps the watersheds and drainage of Prey Lang.

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Map 4: An adaption of the FA proposed starting point for a Prey Lang protected forest

10. Threats

10.1. Economic Land Concessions

The RCG has issued dozens of ELCs and mining licenses in and around Prey Lang in recent years, many replacing the old logging concessions, which were halted in 2002. The majority are agro-industry concessions, with rubber plantations being the most prevalent. Numerous mining exploration or extraction licenses have also been issued by MIME for areas in and around the forest⁴⁷. See map 5 for details.

Of all the recent ELCs around Prey Lang, none have been more divisive than the 6,000 hectares CRCK rubber plantation in Sandan, Kampong Thom. This concession is one of three connected to the Vietnam Rubber Group (VRG) along with the Thy Gna⁴⁸ and PNT concessions, which are directly north of the CRCK site. Unable to expand rubber production in Vietnam due to government regulation, the VRG has expanded production into Africa and the neighbouring countries of Laos and Cambodia. By the end of 2011, it had 24 international projects, including 15 in Cambodia.⁴⁹ Concerns over the recent expansion of rubber concessions in Laos led the Laotian government to also place restrictions on land use in September 2011. This was in part due to increased encroachment on forest lands but also to diversify commercial crops and to ensure food security in the future⁵⁰.

Contrary to the guidelines of the NFP, the CRCK concession is clearly not located in degraded forest, as witnessed by the researcher. According to the local people the forest in this area was in relatively good condition prior to the arrival of the ELC and was widely used by local communities for their livelihoods. Additionally there appears to have been no consultation process with local communities as part of the Environmental Impact Assessment (EIA) prior to the issuance of the agreement, which is a violation of governing legislation⁵¹.

According to the villagers the concession is not only destroying their resources, families are also losing their traditional ‘Chamkar Vilchum’ farming plots and grazing areas for cattle, which results in a loss of access to land and threatens the local communities food security. Additionally many claimed the company won’t

⁴⁷ Land Grabbing & Poverty in Cambodia: The Myth of Development: May 2009, Licadho.

⁴⁸ Sometimes spelled Thy Nga.

⁴⁹ <http://www.vnecconomynews.com/2012/01/vietnam-rubber-group-has-24-projects-in.html>

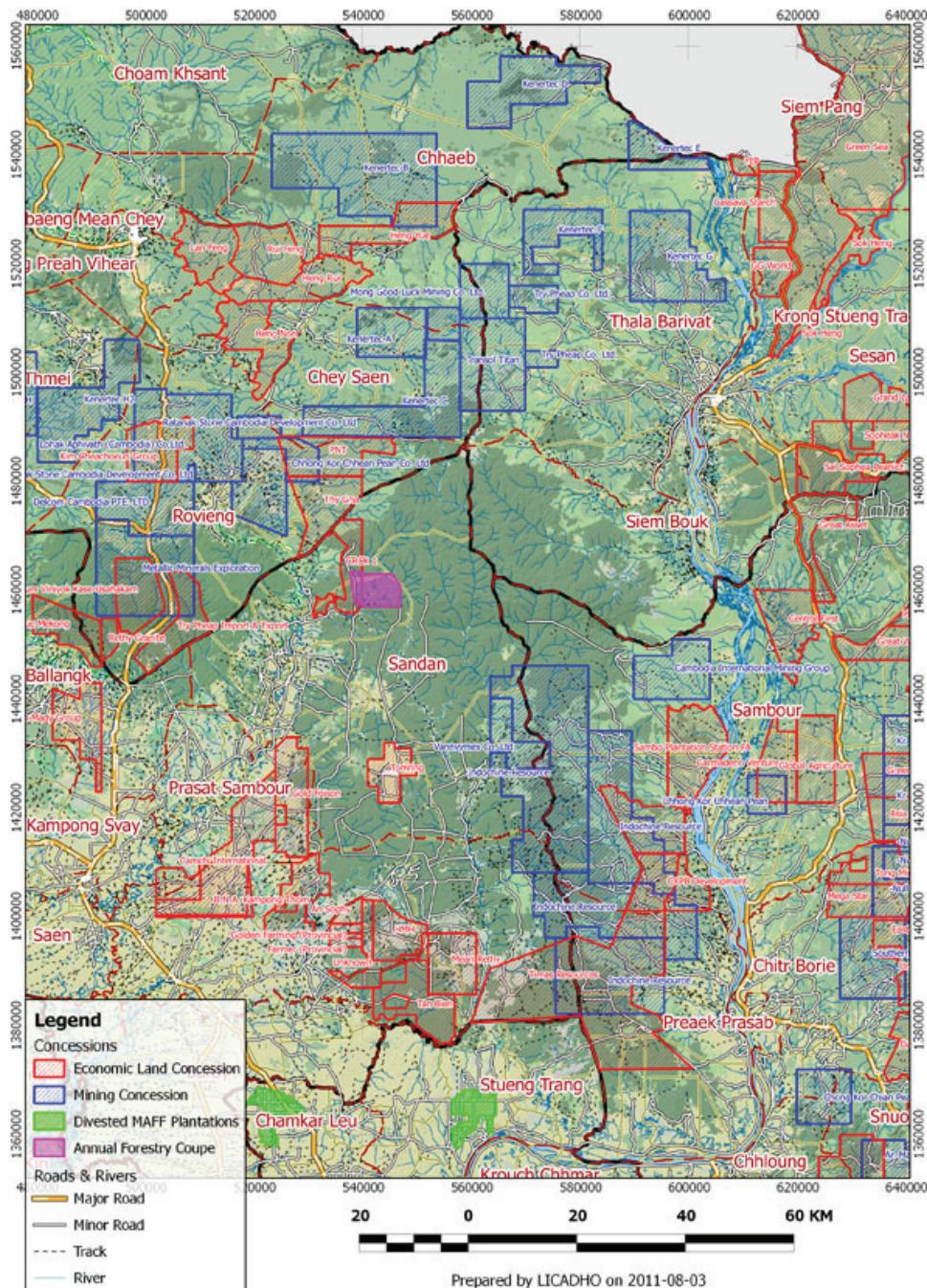
⁵⁰ As reported in the Vientiane Times on Sept 14th 2011.

<http://www.laolandissues.org/2011/09/16/limits-set-on-future-rubber-plantations-in-laos/>

⁵¹ Sub Decree on ELC, Art 4; Prakas on Guideline for EIA Report, Art 1

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permit villagers to cross the concession to reach any resin trees or NTFP's to the east of the concession, leaving them with a very time consuming detour of several kilometres.



Map 5: Map of known economic land concessions and mining licenses around the Prey Lang area (as of April 2012)

10.2. Mining Licenses

Numerous mining exploration licences have been issued to various companies to explore or extract a variety of minerals, including iron ore to the north of Prey Lang and gold, primarily in the central and southern areas⁵². Gold mining in Prey Lang was for many years largely restricted to areas around the mountain of Phnom Chi⁵³. However with the increasing price of gold, hundreds of small illegal mines have sprung up along rivers in central and southern Prey Lang over the past year or so. According to reports from PLCN members, Kuy people that traditionally practised small-scale artisanal mining have been told that their activities are illegal and have been forced out. Meanwhile hundreds of mines are using highly destructive methods often involving toxic chemicals such as cyanide and mercury, with no apparent monitoring or regulations being enforced. This raises very serious concerns over pollution, which threaten downstream communities and potentially major population centres like Kampong Thom and Kampong Cham.

The 2011 USAID Hydrological Assessment⁵⁴ noted that the two areas where mining concessions are concentrated closely correlate with the locations of important aquifers that feed the Stung Sen and Stung Chinit watersheds in western and southern Prey Lang. Although the report was unable to estimate the level of impacts these mines would have, it did say that they do have the potential to impact both the forest and the aquifers.

A September 2009 letter from the UN Special Rapporteur to the government enquired about allegations of anarchic gold mining and the activities of the company Vannymex around Phnom Chi. Vannymex was accused of using dangerous practices and requesting local communities to either move out or work for them for very low wages⁵⁵.

⁵² Country for Sale – Welcome to Cambodia, Global Witness, February 2009

⁵³ <http://www.indochinemining.com/projects/kratie>

⁵⁴ USAid Rapid Socio-Economic And Hydrological Assessment of Prey Lang Forest, April 29th 2011 by Advanced Engineering Consultants Ltd.

⁵⁵ <http://unsr.jamesanaya.org/cases-2010/08-cambodia-cambodia-land-laws-and-policies-and-the-situation-concerning-development-in-and-around-the-prey-lang-forest>

Box 3: Government response to the UN Special Rapporteur, dated 30th March 2010

"VannyMex Co. has been authorized to conduct gold mining exploration studies in Phnom Chi, Sandan district, Kampong Thom province by the Ministry of Industry, Mines and Energy. However, VannyMex has not begun actual mining activities. Allegedly, it is the local people of the area who engage in "anarchic" mining activities through the use of poisonous chemicals to extract the gold. The Special Rapporteur's allegation that the company asked local residents to move out or work for low wages is unreasonable, since the company has not yet obtained a mining exploitation license, and if it did begin mining, it would have stopped the people from anarchic mining activities on its concession land.

The response from the government was that Vannymex holds only a license for exploration and not for extraction. Since there is very little information available on the gold mining activities around Phnom Chi and the area could not be accessed during the author's rainy season field work, it remains unclear what is actually taking place. For the purposes of this report it was hoped it would be possible to visit the area to try to establish what the reality is on the ground. MIME were approached for an interview in the hope of clarifying several issues, unfortunately they refused requests on the basis that they had not issued any mining licenses in Prey Lang. Clearly this is not entirely accurate but the lack of any official demarcation of the Prey Lang area provides an opportunity for ministries to deny any such enquires.

During the survey in Sandan the researcher was told of drilling being conducted in Sre Veal village between June 16th 2010 and August 16th 2010. According to local people the team drilled a number of holes in the village, mostly near to the river. When they tried to ask questions the Police were ordered to keep them away and the workers were told not to say anything. One hole close to the river had a plastic tube inserted into it, which the locals were ordered not to touch.



Picture 1: Mystery drilling site in Sre Veal village from August 2010. There are no known mining exploration licenses for this area.

The locals were told they were drilling to around 40 meters but have no idea what they were looking for. After drilling the last hole the teams leaders, who were apparently Vietnamese and Indian nationals, were seen to 'high five' each other and clearly celebrate, after which the drilling team packed up and left the site. The woman who lives next to the 'plastic tube' was also told that her house would be demolished in the not too distant future, however she was given no idea when or why this would happen. At this time there are no known mining licenses issued for this area.

It was reported in the Chinese press⁵⁶ in November 2011 that China's Guangxi Nonferrous Metal Group has planned to invest \$500 million in a steel plant and an industrial zone in Cambodia in the next three years. It was also noted that the company had already invested some US\$30 million exploring iron ore in Rovieng district of Preah Vihear. Mr Yang Daoxi, vice chairman of Guangxi Zhuang Autonomous Region made the announcement during a meeting with Cambodian Minister of Industry, Mines and Energy Suy Sem. The minister was quoted as saying that "the ministry fully supported the project and he would advise a proper location for the firm to build the plant". There is no suggestion of where the plant will be but with ore being taken from the Rovieng area there are obvious concerns about where the plant will eventually be located.

10.3. Illegal Logging

Access to Prey Lang is relatively easy for illegal loggers with a network of trails, ox-cart tracks and logging roads from the time of the logging concessions. Since 2007 there has been a steady increase in illegal logging throughout the greater Prey Lang forest and by 2011 this has reached such a scale that trees of any significant value are being cut.⁵⁷ This is probably in part due to the recent rise in the price of luxury timbers such as Beng and Rosewood, which fetch between U\$5,000 and U\$8,000 per cubic meter in Vietnam.⁵⁸ Even resin trees, which only command a few hundred dollars per cubic meter, are being cleared en masse. This is having a devastating effect on both Khmer and indigenous forest communities alike, the majority of which rely entirely on resin collection for their

⁵⁶ http://www.chinadaily.com.cn/bizchina/2011-11/19/content_14124492.htm

⁵⁷ Taken from personal experiences and discussions with local people on 4 expeditions to the core area of Prey Long. Also taken from discussions with a number of botanical experts that have been traveling to Prey Long regularly since at least 2004.

⁵⁸ Prices given by various sources at conservation NGO's, Conservation International and Wildlife Alliance, as well as NRPG and sources at the FA.

income. With such systematic clearance taking place in Prey Lang, it is fair to say that most of the high value trees have already disappeared.

Across the country, increase in illegal logging and clearing have been clearly associated with other developments such as roads, mining activities, ELCs, and dams. New roads in the Cardamom Mountains have opened up previously difficult areas to access, while dams such as the Stung Atay project have been surrounded by allegations of illegal logging.⁵⁹ Prey Lang has previously experienced its own problems such as in Tumring, when clearing associated with a large rubber plantation also resulted in thousands of resin trees illegally cleared and high grade timber stripped from surrounding areas and sold off.⁶⁰ While government authorised developments are legally allowed to harvest the timber in their designated areas, they also provide convenient cover for illegally cut timber from surrounding areas.

So who is doing the cutting?

In Sandan district, local people have reported extensive logging all around the CRCK plantation. According to members of the PLCN many of the illegal loggers they stop claiming they are working for the company. The general belief among local people is that the reasoning behind this was to degrade the forest sufficiently for the concession to then be able to request it be



Picture 2: Resin tree stump close to the concession road in Sandan.

extended into what is only degraded forest. How much involvement the company has is impossible to tell, however the hundreds of marked logs (many of them resin trees) along the road to the concession do point towards illegal activity by the company.

Certainly, not all the loggers are working for the CRCK. Some come from the provincial capital of Kampong Thom and often claim they are employed by high-

⁵⁹ <http://www.phnompenhpost.com/index.php/201122153536/National-news/logging-in-the-wild-west.html>

⁶⁰ Global Witness report “Family Trees” 2007

ranking officials or well-connected individuals⁶¹. Other major players that are identified include the local FA staff and military police at the concession road check point.⁶² As the check post is perfectly positioned to have stopped almost all the illegal logging that has taken place in this area, it is hard to deny their involvement. Not content with taking unofficial ‘fees’ from local people they are allegedly charging the logging teams \$20 per day for access to the concession road⁶³. Moving up the chain, local people identified Commune and District officials and high-ranking members of the local Police as organising and directing much of the illegal logging and land grabbing throughout Sandan.⁶⁴

In Stung Treng province it is less clear with migrants clearing large areas. The researcher has on several occasions witnessed 10’s of cubic meters of luxury timber stacked in villages in Thala Barivat awaiting collection. The sheer scale indicates the involvement of local authorities at some level.

10.4. Migration/Population Growth

According to the Cambodian National Censuses of 1998 and 2008, the rural population of the four Prey Lang provinces has grown by 35%, close to double the national average over the same period⁶⁵. A lack of secure land tenure has seen in-migration become a serious problem as landless families across the country continue to search for somewhere to settle. A lack of food security also contributes to deforestation as migrants clear forest to grow staples such as rice or cash crops such as cashew, cassava or soy⁶⁶.

During an expedition in April 2011, the researcher briefly interviewed 2 families in Thala Barivat district of Stung Treng province. This was in a large area of Sralao forest with giant palms, which had been cleared since the researchers previous expedition in June 2009 and was not part of any identifiable existing community, the nearest being Romedeang 4 to 5km to the northeast. Both families claimed to come from Kampot province where they were landless and said they had been there for only 6 months and were about to begin planting cassava.

⁶¹ NRPG and PLCN members and the researcher questioned illegal loggers apprehended in Sept 2011.

⁶² Claims made in interviews in the Sandan area (see Results section)

⁶³ Claim made by PLCN member and NRPG.

⁶⁴ Claims made by PLCN member and NRPG.

⁶⁵ <http://celade.cepal.org/khmnis/census/khm1998/> <http://celade.cepal.org/khmnis/census/khm2008/>

⁶⁶ Interviews with migrants in Thala Barivat District April 2011.

They both claimed to have bought the land and when asked how they had learnt about the land in Prey Lang they replied that local authorities in Kampot had told them. One family said a policeman had told them while the other said it was an unidentified official. Both families said they were directed to a particular bank, which they were assured would loan them money to buy the land. They also said that they expect many more families from Kampot to be coming to the area in the near future.

11. EIA/ESIA Process

By law, as defined in the Prakas on ‘Guidelines for Conducting EIA Report’ and the associated Aknukret⁶⁷ as well the sub-decree on ELCS (article 4), companies are required to submit an EIA to the “project approval institution,” which in the case of ELCs is MAFF. The project approval institution is then expected to forward the document to the MoE for their review⁶⁸, to be completed within 30 working days.⁶⁹ If deemed necessary it can be passed back and forth between the ministries and the company for further investigation and review.

MoE’s sign-off is required for MAFF to sign the final agreement with a concessionaire, presumably with MoE approval contingent on the quality of the EIA and the project itself. The process described by law does provide for ministries to reject or demand revisions to EIAs and/or company proposals should they be deemed inadequate in any way. Nevertheless, The Prakas on ‘Guidelines for Conducting EIA Report’ and the associated Anukret⁷⁰ are vague, providing several loopholes to avoid a meaningful and timely EIA/ESIAs. For instance the Anukret states that should the MoE fail to reply within the set timeframe, the ministry involved is to assume that the EIA is in full compliance⁷¹. And even bigger loophole can be found in Article 2 of the Prakas which provides exception to EIAs for “some particular and urgently needed projects that are decided by the

⁶⁷ Sourcebook – Laws & Regulations. MoE Paraks/49MOE/09Mar00 and RGC Anukret/72ANK_BK/11Aug99

⁶⁸ Anukret on EIA Process - Art. 7 and 14.

⁶⁹ Anukret on EIA Process - Art. 15 and 17; Prakas – Guideline for Conducting EIA Report. Art 6 and 7.

⁷⁰ Sourcebook – Laws & Regulations. MoE Paraks/49MOE/09Mar00 and RGC Anukret/72ANK_BK/11Aug99

⁷¹ Anukret on EIA Process - Art.18.

Royal Government”⁷². There are no guidelines regulating how or who deems a project “urgently needed”⁷³.

In the case of the CRCK’s EIA, the MoE stated that they did not have one prior to the concession contract being signed by MAFF and that the MoE began its own EIA of the site 6 months *after* work began on clearing the forest. This does not appear to be in line with any official guidelines but additional clarification from the MoE was not forthcoming.

12. Community Education

Many NGOs and CSOs in Cambodia have been providing educational training for the network members on rights, leadership and good governance, natural resources management, biodiversity surveys, active nonviolence, community media and documentation, as well as assisting the PLCN to better organize themselves. As the PLCN has become more vocal, authorities have made increasing attempts to stop community education sessions.

In September, 2011 district and commune officials aided by armed police forcibly closed a training workshop but only after a long argument between NGO representatives and the deputy district governor. Police brandished AK47s at the participants mostly women and many of them were elderly. Attempts were made to intimidate participants who had come to simply learn about their rights under the Cambodian constitution and other laws.

The district authority ordered his subordinates to take the names of the participants and photograph them and then photograph the vehicles belonging to the NGO’s and the United Nations (UN), who had sent a team along to observe. The district authority also threatened to arrest the NGO workers for incitement if they began the meeting. After exhausting this line, they then decided that NGO workers were holding a political meeting, which would have been illegal, simply because they had seen the words ‘human rights’ on one of the posters therefore determined that those workers were involved with the Human Rights Party.

Despite the fact that the poster they were referring to consisted entirely of quotes from the Cambodian Constitution, after 2 hours of heated discussions, the NGOs

⁷² Prakas on the implementation on general guideline for conducting environmental impact assessment, 02 Sept 2009. (Ministry of Environment, Prakas No 376)

⁷³ Prakas on the implementation on general guideline for conducting environmental impact assessment, 02 Sept 2009. (Ministry of Environment, Prakas No 376)

decided to back down and hold the session at another time. This incident was widely reported in the local press⁷⁴.

In fact this was only the most prominent incident in a longer-term concerted effort by district and provincial authorities to limit community legal education and other meetings in parts of Prey Lang over several months. PLCN members explained that village chiefs had been ordered by local authorities not to allow any meetings to take place in their communities and that monks had also been ordered not to allow meetings to be held in village pagodas.

13. The Prey Lang Community Network

Community action first started to appear in Prey Lang in the early 2000s, initially in opposition to logging concessions and later in response to land concessions such as those in the Tumring area, where villagers were hard hit. Communities began to organize themselves to advocate for the protection of the forest and by 2007 the ‘Prey Lang Community Network’ began to develop. Individual communities began to realize they needed to work together as one since deforestation elsewhere in the forest could eventually affect them too.

Although they have had NGO assistance over the years, the network is now self-facilitated by a core group of twenty leaders elected from the four Prey Lang provinces (5 per province). The core group leads and advises an assembly of 100 community representatives, organizing at the ground level. The Prey Lang Community Network is affiliated with the Community Peace Network (CPN), through which they receive some funding and technical support. They are linked to the Indigenous Rights Active Members (IRAM) and Friends of the Forest, an informal coalition of grassroots groups and small NGOs also advocating for Prey Lang and other environmental concerns.

Network members have been conducting patrols on a regular basis and in 2011 began monitoring resin tree losses across the forest⁷⁵. The start-up of CRCK operations in Sandan galvanized network members who have since made great efforts to bring the issue of Prey Lang to the attention of the national and international community. PLCN community groups have increased forest patrols confiscating dozens of chainsaws from illegal loggers and taking their identification details before releasing them, as they do not have the power to

⁷⁴ http://www.cchrcambodia.org/admin/media/news/news/english/2011_09_07_indigenouspeoplesissues.pdf

⁷⁵ See the Results section of this report for more details.

arrest. Initially they did try to work with the FA check post in Sandan, turning over numerous chainsaws and several loggers to them before they gave up, as forest officers refused to take action, and even appear to be in collusion with the loggers⁷⁶.

During 2010, the network submitted petitions to government institutions, including the National Assembly, calling for the government to halt the concessions and to grant protection status to Prey Lang. In many communities, network members made concerted efforts to participate in commune governance processes, including commune planning, and to engage village chiefs and commune councilors, both in regards to complaints as well as on positive actions including forest protection and management initiatives, and other development related concerns. Although these processes engendered some good relations at the local level, there was no significant action on complaints at any level. During 2011, there were numerous protests and press conferences by forest and farm communities across the country against developments threatening their livelihoods and security. The PLCN was a leader among these. In February, they staged a protest at the CRCK site during which around 400 community members from across Prey Lang spent 2 days in a stand-off with the military, police and local officials. This event received widespread coverage, both because of its size and the determination of the demonstrators but also because of the way the officials responded with threats and intimidation and by not permitting the villagers' access to water, which eventually led to the protest breaking up. That demonstration was followed by a network-led press conference in Phnom Penh which attracted considerable attention.

In May, 2011 the network brought their demonstrations to the capital. An estimated 200 advocates, including both PLCN members and some Phnom Penh based supporters, dressed as 'Avatars' from James Cameron's recent film. The villagers played traditional music, chanted and sang while giving displays of some of their cultural practices while collecting signatures for a petition to save the forest.

Although the demonstration was held in Phnom Penh's Freedom Park, usually a dead zone for attracting meaningful attention, the demonstration was so colourful and innovative that it attracted significant attention from international

⁷⁶ See Forest Administration Activities for more details.

and national media, as well as Phnom Penh residents. The protest was hugely successful at raising awareness and on May 30 lawmakers from the Sam Rainsy Party sent a letter to the Prime Minister requesting that he cancel all economic land concessions in Prey Lang, following public outcry over the issue, particularly via call-in radio talk shows, and citing the petition with over 30,000 signatures.

The ‘Avatars’ returned to Phnom Penh in August where they prayed at a shrine opposite the Royal Palace. Later around 100 activists were briefly detained for distributing leaflets calling for the government to save the forest. Their detention spurred national media attention again. In December around 200 ‘Avatars’ took their protests to Siem Reap where they prayed for the protection of the forest in a ceremony near the Bayon temple. This was after drawn out negotiations with police who had initially tried to detain some activists and who blocked the protesters from entering the temple site. The police eventually agreed to allow the group conduct their ceremony after they had peacefully insisted on their right to pray, citing the Cambodian Constitution. The ‘Avatar’ protests were highly effective at raising awareness and were widely reported in local media, on the Internet and on international television.⁷⁷

A second protest at the CRCK site in mid November saw around 300 people descend on the concession from all 4 provinces. This time the media were on hand with several local cameramen and a team from Al Jazeera. Over the previous few days the company and authorities learnt of the planned protest and brought in several truckloads of police in an effort to stop the protest reaching the concession. People in communities close to the concession reported that they were warned against joining the protest by local authorities, which had claimed 400 police were being brought in to stop them. The reality turned out to be nearer 50.

The group arrived at the site in the late afternoon after spending the previous two days trying to avoid the police, many of whom had been stationed in the forest around the concession. At the entrance were around 20 unarmed police waiting to confront the protesters.

⁷⁷ This was widely reported in the local press including this taken from a Phnom Penh Post report <http://mouthtosource.org/rivers/preyঁlang/2011/05/31/cancel-prey-lang-grants-srp/>

The previous day when the researcher had been to the CRCK site with the Al Jazeera crew and the Khmer media, these police had been armed with AK47s, so it's presumed that someone asked them to put the guns away, at least in front of the media.

The protesters demanded to speak to the company representative and were told by the police that someone would come to talk to them in seven minutes. The protesters then said that if no one appeared in the allotted time, they would enter the site to inspect it themselves. Seven minutes later, after a little pushing and shoving, the police stood aside as the chanting villagers marched through the gate and into the concession. They headed for a sawmill several kilometres away on the other side of the concession. As the protesters crossed the concession, a tree nursery of approximately 1 hectare in size could be seen and a little further on a similar sized area where rows of rubber saplings had recently been ploughed back into the ground. As night fell the villagers continued onto the sawmill before returning to the entrance and leaving the site.

These PLCN demonstrations have been followed across Cambodia and appear to have encouraged other protests against ELC's in Kratie, Kampong Speu, and Pursat in late 2011. Most recently on the December 7th 2011, the Cambodia Daily reported another protest in Prey Lang in Rovieng district, this time over a ban on small-scale artisanal gold mining by local people, who alleged that district officials were colluding with a company who were now apparently exploiting site.

CHAPTER II - METHODOLOGY

1. Purpose

The purpose of the study was to provide an analysis of the use of NTFPs by the local and indigenous communities of Prey Lang and to assess how they have been impacted by developments in and around Prey Lang. In addition the study was to look at the management of the natural resources across Prey Lang and make suggestions and recommendations to the Royal Government of Cambodia, in order to benefit the people of Prey Lang and also to respond to UNPFII⁷⁸.

2. Limitations

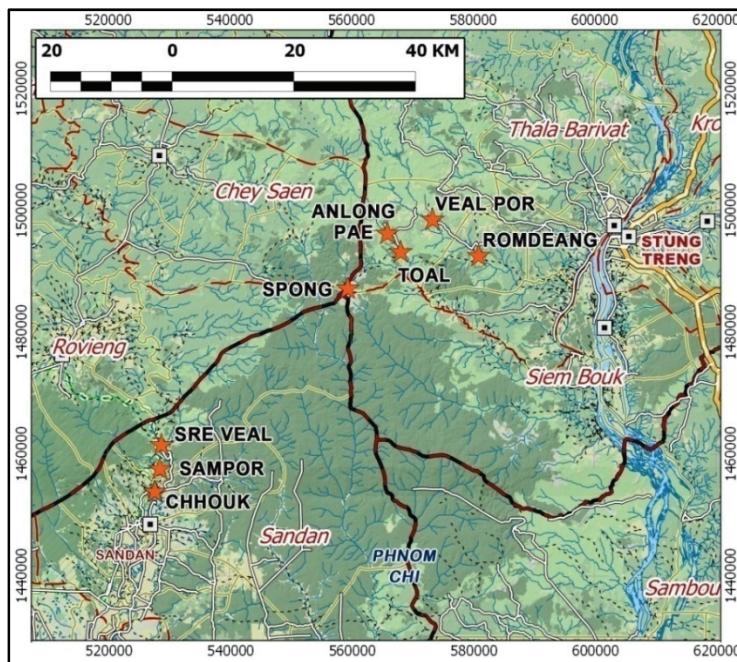
Research was limited to conducting surveys in the most prominent two areas rather than making a more in-depth survey across all four provinces. Prey Lang covers an extensive area with very challenging logistics, even at the height of the dry season. During Cambodia's 2011 floods, which inundated large areas of Prey Lang, travel was almost impossible in some areas slowing the interview process and increasing costs. As with most forest communities in Cambodia, at certain times of the year entire villages can be almost empty for weeks at a time, while everyone goes to 'Chamkar Vilchum' or to collect certain NTFPs such as during the fruiting season. Despite the geographical range limitations, the results are a fair representation of the use of forestland and natural resources by communities in the Prey Lang area.

3. Target Areas Selection

Potential target areas were identified by the researcher after consultation with key civil society stakeholders. The two survey areas chosen were in Sandan district in Kampong Thom province and in Thala Barivat district in Stung Treng province. As seen earlier in this report Sandan district has been the epicentre of recent protests and the site of large-scale deforestation by government approved ELC's. The land concessions in question also intrude further into the Prey Lang area than any other currently known ELC's, affecting a large number of communities. The targeted communities in Thala Barivat included the village of *Spong*. This was very important, as *Spong* is one of only a handful of communities that are

⁷⁸ United Nations Permanent Forum on Indigenous Issues.

not disputed as being within Prey Lang, by any party. Another specific reason for conducting interviews in Thala Barivat was to look at the issue of illegal land clearance and migrants.



Map 6: Locations of survey sites

Table 4: Target Study Areas

Province	Kampong Thom	Stung Treng
District	Sandan	Thala Barivat
Village	1-Chhouk 2-Sampor 3-Sre Veal	1-Spong 2-Veal Por 3-Anlong Pae 4-Toal 5-Romdeang

4. Sample Size Selection and Fieldwork

As the Sandan area has been the epicentre of the problems in Prey Lang, interviews were conducted in the 3 communities most affected by developments,

namely Sre Veal, Sampor and Chhouk. These took place between 11th and 14th November 2011.

Additional data collection took place between November 25th 2011 and December 2nd 2011 in the north of Prey Lang, specifically the villages of Spong, Veal Por, and Toal.

- *Sandan District, Kampong Thom Province*

The researcher had planned to interview 20 families per community however as most community members were away from the village, either at 'Chamkar Vilchum' or collecting NTFP's, the final number was reduced to 10 per community. There were also 3 group discussions held involving between 5 and 8 people. There were separate questionnaires for villagers and for local authorities, focusing on NTFP use, in particular resin trees, and the effects of development as well as the effectiveness and cooperation of authorities, ELC activities, and knowledge of rights under Cambodian law. The intention was to interview all village chiefs and if possible commune and district officials but due to the protests it was only possible to interview 1 village chief. In the end only 28 interviews (10% of the households in the 3 communities) were conducted with a further 19 people being involved in 3 group discussions. While this is a very low percentage, many of the figures collected did correlate to what existing data was available and with the results from the second survey, so it is reasonable to believe the numbers are a fair representation.

- *Thala Barivat District, Stung Treng Province*

The researcher had planned to interview 30 individuals (estimated 30% of each community) in each village, including local officials where possible. With regard to migrants, it was impossible to set a target as there was no way to know how many the team would come across. There were a series of questionnaires directed variously at villagers, local authorities, and migrants designed with a series of open questions aimed at NTFP use, resin trees, the effects of development, effectiveness and cooperation of authorities, and knowledge of rights under Cambodian law.

After conducting several interviews in Romdeang the team discovered that in fact Romdeang was outside of what is locally described as Prey Lang and that the vast majority of the villagers were rice or cassava farmers. None had any

significant connections to Prey Lang although most do use building materials from the forest. The team continued on to *Veal Por* where they discovered a similar situation after finding only a few people collecting NTFPs. After further discussions with PLCN representatives it was decided that they would instead travel to the villages of *Anlong Pae* and *Toal*. This lost considerable time so the initial plan to interview 30 families in each of the three communities was no longer possible. In addition most villagers were at 'Chamkar Vilchum' so the data collectors spent considerable time traveling to the farms to conduct interviews.

In the end a total of 48 respondents were interviewed across five communities and a further three group discussions took place involving 32 individuals. *Spong* being the most significant target the data collectors managed to record 20 individual interviews here, as well as a group session in the evening.

CHAPTER III - RESEARCH RESULTS

1. Livelihoods

1.1. Religion/Ethnic Grouping

Of all the communities visited, all were primarily Buddhist and only one, Sre Veal in Sandan was predominantly 'indigenous' with 81% of villagers being Kuy. The Prey Lang Network representative for Sandan stated that most people in Dang Kambeth, and Meanrith communes are Kuy, but elsewhere in Sandan district there was a mix of Khmer and indigenous people. Despite this, all the villages whether Kuy or Khmer have communal Spirit Forests, which is not considered a normal Khmer practice.⁷⁹

Taking this into account 92% of respondents said they practice local indigenous beliefs. During the group discussions, 100% of the people involved said they practiced local traditional beliefs. Interestingly, with the exception of *Sre Veal* village, only two of the respondents claimed to be Kuy, the rest all said they were Khmer. This is not as clear-cut as it first appears, as there are often negative connotations to claiming to be from an indigenous group. Indigenous people are often looked down upon by many Khmers and are regularly referred to in derogatory terms. Due to this pressure many will not openly admit that they come from an indigenous community. Additionally, many indigenous people have stated during informal discussions that they felt that being from an ethnic minority was negatively impacting their rights as Cambodian citizens. This is despite the fact that being from an indigenous group should be beneficial to them when claiming traditional land rights and other rights provided under Cambodian and international law.

The potential loss of their community spirit



Picture 3: Kuy woman carrying freshly caught fish

⁷⁹ The migrants in *Toal* were not asked about traditional beliefs, as they are not from Prey Lang so they have been excluded when calculating how many people are actively practicing indigenous cultural beliefs.

forests to future development was seen as catastrophic by all of respondents who practiced indigenous beliefs. They claimed that it would destroy their religion; cause sickness; bring great suffering to families and entire communities; and cause them to lose their traditions. This figure again excludes the migrant interviewees but it was noted that several of the respondents that did not practice these beliefs also stated that it would adversely affect their communities.

Many of the communities here should qualify as being ‘indigenous’ under the current guidelines in the Land Law⁸⁰. The Khmer communities around Prey Lang live almost identical lifestyles to the Kuy communities, sharing many spiritual beliefs as well as having an almost complete reliance on forest resources. Article 23 of the 2001 Land Law states “An indigenous community is a group of people that resides in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to customary rules of collective use”. Under this description, while some people may not speak what is considered an indigenous language they do fulfil all of the requirements and as such should be afforded the same protections as Kuy communities are due.

1.2. Literacy

A lack of education was regularly cited as a major problem by interviewees when answering various questions during the course of the surveys. This question was not asked of the respondents in the 3 communities in Sandan district.

Sixty five percent of the adults from the villages in Thala Barivat were found to be illiterate with only 44% of the respondent’s children receiving any form of education. The figure for the children’s education is far too low and is unlikely to be an accurate reflection of how many of the children are actually receiving schooling. We don’t know how many of the respondents children were under school age so the actual figure is probably significantly higher. All the communities do have a school although that doesn’t guarantee they have a full time teacher, as is the case with some of the more remote communities around Cambodia.

The level of education is having a significant impact on the ability of villagers to understand explanations given by authorities at various meetings. Likewise many cannot read documents which they are expected to thumbprint their agreement.

⁸⁰ Land Law 2001, Article 23

1.3. Use of NTFP's/Resin Tapping

Calculating the level of dependence on NTFPs from the data collected requires excluding some to get an accurate figure, as the data from *Romdeang* makes a significant difference. Excluding the data from *Romdeang*, of the remaining respondents 88% relied upon collecting NTFP's for their livelihoods with resin tapping being the main source of income for 78%. For most respondents, the meagre income from NTFP's is used to purchase essentials such as salt and other foods not available locally, or for things like fuel or cigarettes.



Picture 4: Villager transporting bamboo

The general consensus of the communities surveyed is that losing the forest would have detrimental effects on their livelihoods. Survival would be nearly impossible without income, food security, building materials, medicines and nothing to pass on to future generations.

The overall figures from these surveys do correspond with the previously suggested figure of 80% dependence on resin tapping (Macdonald 2004). The loss of the forest would have a devastating effect on all of these communities and similar effects will likely occur to the Prey Lang communities. The result is that more than 80% of the villagers in these communities rely almost entirely on NTFP's for any income with resin tapping the main source for at least 75% of villagers in Prey Lang.

It should be noted that the researcher had felt at the time that the guide in one community in Sandan may have had an effect on those results by possibly directing the team to villagers affected by the ELC. However as all but one of the respondents *who did not rely on NTFP's* were from that community, it had the lowest percentage of the 3 villages. Therefore it is felt that there was no significant effect, even if the researchers suspicions are correct.

As far as rice farming is concerned, none of the 48% of respondents that grow rice in addition to resin tapping grew enough rice to earn any income. Additionally, many of those grew their rice on 'Chamkar Vilchum' plots making their dependence on the forest close to 100%. There was no significant

difference between the Khmer and Kuy communities with regard to use of forest resources. As such, it is reasonable to believe that even with a larger more widespread survey the results would not be significantly different. The use of other forest products in daily life, such as building materials, food, medicines were used by 100% of respondents in all 8 communities with everyone living a subsistence lifestyle; this is regardless of the main source of income.

1.4. Income from NTFP's / Resin Tapping

Respondents were asked to estimate their income from natural resources from Prey Lang each month. This is purely income only and does not include gains from the free availability of building materials, foods, medicines etc. Incomes varied from Riel 2,000 (USD 0,50) to Riel 600,000 (150.00 USD) per month for one individual with over 1,000 resin trees. The average income for all respondents was Riel 50,000 (US\$12.50) per month; however the vast majority earned between Riel 10,000 and Riel 30,000 (US\$ 2.50 and US\$7.50) per month. These variations are due in part to the fact that some families choose to grow rice and other crops, which are mostly sold within these communities, while others choose to sell resin or other NTFPs and purchase their rice from other villagers while some chose to do both rice farming and resin tapping. The difference in numbers of trees owned by individuals appears to be largely due to hereditary rights within the communities and trading between individuals and families.

In both locations, resin tappers were earning, on average between Riel 3,000 (USD 0.75) and Riel 5,000 (USD 1.25) per tree per year, the variation being due to the size of the tree and the quality and type of resin collected. For the majority of respondents, the income they earn from NTFPs such as resin provides for small necessities beyond what they can produce in subsistence fields or gather from the forest. As such it is sufficient to survive. Some villagers may have large numbers of resin trees and not grow rice at all, instead buying their rice from other villagers with the money they earn from the resin.

This brief study does not allow for a full understanding of how much a forest-dwelling family in Prey Lang earns from the forest. To do this accurately would take a much larger and more detailed study, ideally over a one-year period to place a value on all of the resources taken from the forest and which would otherwise need to be purchased. That said, one PLCN representative estimated that NTFPs contribute Riel 20,000-30,000 (USD 5.00 to 7.50) per day to each household economy in the form of food, medicines, housing materials, and more. Without access to the forest, families would need to purchase these items.

The loss of forest or access to forest therefore has serious implications for the livelihoods and food security of forest families.

Villages such as *Spong* and *Toal* have very little contact with the outside world as it takes several hours by motorbike to reach the nearest markets, making such trips expensive. *Spong*, one of the country's most remote communities, has only one tiny shop which stocks just a few essentials – salt, msg, dried noodles and cheap cigarettes from outside the village. *Spong*'s resin is generally transported to market only a few times a year by one truck, which can only access the village during the dry season. This means that the vast majority of trading is done within the community, making money a relatively small part in their daily existence. The community is far more dependent on the forest resources around them than on a cash and consumption economy. Compared to *Spong*, *Sandan* communities claim many more resin trees, likely because they have better access to local markets and are more integrated in and dependent upon the cash economy. Other indications of how income requirements and consumption patterns differ relate to motorbike and telephone ownership. Only a handful of *Spong* community members own a motorbike and as of early 2011 there was only one telephone in the entire village, compared with *Sandan* where motorbikes and telephones are more commonplace. With commercial television coverage only reaching *Spong* in 2011, it could also be argued that *Spong* community members have not been exposed to consumerism and product promotion. Prior to the arrival of broadcast television, TVs were only used at community events to show films on VCD and DVD. In other words, *Spong*'s lower consumption is not simply a matter of lower income and access to goods but also due to people operating in an economy where they are not accustomed to consumption beyond their subsistence.



Picture 5: Traditional resin tapping

1.5. Number of Resin Trees

Interestingly the number of resin trees claimed by people in the two survey areas differed quite considerably. The average number of trees claimed by individuals in the Thala Barivat communities was 320 whereas in Sandan the average was a surprising 940. The reason for the large difference in the survey is unclear. The respondents in *Chouk village, Sandan district* all claimed to own in excess of 1,500 trees and if we exclude these numbers the average comes down to almost 600. According to a PLCN representative in Sandan, the average is actually nearer 400 per family. It may also have something to do with the extreme remoteness of the communities in Thala Barivat.

1.6. Compensation on NTFP's

Any compensation due to villagers who lose resin trees to ELC activities should take the lifespan of the tree into account when calculating the value of a tree, as resin trees are passed down from generation to generation. The compensation given by CRCK to Sandan resin collectors was only Riel 10,000 (USD2.50) per tree, or the equivalent only two to three years for resin at the most. In fact, resin trees can produce for several decades. A more reasonable figure would be in excess of Riel 100,000 (USD25), which would at least provide the potential for villagers to invest in another form of business. Another option would be for companies to pay a percentage of the value of each tree in terms of cubic meters of raw timber. With the current price apparently at around USD 300 per cubic meter for resin tree timber⁸¹ this could generate far more money for villagers.

With regard to resin tree ownership it is important to note that the various communities in and around Prey Lang collectively claim 'ownership' of almost all the resin trees in the entire greater Prey Lang forested area, divided up between communities and then between the individual villagers, with boundaries determined collectively at the community level. A villager may "own" 500 trees but only use 400. The other trees may be considered too small for harvesting but are still claimed by resin tree "owner" who will collect resin once the tree is of appropriate size. Clearly, if anyone cuts a resin tree in Prey Lang they will likely owe compensation to someone.

Three people asserted that companies must compensate people fairly for lost resin trees. While they made no specific suggestions on how this should be done, they did state that any compensation must be mutually agreed by both parties. The people would clearly rather have their NTFPs and have little or no idea how

⁸¹ Figure provided by NRPG.

they will survive without them. Compensation was seen as needed to replace what they have lost in terms of their daily survival and not necessarily as a way to start a completely new lifestyle or business venture.

1.7. Land ownership and Family's Official Document

Accurately assessing land possession across Prey Lang is a challenging task since so little documentation exists to prove occupation. Even families resident in their villages for generations may not have government-issued family books or identification cards. Given the remoteness and isolation that long characterized Prey Lang communities, other proof of residence, such as family photographs, school and health records, also tend to be scant. In addition to this, several communities, such as Cropbai Moi in Thala Barivat district which according to long-term Spong residents, did not exist before 2005, have sprung up as more migrants move into forested areas and/or forest communities split and penetrate into new areas.

On the subject of land possession 79% of villagers had no land documents of any description and claimed ancestral land rights to areas of forest and the homes. All the communities have existed for as long as any of the villagers can remember and the majority of people explained that they only had verbal agreements within the communities to various areas of forest or specific trees. Several respondents in *Phnom Chhouk* said they had written land agreements produced within the community while others in *Sre Veal* held documents for their farmland from the Sihanouk period, which under the 2001 Land Law are no longer valid⁸². Those families with permanent rice fields were the only ones with some form of documentation, albeit many of those were no longer valid. Despite coming recently from other provinces, all seven migrants in *Toal* claimed their land was also ancestral and was given to them by relatives in the village.

In the *Thala Barivat*, respondents were also asked if they possessed either a National Identity card or a Family Book to indicate that they lived in these communities. Therefore, 90% of all those surveyed held at least one of these forms of identification.

The vast majority of people can only claim ancestral land rights and these only exist as verbal agreements within the individual communities. Lost land and/or trees are hard to replace because all the available trees and areas of forest near to a community are already “owned” by someone else. Move further away from the

⁸² Article 7 of the 2001 Land Law states that all “ownership” prior to 1979 is no longer recognized.

village and the land or trees belong to another community. How exactly it is decided who gets to harvest which land or trees is unclear, as is how the hundreds of communities in Prey Lang manage to avoid disputes with each other over land ownership.

There was no significant difference in rates of land possession between Khmer and Kuy communities with rates being very similar for each community.



Picture 6: Permanent rice fields are often the exception rather than the norm in some communities.

1.8. Changing Livelihoods

With the exception of the respondents in *Romdeang*, all of the respondents from both survey sites said they do not want to change their traditional forest livelihood for a more modern or different lifestyle, such as working for an ELC. Only two people said they were interested in working for an ELC company, but they stressed this would only be temporary to earn additional money or in an emergency. However, they both stated that they wanted to continue their current lifestyle and do not want ELCs to come to their area since they would destroy their livelihoods.

Any short-term benefit from employment with an ELC is offset by the loss of forest resources needed for their day-to-day existence. In Sandan, several people told of family members working for short periods at the Tumring rubber plantation, but only when they needed additional money urgently such as for medicine for a family member. They did not like the work with the ELC company: pay was low, wages frequently came late, and they had one or two days off each month at best. In contrast, 100% of respondents were happy with their current lifestyle as the forest provides most everything they need for housing, food, income.

Above all, respondents cited the security the forest provides them as their main concern. One respondent expressed a sentiment that was echoed repeatedly.

"With the forest we have everything we need to survive; we never go without food; with the forest we feel our families' futures are safe".



Picture 7: Indigenous people preparing a lunch with immediately available natural resources

2. Development Benefits

In this instance, the results for the two areas are described separately as the questions asked in each area varied slightly. Additionally the problems faced by communities in Sandan differ greatly to those in Thala Barivat.

In Sandan, the only benefit that any of the respondents claimed from development was the building of new roads. However, most qualified this, saying that, while the roads were sometimes useful to reach their NTFPs, they had also opened up the area to facilitating illegal logging and land encroachment.

Most resin tappers and other NTFP collectors said they actively avoid using the new road because of an FA check-post where locals are routinely stopped by FA officers who demand arbitrary payments (see section 'Forestry Administration Activities' for details). Another common complaint was that the road, which is in clearly poor condition, had been destroyed by large logging trucks from the rubber concession. Although repairs were underway as of mid November 2011, the road is expected to degenerate quickly when wet season rains are combined with the traffic of heavy trucks.

For most Sre Veal respondents in Sandan District, taking the road to the Sandan market, as opposed to the forest trails, more than doubled the length of the journey increasing transportation costs. *Phnom Chhouk* and *Sampor* respondents saw even less benefit from the road as it doesn't pass close to either village.

A Sandan PLCN member described less than cordial relations between CRCK and nearby communities. He claimed that eight buffalos had been lost when they strayed onto the concession and compensation was never paid. He also reported that several animals died and a number of people became sick after

drinking water from a river that comes from the CRCK site. He noted that this kind of incident did not happen before CRCK's start-up in the area.

In the Thala Barivat survey area there has been no direct ELC activity in recent years and little development in the more remote forest areas, as at the end of 2011. Despite this, most respondents did have strong opinions based on other communities' experiences or historical problems in their area during the 1990s and early 2000s.

According to commune council members interviewed for this study *Romdeang, Veal Por* and

Anlong Pae in Thala Barivat District all had problems with the company Pheapimex, between 1995 and 2002, when most of Prey Lang was divided up into forest concessions.⁸³ During this time many villagers lost their resin trees and the officials described very similar problems to those we are seeing today in Sandan District, with illegal land clearance and rampant illegal logging going on outside the concession areas. *Toal* villagers in Thala Barivat District also reported losing hundreds of resin trees in the early 1990's.

One village chief felt that ELC's might benefit communities by bringing in well-paid jobs, while another official echoed what many respondents felt that local people lack the necessary skills to get good jobs with ELC's. Some village chiefs also suggested that companies' recruitment of outsiders to do skilled work increases migration to the area. The rest of the village chiefs said they saw no benefits from ELC's coming to their communities, only potential negatives, specifically the loss of their culture and family security. For many in extremely remote villages like *Spong* in Thala Barivate District the idea of having a job and working for a company is a completely alien concept.



Picture 8: New road brings destruction to Prey Lang

⁸³ See Global Witness report "Family Trees" 2007.

With regard to the question of how developments like ELCs could benefit them, all of the respondents rejected ELC's and many said that they just wanted to be left alone, as they are happy with their traditional lifestyle. Several respondents suggested that concessionaires should visit communities and learn about the local people and their livelihoods before they cut the forest. Kuy respondents showed markedly more concern for their future as they have little or no understanding of any other lifestyle and will likely struggle to adjust far more than largely Khmer communities.

Across both survey sites, the overwhelming response was one of complete rejection of any more ELC's for Prey Lang. The view of the vast majority of people was that these concessions are simply logging companies in disguise and that they conduct illegal activities, often in conjunction with local and provincial officials. The general perception of the government's reasons for issuing of ELCs was that it was being done to benefit just a few people and not to benefit the country as has been claimed by several government officials.⁸⁴

When the Department of Ethnic Minority, Ministry of Rural Development was asked, "What should indigenous communities do to protect their traditional lands from ELC's?" it was recommended that they should organize themselves to protect their traditional lands. This was simply a suggestion and no details were given as to how communities should go about this.

3. EIA/ESIA's

No one from any of the eight communities visited said they had been approached by government officials, regarding impending ELC's. With regard to the business activities of ELC companies, 46% of respondents said they knew nothing while 18% said that companies were developing mining and rubber plantations 44% said that the concessions are conducting illegal activities such



Picture 9: CRCK ELC in Sandan district

⁸⁴ Cambodia Daily article "Carving Up Cambodia" March 10th 2012 by Paul Vrieze and Kuch Naren

as logging and land encroachment and that these companies are often connected to high-ranking officials or other well-connected individuals.

Two officials, in *Romdeang* and *Anlong Pae*, reported that they had each been advised about a mining concession in their areas, likely Transol Titanor and Try Pheap. However neither was able to recount what the documents said nor did they understand what they were being told, citing a lack of education. Similarly no one has been advised of future developments by any companies or officials in village meetings, nor have they been asked to thumbprint any documents specifically describing concessions, although they have been asked to thumbprint papers for other developments such as roads, bridges, schools, and health facilities. However, since many people are not literate, it is not clear what they may have actually thumb printed.

During the individual interviews almost half of the respondents said that a local authority had approached them to thumbprint documents to protect the forest and stop illegal logging, and companies' encroachment on land and forest. During group discussions, 80% said the same, however on further questioning no one knew what the documents actually said as they were either not permitted or not able to read them. Only one person was able to identify which government agency was involved, which was the FA. It is most likely that they were referring to the FAs attempts to gain acceptance for various CF areas such as those issued in Sandan in 2011, although clearly no one fully understood this. It should be noted that several *Sre Veal* respondents reported that, when thumb-printing acceptance of a community forest (CF), the village chief and commune chief demanded their ID cards and have yet to return them.

Box 4: Taken from the Cambodia Daily article "Carving Up Cambodia" March 10th 2012.

CPP lawmaker Cheam Yeap however, strongly defended the government's policy to approve the rapid increase of agro-industrial plantations, claiming it was a sound economic model to develop the country and reduce poverty. "The big increases in economic land concessions are made in compliance with the government's development policy in alleviating poverty for the country" he said, adding that relevant ministries were taking all necessary steps to study and avoid the social and environmental impacts of concessions. Mr Yeap said that where negative impacts did occur, there is still a net positive effect. "The impact [of concessions] is just so little compared to the benefits for the country's economy," Mr Yeap said. "Nothing is perfect, development always has an impact. We acknowledge the economic land concessions for growing rubber and other agri-business are affecting local people and the environment. The affected people should understand that they should sacrifice for the nation in order to help the government in reducing people's poverty."

Thumb-printing is widely used by various government agencies and NGOs to demonstrate community support for developments such as schools and roads or for petitions and requests to officials. When asked if they had been approached by officials to thumbprint any other documents, it was clear that very rarely did anyone understand what they were signing and relied entirely upon the officials or NGO workers concerned to explain. Respondents variously listed themselves as providing thumbprints for healthcare facilities, schools, roads, and mosquito nets. Many passed comment that these things rarely appeared, with the exception of the schools.

Several Sandan respondents suggested that documents that they understood were calling the government to stop ELCs, illegal logging, etc were in fact agreeing to ELC activities. As it has not been possible to get copies of any of these documents it is impossible to know the truth of this. One official did state that he felt the government should only give the “low forest” to ELCs and not primary forest, as is seemingly always the case. Several people in Sandan echoed this with some complaining that the CF they were given was only “low forest” while the company received the good forest.

In an effort to discover if local officials were being put under pressure, the officials in Thala Barivat were asked if they had ever been ordered by higher authorities to thumbprint any papers related to developments. Four said no but one responded that he had been ordered to get the CF agreement for his community thumb-printed. He would not comment further.

Regardless of what they might have thumb-printed, respondents uniformly denied that there had been any consultative processes on planned ELCs. Furthermore, MoE’s Department of EIA’s openly admitted it does not have copies of company EIAs. The allegation that Sre Veal officials were holding onto villagers’ ID cards is particularly worrying. Their motives for this were unknown but given their record of abuse (see Local Authorities section) it is unlikely to be for the good of the community. It is also apparent that local authorities, and even community leaders, are sometimes put themselves pressured by higher authorities to get documents endorsed by their communities.

4. Training on Cambodian Laws and Human Rights

4.1. Training to community

There was no reason to exclude any communities from this section as respondents in all 8 communities across both survey sites said they had received

some form of training on Cambodian laws and human rights. While 56% of all respondents had attended some form of educational training on human rights, forest laws and land rights, given by NGO's, only 8 respondents (6.3%) could speak with any confidence about what they had learned and only 3 respondents (2.36%) claimed to have a good understanding. Group discussions revealed a figure of 60% had received some form of training, but as with the interviews most said they either did not fully understand or that they had now forgotten what was said. As was often the case throughout the survey, a lack of education was cited as the reason for not understanding training sessions. The low level of basic education is a major obstacle in all communities, so many respondents were eager to learn more about the law and requested that NGO's conduct more training sessions on their rights as Cambodian citizens.

While there appears to have been quite widespread efforts to educate people, there has been limited success. Most importantly the vast majority of respondents are now aware that they *do* have rights under Cambodian law, which in itself is a significant step forward. However, while around 60% of respondents had received some form of training, only 8 respondents from more than 70 had retained any significant knowledge.

4.2. Training to Local Officials

In regard to NGO trainings, four officials had attended training sessions with two having little understanding of what they were taught; one said he understood the basics but had a low education. The remaining respondent from *Veal Por* said he had a good understanding from the NGO training. When asked what they knew about their constituents' rights they were all aware that they had the right to protect their lands and forest from illegal encroachment from ELCs, however, only one understood the processes involved.

Local authorities were asked if they understood the distinction between a legal and an illegal protest. Everyone identified an illegal protest as being violent or involving weapons like sticks or knives. Regarding the legal definition of legal protest, two authorities did not know, while one said marching, shouting and waving banners. The remainder of the Romdeang and *Veal Por* officials described legal protests as advocacy using legal documentation, speaking to the media, and filing complaints through official lines. Local authorities were also asked if they knew anything about laws regulating ELCs and mining. Four of them knew nothing, while one from *Veal Por* said he "understood well" explaining that the government is only supposed to give degraded forest to ELCs

and they need to seek approval from local people. *Romdeang*, *Veal Por* and *Toal* officials had received professional training on forest laws from the government but all three also said they had a limited understanding.

The low level of basic education is a major obstacle because most officials have a low standard of education similar to their community members. All the officials welcomed education and training for their communities either by the government or by NGOs and all said it is very important that people understand their rights so they can protest illegal activities and protect the forest.

Importantly, the Department of Ethnic Minority Development in the Ministry of Rural Development said that the government would welcome NGO assistance in this area since education is essential for the villagers to understand their rights.

4.3. Threats Related to Training Workshop

Thala Barivat respondents were specifically asked if they had received threats related to their participation in rights training. During the interviews, no one claimed to have been threatened, however, during group discussions a number of people in one community claimed that a local authority had warned them not to attend CSO training sessions.

Attempts at intimidation by local authorities aiming to stop people from receiving training do not appear to have been effective. In fact, interviews suggest that most people have become even more determined to learn about their rights. Nevertheless, there have been repeated and sometimes successful attempts to stop training sessions by local officials, using the threat of arrest and various other forms of intimidation.

5. Impact on Environment

Villagers and local authorities in Thala Barivat were asked if they understood how forests are useful to Cambodia and what would be the affect if the forest were cleared. Responses varied considerably: 57% described mitigation of climate change and natural disasters as the main benefit to the forest while the remainder mentioned impacts to the economy, exports, jobs, construction and family security. Only 4 people had no answer. Regarding the affects of clearing the forest the responses were almost identical with 57% stating it would cause climate change and contribute to more natural disasters. Other effects listed were damage to the economy, no livelihoods, no building materials, no animals, and

no family security. All of the local officials interviewed answered ‘climate change and natural disasters’ to both questions and clearly had a better understanding of this issue.

6. Direct Action

The data will be assessed separately as the questions did vary slightly making it difficult to combine the results. Also with the lack of ELCs in the second survey area the results were expected to be significantly different. Some questions regarding local authorities’ involvement in protests are answered in the Local Authorities section.

Sandan District

When asked if they had taken any direct action, such as protesting, patrolling, or monitoring their resin trees, to protect their traditional forests, 66% of the respondents reported having taken some form of action and 55% joining protests. 38% of respondent had taken no action but one-third of that group indicated that they would join any future protests since, after seeing neighbors come back from a recent protest even more determined, they now believed protesting could be effective. The data concludes that 44% of respondent were monitoring their resin trees and/or conducting patrols to protect them. The monitoring is being done as part of an effort by the PLCN to collect data on the apparent dramatic increase in resin tree losses across the entire forest. All three communities had also begun to organize their own patrols for illegal loggers with considerable success, however, as noted in the section ‘Forestry Administration Activities’, efforts to work with the local FA had failed. Asked if they had made complaints on illegal activities to local authorities, 60% said no. Many felt it would be a waste of time due to corruption.

Thala Barivat District

Migrants were not asked the same questions as established community members. Asked if they were willing to join protests elsewhere in the forest, 83% of the village respondents, including two of five officials said yes. In group discussions, there was 100% support for protests with many saying the only reason they did not go was a lack of money as they needed to support their families.

Some community members in *Spong* and *Toal* had begun monitoring resin trees and conducting regular patrols but there was insufficient data to estimate what percentage of community members were involved. People in both villages

reported having stopped numerous illegal loggers and confiscated many logs and chainsaws, which were turned over to local FA officers.

Only one person, a PLCN representative, had made any complaints to authorities. He claimed to have taken his complaints repeatedly to local authorities and further to provincial and national levels, as part of PLCN's advocacy. One other had complained to an NGO but many had only complained to family members or other villagers, saying that there was little point as local authorities and/or government are corrupt or that they had lost faith in the government to implement the country's laws.

The fact that many of these people have seen this all before with events in Tumring and during the logging concession period, has contributed to the various communities being keen to support each other. The continuing development of the PLCN is certainly the driving force behind local patrols, the monitoring of resin trees, and the protests. They also understand that a concerted effort by communities from across the forest is far more likely to persuade the RGC to take action. The efforts of NGOs have helped them to better organize themselves and raise awareness of their rights under Cambodian law. The majority of respondents asked for continued support from the NGO sector, particularly on education and law enforcement.

It is clear that there are increasing numbers of desperate villagers in all of these communities who want to join the protests. As community members from all 4 provinces have gone to such considerable effort to join the protests in Sandan, there is every reason to believe feelings are running similarly high in other communities around Prey Lang. Even those who don't have a stake in NTFPs fully supported the protests and wanted to join if possible to support their fellow villagers.

Meanwhile, the researcher did not receive any ideas from the government side concerning "What activities should NGO's and the government collaborate on in order to stop illegal logging and poorly implemented concessions?". The Department of Ethnic Minority Development, MoRD and the Department of EIAs, MoE, gave the rather noncommittal answer "Any activities under existing laws".

7. Confidence in the Government

Respondents were asked about their confidence in the national government's ability to solve the problems of illegal logging and land encroachment. None of the community respondents at either survey site believed government officials

would take any action on their behalf. This was in general because “no one ever listens to the local peoples’ complaints” and that “the government is only interested in supporting big businesses.”

In contrast, four of the five local Thala Barivat authorities said they had absolute confidence in the government to address any problems. Several respondents stated that they lacked confidence in the government because there are already numerous laws in place to protect the forest and people rights, yet the government appears ineffective and does nothing to enforce these laws. The general feeling was that the government was only interested in supporting big business and well-connected individuals. The only conclusion is a complete lack of confidence in the government to tackle the problems the communities of Prey Lang are facing.

8. Local Authorities

It was noted in the survey that sometimes local authorities had issued warnings to local people, particularly regarding protests. While the majority of these threats were veiled, in Sandan, warnings not to attend protests against the CRCK rubber concession were followed with the families of protesters in *Sre Veal* being refused the government emergency flood relief packages issued after the devastating floods of September and October 2011.⁸⁵ Possibly the most disgraceful action is that of a villager’s child being refused entry to the local school because a member of the family had attended a protest.

Respondents were asked if their local authority supported their protests. Of the eight local authorities, four were described as being neutral or even helpful, refusing to order villagers not to protest and sometimes trying to help with ideas. At the same time they wouldn’t actively support them due to pressure from higher-ranking officials. During a group discussion, participants from one community accused one of the four “neutral” local authorities of colluding with illegal loggers, although they were unable or unwilling to elaborate. Only three local authorities were seen as actively supporting the community members, but one in Sandan District was accused of colluding with commune and district officials implicated in many illegal activities.

The most serious complaints were directed against district and commune authorities who were accused of being directly involved in illegal logging, land

⁸⁵ Note that the migrant’s questionnaire did not cover this subject so they are not included in the results.

grabbing, and colluding with CRCK in illegal activities. The local police were also accused of being heavily involved in illegal logging with one respondent claiming local police officers had been employed by district officials to clear approximately 5,000 resin trees in Dong Kambeth commune during 2011. A large number of respondents in Sandan identified several high-ranking officials as being behind most of the land grabbing and illegal logging activities in the district.

During interviews in Thala Barivate, only one local official had been threatened or put under pressure by higher level authorities after he and other villagers had confiscated illegal cut timber.

Asked what the RGC should do to stop the illegal logging and damage from developments such as ELCs and mines, the officials variously suggested the government come and see for themselves what is going on, develop new laws to stop encroachment on community land, stop ELCs, and work with the communities to protect the forest.

When asked how NGOs and the government could collaborate to stop illegal logging and ELCs/mining, four stated that they needed to cooperate and work together. The other said that it didn't matter because corruption continues even though the government has adopted the forest law.

9. Forestry Administration Activities

Most respondents in Sandan District believed that Forest Administration officers were protecting illegal loggers and assisting CRCK to expand operation. All respondents and local authorities from both survey sites complained that local Forest Administration officers were using their positions to extort money rather than protecting forest. Several respondents believed this was because lower-level staffs are compelled to support higher-ranking officials at provincial and/or national levels, and so had no choice in the matter. One example of this, several respondents claimed that Forest Administration officers regularly follow them into the forest when they are collecting resin or NTFPs to extort money in the form of various "fees."

The vast majority of respondents wanted an end to these arbitrary "fees", although two respondents in Sandan said that if the fees were standardised and above all reasonable, they would not object to paying something for the use of the forest. The main complaint was that the "fees" changed from day to day and were sometimes more than the value of what had been collected. The typical "fee" for one can of liquid resin was Riel 1,000 (USD0.25), however according to

many respondents this could vary dramatically to as much as Riel 10,000 (USD2.50), which is the approximate value of one can of resin at the local market. If the NTFP collectors do not have sufficient money to pay, Forest Administration officers will often accompany them to the market to collect the “fee” when the product is sold.

10. Migrants

We tried to ascertain whether migrants had purchased or otherwise claimed the land they were clearing (even if illegally) or were working for other people. Unfortunately logistical problems meant that the data collection team were unable to reach the migrants the researcher had met in April 2011 and in the end only seven were interviewed in the village of *Toal*.



Picture 10: Forest cleared by migrants in Thala Barivat, April 2011

Six of the seven migrants interviewed in *Toal* village were from Kampot province with the other from Takeo province. Two of the migrant families had moved to the area 6 or 7 years earlier, the other five had only arrived in 2011. All the families claimed between 1 and 3 hectares of land and were farming rice, cassava and/or cashew nuts. None of the survey respondents had registration papers and all claimed ancestral ownership through relatives in *Toal* village.

Of the people interviewed only one claimed to have paid any kind of “fee” of two litres of rice wine to a village chief to be allowed to settle in the area. When asked why they had moved to Prey Lang, six of the respondents said they had moved because there had been no land available for farming; one said an ELC in Kampot had taken over the family farm leaving them landless. As for their use of Prey Lang’s natural resources, four of the families said they had already earned money from resin tapping and/or collecting NTFPs for other villagers.

Having freely available building materials for their houses was seen as a major benefit and in three cases they said being able to hunt wild animals helped their families. Realistically, probably more of the migrants are hunting but will not openly admit to it. It is fair to say that this increase of the local population will certainly have an impact on Prey Lang's wildlife, already under threat.

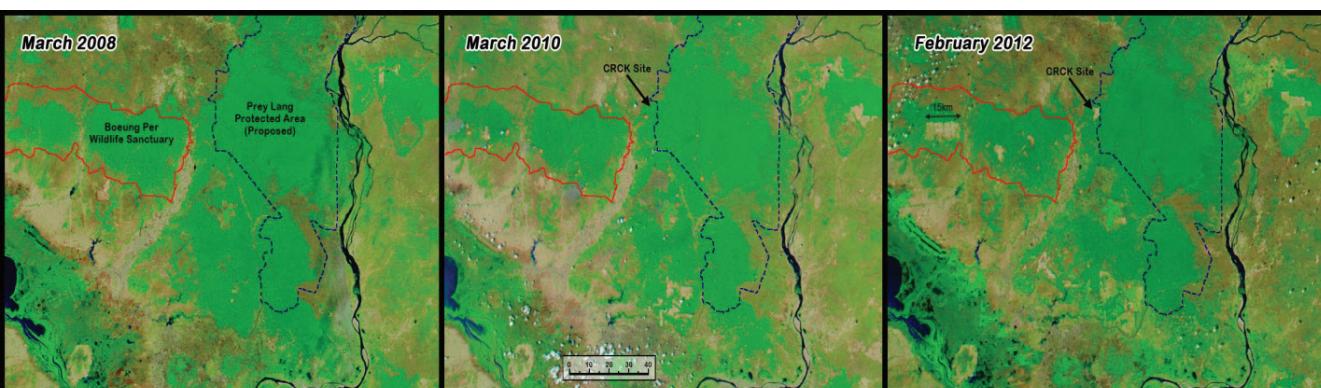
When Thala Barivat respondents were asked if they had suffered any land encroachment, three respondents in *Romdeang* and one in *Veal Por* said they had. Three of the four families had lost land to migrant families and the fourth in a dispute with a neighbour. No one from the other three communities had lost any land in recent times although several people in *Spong* spoke of losing land to a company several years earlier before the company was forced out.

From this survey, it was impossible to get a comprehensive view of the situation of migrants in Thala Barivat since the respondents were restricted to only one village. The only conclusion that can be drawn is that many people are now relocating to Prey Lang, notably from Kampot. Given the large scale of land clearance, it cannot possibly have gone unnoticed by local authorities.

RECOMMENDATIONS FOR THE CONSERVATION AND MANAGEMENT OF PREY LANG

Environmental Impact Assessment Process

There has been a huge increase in the number of ELC's across the country over the past few years causing considerable damage to forests and suffering to forest-dependent communities such as those in and around Prey Lang. The satellite images below show the enormous increase in deforestation from ELCs from 2009 to 2012 in central Cambodia. The most notable is the 15km x 5km concession in Boeung Per Wildlife Sanctuary, however there are also large areas in the south and west of Prey Lang and to the east across the Mekong River. The progress of the CRCK site can be seen and as at March 2012 the area cleared is approximately 2km x 5km in size.



Map 7: Satellite images of central Cambodia and Prey Lang, showing recent forest clearance

The fact that EIAs are not undertaken adequately nor strategically, to support sustainable ecosystem management and equitable development, is at the heart of the problem. As an example, although the law provides for the review of concessions before they are granted, the MoE's Department of EIAs received no EIA on the CRCK concession, prior to its approval. In fact, at least six months after the concession had been approved by MAFF, the Department of EIA openly admitted that their department had still not received any EIAs from either MAFF or the company⁸⁶. Despite this, they continued to make the rather confusing claim that they are following the EIA guidelines.

⁸⁶ Note: By the time of interviewing, EIA Department did not receive any EIA/IEIA of CRCK.

1. The RGC should enforce EIA requirements.
2. The RGC should make the EIA process transparent with public access and allow comment on EIA documents.
3. Close the glaring loopholes that appear to be used to avoid EIAs⁸⁷ and clarify the entire process to ensure that EIA's are being reviewed prior to agreements being signed.
4. In the case of the CRCK site MAFF must explain why they did not present an EIA to the MoE's Department of EIAs before signing the agreement, as they are supposed to have done under the Prakas. In turn the Department of EIAs needs to explain fully how they are complying with the regulations in this instance when they did not have the EIA in question.
5. The Department of EIA should re-inspect the CRCK site, preferably without notice, to ascertain whether the concessionaire has fulfilled the conditions of their agreement. If not, the concession should be cancelled.
6. CRCK should hold open and transparent discussions with local communities to ascertain damages and to provide fair compensation to villagers who have lost land or resources such as resin trees.
7. NGOs should try to encourage discussions on compensation as in the case of the CRCK concession it will be several generations before the deforested areas can return to a natural state. So these communities need proper compensation and/or restitution.
8. NGOs should hold meetings with affected communities including Kuy people to find ways to help them adjust to an entirely new life, through education and possibly financial support like small loans.

Law Enforcement

With considerable and widespread illegal logging taking place across the whole of Prey Lang there is an urgent need for a crack-down on illegal activities. Unfortunately it appears that the FA and local officials are heavily involved in much of the illegal activities taking place and therefore cannot be relied upon to enforce the existing laws.

The vast majority of illegal activities taking place could be stopped immediately were the various government agencies to fulfil their duties as required under Cambodian law.

⁸⁷ For further details see the 'EIA/ESIA Process' part of the Results section.

The RGC should:

1. Assign an independent and qualified committee to investigate allegations against local officials; take legal action as the investigation warrants.
2. Work in partnership with the PLCN and community groups across the forest to develop joint strategies for the management and protection of Prey Lang. This should include joint management of check-posts throughout the forest, preferably with newly assigned officers from outside of the Prey Lang area. This would put an almost immediate stop to the majority of illegal logging taking place around Prey Lang. This could also be equally effective in other parts of the country.

Education and Rights under Cambodian Law

Most people living in Prey Lang have inadequate understanding of their rights under Cambodian law. That said, NGO efforts have nevertheless greatly raised people's awareness that they do have rights as Cambodian citizens. As such there were numerous requests for more training. An MoRD officer, indicated that more education on laws and rights would be welcomed by at least some elements of the RGC as "*it's very important that villagers understand their rights*". Since objections arise primarily at district and commune level, with apparent support from provincial officials in Kampong Thom, action must be taken at those levels, with support of national authorities.

1. NGOs should continue and expand efforts to educate Prey Lang communities, while the RGC needs to actively support them in this process to ensure that local authorities do not arbitrarily stop training sessions.
2. NGOs should hone their training curriculum to be more appropriate for the communities' literacy levels, learning styles, and contexts, to increase retention and improve practical application.
3. Communities should also be educated regarding the potential consequences of "thumb printing" documents they cannot read.

Protected Forest

While it is noted that the FA are currently surveying the Prey Lang area with the intention of proposing a protected forest, there is little information on their exact plans.

1. The RGC and the FA in particular need to involve the local communities in the protected area management of Prey Lang. These communities already have an increasing ability to protect these valuable natural resources, while it is clear from current FA activities in Sandan and elsewhere that there is little hope of this being achieved by existing government agencies.
2. It is recommended that the CRCK rubber concession should be cancelled and replanted as it is clearly in an area of primary forest and not degraded forest as required under law. The Thy Gna and PNT concessions should also be cancelled and be included as part of any buffer zone for a Prey Lang protected forest.
3. All other concessions and mining licenses, as well as any proposed dams or other infrastructure schemes in the greater Prey Lang area should likewise be reviewed, taking into account the rights and needs of existing communities. Information from USAID's hydrological assessment and other data supporting the sustainable management of ecosystem services must be taken into consideration as Prey Lang's watersheds should be considered vital to the national interest.
4. Reforestation and rehabilitation of the CRCK area and other heavily damaged areas would benefit the FA plans for REDD. Engaging communities in these efforts would also help them to recover their livelihoods.
5. NGOs and the donor community should urge the RGC to include a corridor area between what remains of Boueng Per Wildlife Sanctuary in the final Prey Lang protected forest. This area would include cancelled ELCs in Sandan and Rovieng and provide additional protection to the affected communities. This would also ensure that the Stung Sen watershed remain viable.

Mining

From anecdotal evidence there are increasing concerns about the growing number of gold mines appearing in Prey Lang. Most notably this is because of the potential for highly toxic chemicals to find their way into the drinking water of downstream communities including major provincial capitals like Kampong Thom and Kampong Cham.

1. MIME should allow public access to information on mining licences being issued and should make public its plans for all development projects in Prey Lang areas. They should also conduct comprehensive

discussions with affected communities before any developments take place.

2. There needs to be widespread testing of water from MIME to ensure toxic chemicals are not being allowed to leach into the ground water.
3. MIME should explain what is planned for the site of drilling in Sre Veal village in Sandan in 2010, as shown earlier in the report.
4. MIME licenses should be subject to central planning processes that contribute to sustainable landscape management.
5. The Fisheries Administration should conduct baseline tests for heavy metals and other expected contaminates in downstream fisheries to help ensure highly toxic pollutants are not entering the food chain.

Land Rights

The situation of land rights does not seem to have moved forward in the past few years as no community land had been registered as of the end of 2011.

1. Contradictions in land and forest laws must be clarified by the RGC and the process moved forward allowing communities to register their traditional lands.⁸⁸
2. There needs to be further clarification by the RGC regarding which communities can register land, particularly the issue of communities identified as Khmer (regardless of their actual ethnicity) which under current guidelines would not qualify for communal land rights.
3. Communities should consider registering for communal land rights despite the fact that the process is both long and seriously flawed.
4. Given that the laws on indigenous community, land potentially offer a good opportunity to communities to protect their traditional lands, it is noted that none of the communities in Prey Lang have made significant attempts to register their communities with the relevant ministries. NGOs need to provide assistance, as communities have little understanding of the processes involved in applying for communal land rights.

Future Economic Land Concessions

First and foremost there should not be any more ELCs issued in the greater Prey Lang area. As should be true across the country, however, any company

⁸⁸ See Indigenous Peoples – Rights and Land Tenure section.

planning a concession need to conduct open discussions with communities from the outset of any planned ELC and provide real alternatives for communities that will lose their resources. If an ELC will encroach on peoples land there needs to be fair compensation. As an example of inadequate compensation, cash compensation provided by ELCs in Ratanakiri simply resulted in increased landlessness in those communities. Likewise any reallocation of land, as has been attempted in Ratanakiri, must take into account the quality of the land as clearly swapping primary forest with plentiful NTFP's for degraded or low quality forest is not acceptable.

Possible options include those employed by some companies in Ratanakiri where villagers were offered the opportunity to develop "Cooperation Farms". While a far from perfect solution these farms do provide the potential for households to support themselves in the long term⁸⁹.

Other Recommendations

NGOs should conduct further investigation of ELC activities elsewhere in Prey Lang, particularly in Kratie as there is very little information on this area at present.

The RGC needs to explain what the current process is for migrants, particularly in Thala Barivat District, Stung Treng Province where there are some indications of a concerted effort to relocate landless people from various provinces.

Above all else, there needs to be a concerted effort on the part of all parties, RGC, NGOs and the communities, to stop the anarchic illegal logging that is currently taking place across Prey Lang forest.

The urgency of this cannot be stressed highly enough.

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