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Transferable Strategies

Cambodia's National Poverty Reduction Strategy recognizes the development of indigenous minorities as an area requiring further attention if Cambodia's poverty reduction efforts are to be effective in all sectors of the population. Although the workshop focused on land alienation in Ratanakiri many of the points apply to land alienation issues in general. This report records key issues, plans and strategies identified by key stakeholders many of which may be transferable to land alienation situations in other parts of Cambodia and elsewhere.

Ratanakiri

Ratanakiri lies in the North East corner of Cambodia on the border with Vietnam. It is divided into nine districts; forty nine communes and two hundred and forty officially recognized villages. The total population is 113,000. There are eight different ethnic groups of indigenous communities. Ban Lung, the Provincial capital, is one of the fastest growing towns in Cambodia.

Traditionally indigenous people have been dependent on the forests and subsistence agriculture for their living. However in order to benefit equally from an overall growth in Cambodian living standards, they have begun to seek ways of developing their livelihoods and cash incomes. Some have established cashew nut plantations; others have been tempted to sell their land, often on the misunderstanding that their livelihoods will be improved. A key problem however is that due to scarce information and poor levels of education amongst the indigenous communities, land which traditionally belongs collectively to the community is being lost through lack of clarity regarding land laws.

The loss of agricultural land is also impacting negatively on the progress of donor supported development programmes. Amongst other examples is CARE's bi-lingual education program that has, for the first time in formal education shown some notable successes in providing schooling for children of ethnic minorities. However critical land issues are starting to impact negatively on these education development goals.

Mondulkiri

Mondulkiri Province borders Ratanakiri to the south and is in a similar situation to Ratanakiri. Mondulkiri is divided into five districts, twenty one communes and ninety villages. Eighty per cent of the inhabitants are indigenous people living in semi-traditional communities. The remainder of the population is mainly Khmer, Lao and Stien with small percentages of other ethnic groups.

Indigenous communities lack clear information about land laws, have difficulty in reading formal documents and do not have access to support from those who could educate them on such matters.

Mr. Tim Sinart, Director of the Provincial Office of Land stated that if these issues could be resolved then land would cease to be lost.

Mr. Sinart went on to add that the government has shown its concern about land owned by communities by creating a pilot project on land titling supported by SEILA in two communes in Ratanakiri. These are La Em Kren village, Ou Chum commune, Ou Chum District and La En village, Toen commune, Koun Mom district. The results of the project will be used for development of a sub - decree of land law.

It was also noted that the Provincial Office of Land plan to work in Krola village, Poey commune, Ou Chum district during 2005.

It was also recognised that land registration and titling however is both slow and expensive. It is also a process which until recently has not been deemed necessary by indigenous communities themselves many of whom are still unaware of the implications or do not have the money to proceed.

Support from the Prime Minister

Mr. Khorn Saret, Representative of the Ratanakiri Cantonment of Forest Administration stated that the Prime Minister, Samdech Hun Sen has appealed to the Forest Administration Cantonment and Ministry of Land and Environment to take back the land and prosecute the people who continue to illegally title it and sell it or have been involved in major abuses of the law.

Consequences of land loss.

The most far reaching and damaging means of land loss is exploitation by outside investors. Logging and mining concessions in particular destroy natural environments as well as indigenous community life. Experience from other countries has shown that this can lead to a complete breakdown of social cohesion and lead to many social and economic problems.

Mr. Christian Erni from the International Working Group for Indigenous Affairs (IWGIA) outlined findings from a United Nations Report compiled by Mrs. E A Daes which found that:

In Malaysia, indigenous communities have established Oil Palm smallholder plantations in the same way.

Such export oriented smallholder plantations have many benefits. They help the country achieve a positive trade balance, provide opportunities for investment in related industries, raise income of those who might otherwise be below the poverty line, secure land tenure for indigenous communities and help prevent environmental degradation.

Mr. Erni concluded that land tenure systems most suited to indigenous communities are those which are based on or reflect traditional systems. With such systems indigenous people can:

- ❖ Adapt their communal land management and economic systems successfully to new situations
- ❖ Maintain their indigenous culture
- ❖ contribute to the economy and development of the nation

Presentation and Appeal by representatives of the indigenous communities of Ratanakiri

Representatives of the indigenous communities of Ratanakiri present at the workshop also made a presentation. They pointed out that at least 10,000 hectares of land had been lost over the last two years compared with none at all in the past. They explained that poverty often drives them to sell land to outsiders and this has led to some communities being critically short of land. They said that people in positions of authority also sign their land away. They stated that they lack clear information regarding the land law and have difficulty reading documents about land law. They said that to date there have been few organizations or individuals to help them.

They added that often communities sell the land to investors with the idea that the investors will employ them. Some do, but many employ people from outside and these people use up the local natural resources often making the situation worse.

Communities felt they were in danger of losing their social structure and identity as an indigenous people. They asked participants to agree to strategies and solutions which would result in respecting the rights of indigenous communities to live in peace and title their land in the traditional way they have always known. These are:

- Fallow Land
- Land for burial
- Land for spiritual ceremonies
- Land for feeding animals.

Recommendations for Priority Action

The Indigenous Community group suggested the following:

- ❖ Increase co-operation between the government local authorities and the community.
- ❖ Carry out a research project in the area to assess the impact of land loss.
- ❖ Each village to have a clear plan of its land use and the natural resources in the village.
- ❖ Mount a national and international campaign to promote understanding of land loss.
- ❖ Punish those who sell or buy land which traditionally belongs to the community.

This group agreed they had a responsibility to:

- ❖ Promote land loss issues in the community and especially to children.
- ❖ Unite the community to prevent illegal and unnecessary land loss.

The NGO group agreed that NGOs could work together to initiate the following:

- ❖ Call upon the government to:
- ❖ Take stronger measures to prohibit illegal logging and land sales.
- ❖ Place a moratorium on land sales until communal land titles are in place.
- ❖ Coordinate a response to drought relief operations by working with the government and the World Food Program.
- ❖ Send out consistent messages to the communities they serve.
- ❖ Work with communities to strengthen and develop existing and alternative livelihoods.
- ❖ Provide livelihood support to those who want to sell their land because they are poor.
- ❖ Create credit schemes and other relief programs.
- ❖ Develop an advocacy network in Ratanakiri and at national level.
- ❖ Facilitate opportunities for all stakeholders to share their views and ideas.

This group agreed they had a responsibility to:

- ❖ Call upon government to issue regulations to prohibit illegal logging.
- ❖ Support participatory land use planning.
- ❖ Provide capacity building for provincial government officials and commune councils on land issues.
- ❖ Raise awareness in the community.
- ❖ Support the strengthening of social structures within indigenous communities.
- ❖ Raise and maintain awareness at all levels within the government including the judiciary.

The Local Government group agreed the following priorities:

- ❖ Stop forest clearance for farming.
- ❖ Be cautious when approving land sales.
- ❖ Respect provincial orders regarding land use.
- ❖ Promote participative discussion on land use.
- ❖ Respect traditional methods of land management.

Conclusions drawn from the discussion groups.

The priorities and strategies proposed during the discussion groups were very clear and highly practicable. They illustrated that all participating groups are in fact, working towards solving a shared problem. Prior to this many had a perception that each faction was working in isolation and refusing to recognize alternative points of view.

The responses also showed that participants understood their own responsibilities as well as sharing expectations of help from others.

The main priorities were agreed as follows:

- ❖ A top priority would be to ensure that all stakeholders clearly understand the law and work within it.
- ❖ Indigenous communities should receive more help from the government and NGOs to help them understand the issues.
- ❖ There is a role for NGOs and government staff to create a strong network which facilitates awareness raising between the indigenous community, the local authorities, district, provincial and national government offices.

- ❖ Authorities should immediately stop signing land sale documents where there are no clear possession or ownership titles.

Despite coming from a range of different backgrounds the ideas and strategies of each group were remarkably similar. This very positive situation should facilitate effective working partnerships in the future.

The Next Steps

Prevention of further land loss is seen as a matter of urgency and the discussion groups have established a blue print for the future. Action and co-operation on all levels is the most effective strategy for success.

Government should take action to promote national recognition of land rights and the simplification of land title registration.

NGOs, local government, communes and local communities should work closely together.

The most sustainable solutions will be found where indigenous communities are strong and confident within themselves. NGOs and the government should work together to ensure that communities understand the law, and have the confidence to advocate for their own rights.

APPENDICES

Appendix 1 Workshop Program

Appendix 2 Speeches

Appendix 3 Working papers showing outcomes from each discussion group

Appendix 4 Supplementary information. (information from the internet and the Cambodia Daily?)



- 15 officials from the provincial authority level
- 15 district officials
- 49 participants from the commune level
- 50 participants from various communities in the province
- 4 participants from communities outside the province
- 15 participants from NGOs in the province.



Time	Contents	Responsible Persons
Day 2: Tuesday, March 29, 2005		
7:30-8:30 am	Presentation on international experiences in the preservation of indigenous land and community development.	ILO or IWGIA or AIPP
8:30-9:30 am	Presentation by community representative on the scope of and reasons for land alienation and community rights as stated in the Land Law.	
9:30-9:45 am	Break.	
9:45-10:00 am	Instructions and group discussion.	Min Muny
10:00-12:00 m	5 discussion groups: To discuss and identify strategies to reduce indigenous land alienation Group 1 Communities Group 2 NGOs Group 3 Local authorities (communes and districts) Group 4 Provincial authorities and provincial departments Group 5 National level.	
12:00-2:00 pm	Break	
2:00-3:30 pm	Presentations by discussion groups and recommendations.	Group representative
3:30-3:45 pm	Break	
3:45-4:45 pm	Continuation of presentations by discussion groups and recommendations.	Group representative
4:45-5:30 pm	Summarizing the strategies.	Min Muny
6:00 pm	Joint dinner and short audiovisual program.	

WORKSHOP ON INDIGENOUS LAND ISSUES 28-30 MARCH 2005, RATANAKIRI PROVINCE

Opening Remarks by Mr Russell Peterson, Representative NGO Forum on Cambodia

My respects to His Excellency Moung Phouy, Vice-Governor of Ratanakiri Province,
My respects to His Excellency Tu Son, Governor of Mondulakiri,
Respects to Mr Siek Vanna, representative of the Ministry of Land Management,
My respects to Ms Sharon Wilkinson, Country Director of Care International,
My respects to officials of all levels, to all NGOs and all community representatives,
Excellencies, Ladies and Gentlemen,

It is my great honour to have this opportunity to compliment the Provincial Government of Ratanakiri for initiating this workshop, which is intended to find and initiate joint strategies and plans to reduce and control the alienation of land from indigenous communities in Ratanakiri.

As shown in the recent report of the NGO Forum, "Land Alienated from Indigenous Minority Communities in Ratanakiri", indigenous minority people are currently losing their land at a greater rate than ever before. Rapid land alienation is now weakening the social structures of indigenous minority communities. As the social fabric of communities is destroyed, so too are the future options and possibilities for community development and poverty reduction. This workshop intends to find ways to reverse this alarming trend.

Cambodia's National Poverty Reduction Strategy recognizes the development of indigenous minorities as an area requiring further attention if Cambodia's poverty reduction efforts are to be effective in all sectors of the population. It notes that decision-makers at all levels need more information about indigenous people's "living conditions, cultures, and... development needs." ¹

At this workshop, we have a great opportunity to learn more about indigenous minority people's development needs. In particular, we have the opportunity to hear directly from indigenous minority people themselves about how land alienation is affecting their communities and to hear their suggestions. The Royal Government of Cambodia's Rectangular Strategy recognizes the need for the "view[s] of minorities and the voices of the most vulnerable in society [to] be fully heard and considered in decision-making processes." ²

¹ National Poverty Reduction Strategy, Section 4.5.7 Ethnic Minorities

² Rectangular Strategy, Section 2.1 Good Governance

WORKSHOP ON INDIGENOUS LAND ISSUES 28-30 MARCH 2005, RATANAKIRI PROVINCE

Opening Remarks by Sharon Wilkinson Country Director CARE International in Cambodia

My respects to His Excellency Kham Koeun, Governor of Ratanakiri Province,
My respects to Mr. Russell Peterson. Representative of the NGO Forum
My respects to all national, provincial, district and commune level officials, to all
NGOs and all community representatives, Excellencies, Ladies and Gentlemen,

First I wish to say "thank you" to the Provincial government and specifically the Provincial Governor for suggesting this forum to create a place in which we can all come together to reach a common understanding on critical action points to support inclusive development in Ratanakiri.

CARE is happy to provide the financial support to this workshop as supporting local government and civil society to reach joint action plans underlines the rationale for CARE's involvement in development.

CARE promotes inclusive economic and social development - our approach is to work within government frameworks and guidelines, supporting the development of critical services for the most vulnerable of all societies. Our approach has opened up exciting new possibilities for strategic collaboration between all development agencies be they government departments, international or national NGO's as well as civil society.

The partnerships we are developing have helped us all to recognise that human rights and development are two sides of the same coin (or two sides of the same monument - like the Buddha on the Bayon we have to look and work in all directions). CARE also understands that human rights cannot be fully guaranteed without sustained economic and social development; development cannot proceed without the rule of law and protection of human rights.

Today under the Royal Government of Cambodia's rectangular economic development strategy we all have a more complete understanding of the importance of good governance, the rule of law and human rights as essential conditions for effective poverty reduction and sustainable economic growth.

**Remarks by Mr. Soy Sona from the Ratanakiri Provincial
Department of Agriculture at the Workshop to Seek Strategies to
Prevent Indigenous Land Alienation in Ratanakiri
March 28-30, 2005 at BBU**

H.E. Kham Khoeun (provincial governor of Ratanakiri),
Representatives of the relevant ministries,
Distinguished national and international guests,
Representatives of NGOs in this province, Ladies and Gentlemen:

On behalf of the Ministry of Agriculture, Forestry and Fisheries (which has appointed me as its representative at this workshop) and myself personally, as leader of the provincial department of agriculture, I would like to profoundly thank the organizers for permitting me to participate in this event on indigenous land alienation that partly relates to the agricultural sector. It is an opportunity to explore strategies to reduce indigenous land alienation in Ratanakiri province.

Today, please allow me to inform you of the current situation on the living standards of indigenous people whose livelihoods depend on agricultural practices and collection of natural products. When it comes down to agriculture, we refer to land resources. The indigenous people here exercise their traditional rights to receive lands in order to do farming, and such a practice has been in place for many generations. Each family can clear forest to do cultivation based on the labor they have in the families. However, there is also recognition of their land boundaries in their villages. Based on this, certain provisions in the Land Law (2001), under Chapter 3, Section 2, Article 25, state that: "lands of indigenous communities are those lands where the said communities have established their residences and where they carry out traditional agriculture."

The lands of indigenous communities include not only lands actually cultivated but also include reserves necessary for the shifting of cultivation which is required by the agricultural methods they currently practice and which are recognized by the administrative authorities.

The measurement and demarcation of boundaries of immovable properties of indigenous communities shall be determined according to the factual situation as asserted by the communities, in agreement with their neighbors, and as prescribed by procedures under Title VI of this law and relevant sub-decrees.

As Your Excellencies, Ladies and Gentlemen have known, Ratanakiri is mostly covered by forest (for example according to Fox, 2000, it was confirmed that between 1953 and 1996, forest covered 77% of the total area of the province.) There have been many problems related to the loss of forest and land use for agricultural purposes.

Moreover, people from other provinces have also brought in new techniques for crop cultivation, sustainability and income generation: growing beans and peanuts, as well as putting in cashew nut and rubber tree plantations.

Therefore, we need to inform people about how to improve their agricultural productivity and land security. This means that the cultivation of strategic crops and other fruit-bearing trees on former farmland is a measure to prevent land grabbing by outsiders. By doing so, the lands will be considered as being owned; moreover, the farmers gain income from the crops, such as from selling cashew nuts. This will also help reduce poverty and land alienation. If the farmers leave their land idle, then trees start to grow on the land; as a result, the land will be considered as having no owner. Then outsiders come in to clear the land or grab the land through a middleman or some villagers. Therefore, it is really necessary that we produce as soon as possible land use plans with the participation of the local communities as well get as recognition from specialized institutions and the Royal Government.

We can say that agricultural development in Ratanakiri nowadays is at a stage where it needs special attention. Therefore, it is required that we conduct far-reaching and in-depth studies on the actual situation in this area especially on its potential and the threats it faces, and other factors affecting the daily lives of people so that we can make comparisons in terms of cost and benefits as well as impacts from agricultural practices.

Finally, I hope that based on laws and regulations concerning land policies, the land use of indigenous communities and actual local experiences, this workshop will be able to identify good recommendations in order to formulate joint strategies to reduce land alienation. At the same time, I would like to wish the distinguished guests, Excellencies (H.E. Kham Kheurn, Provincial Governor of Ratanakiri and so on), Ladies and Gentlemen (representatives from ministries and relevant organizations), national and international guests representing organizations working in the province and participating in this workshop, to always enjoy the five words of Buddhist blessing.

Thank you!

Group 1: Community Group			
Priority Activity	Opportunity	Group's Ability	Concrete Strategy for other groups
<ul style="list-style-type: none"> ❖ Encouraging solidarity in the community 	<ul style="list-style-type: none"> ❖ Networking with the elders in all villages ❖ The invasion of the community border regarding use of community resources ❖ Observation Plan ❖ The natural resources committee 	<ul style="list-style-type: none"> ❖ Promote and educate the community, especially children in the next generation 	<ul style="list-style-type: none"> ❖ Suggest government support ❖ Suggest more cooperation between the local authority and communities ❖ The children in the next generation should not forge the identify of their own ethnic minority group
<ul style="list-style-type: none"> ❖ Strengthen the relationship between community, local authority, traditional authority 	<ul style="list-style-type: none"> ❖ The decision through tradition authority ❖ Have had or have not had the discussion with the community 	<ul style="list-style-type: none"> ❖ Cooperation between community and the local authority 	<ul style="list-style-type: none"> ❖ Suggest having a community discussion ❖ Suggest having a research about the impact of the land loss
<ul style="list-style-type: none"> ❖ Law strengthening of both existing and relevant policies 	<ul style="list-style-type: none"> ❖ Have the agreement in the community not allow to sell the land ❖ The elders group discussion to promote in the communities 	<ul style="list-style-type: none"> ❖ Promote the importance of the community land 	<ul style="list-style-type: none"> ❖ Should have a clear plan of land use and the natural resources in the villages ❖ Authority at all levels should agree to obey the law ❖ Encourage the government to support and promote the community ❖ Suggest that the local authority could participate in promoting the community

Group 2: NGO's

Priority Activity	Opportunity	Group's Ability	Concrete Strategy for other groups
<ul style="list-style-type: none"> ❖ Strengthen legal and governance environment ❖ Informed community who are aware of and knowledgeable about their rights and communal/individual title 	<ul style="list-style-type: none"> ❖ Network to convey consistent messages to commune councils ❖ This workshop in an opportunity to call upon the government to place a moratorium on land sales until communal titles are in place 	<ul style="list-style-type: none"> ❖ Support Participatory Land Use Planning ❖ Call upon the government to issue regulations to reduce and prohibit illegal logging and land sales ❖ Research, document make information about the land alienation process and situation available ❖ Accelerate the process of communal land titling ❖ Capacity building for commune councils on land issues ❖ Punish people involved in illegal land selling ❖ Prepare and strengthen networks between communities ❖ Awareness raising and capacity building of government and judiciary ❖ Education and information to communities about reducing land alienation ❖ Capacity building for commune councils on land issues ❖ Support the strengthening of social structures within indigenous communities 	

Group 3: Local government

Priority Activity	Opportunity	Group's Ability	Concrete Strategy for other groups
<ul style="list-style-type: none"> ❖ Do not sign when someone want to sells land ❖ Stop the forest clearance for farming ❖ Stop the land sellers ❖ Provide the communal possession 	<ul style="list-style-type: none"> ❖ Respect the provincial order about land use ❖ Planning of land use should involved the participants from the communities and other relevant bodies ❖ Obey the orders, policies and instructions for all levels and manage the land use with traditional methods ❖ Educate local people about land law 	<ul style="list-style-type: none"> ❖ Create the village and commune committees ❖ Educate the elders to understand about law by using indigenous languages ❖ Build the capacity and provide training to villages and communes. ❖ Cooperate with each other in order to stop land loss 	<ul style="list-style-type: none"> ❖ Districts, provincial and national levels provide the intervention about land loss and accelerate the coordination rights ❖ Related sectors and relevant institutions should participate in training ❖ District, provincial and national level authorities should sign the licenses to permit land possession of areas which have been cleared ❖ Do not allow communities to have the communal possession of land ❖ Obey the provincial orders ❖ Clearly identify the border of villages and communes

Group 4: Provincial Government

Priority Activity	Opportunity	Group's Ability	Concrete Strategy for other groups
<ul style="list-style-type: none"> ❖ Strengthen the promotion and the practice of Land Law and Forestry Law to the community efficiency. 	<ul style="list-style-type: none"> ❖ Have Land Law (2001) and Forestry Law (2002) ❖ Have law related to the land law and forestry law ❖ Have document to promote ❖ Have provincial sub-committee to stop, lob and bonkrab the forest destruction by firing and fencing the land in the forest in order to take the land. ❖ Have authority 	<ul style="list-style-type: none"> ❖ Have human resources (Professional Institution) ❖ Have support project ❖ Have community to manage the natural resources and community forest ❖ Have the community network to deliver the information ❖ Support the provincial sub-committee to stop, lobombat and bonkrab the forest destruction by firing and fencing the land in the forest in order to take the land according to the royal government' order 	<ul style="list-style-type: none"> ❖ Train the promoting skills ❖ Continue to support the media project- Education ❖ Produce more media equipment to promote the information ❖ Support and motivate the local community that is well done in forest maintaining ❖ Punish appropriately by law to the wrong doers. ❖ Improve more cooperation as a partner with non-government organization

Group 5: National Government			
Priority Activity	Opportunity	Group's Ability	Concrete Strategy for other groups
<ul style="list-style-type: none"> ❖ Stop transferring land possession of the IP to outsiders ❖ Before providing land concession in communities for economic purposes, authorities at national level should: <ol style="list-style-type: none"> 1). Study the environmental and social impact 2). Discuss with relevant people 3). Media campaigning 	<ul style="list-style-type: none"> ❖ Order number 001, decision number 006, order number 779 and other relevant laws ❖ Article 58 of the land law ❖ Point A, B and C have to be detailed in the sub-decree about land concession for economic resources 	<ul style="list-style-type: none"> ❖ Promote and provide information on the law ❖ Monitor extent to which people are practicing the law ❖ provide ideas to encourage coordination between government and donors 	<ul style="list-style-type: none"> ❖ Community should empower themselves about the natural resources management and land use ❖ Authority stop the coordination of land sales, authority at all levels should respect the land law and give information about illegal land sales to the relevant authority ❖ Commune authority should cooperate closely with community

Outcomes achieved by the workshop

- 1- Tension have eased between provincial official and NGOs
- 2- Good collaboration took place between local authorities and communities
- 3- It was publicly acknowledged that both selling and buying of IP's land is illegal; this acknowledgment is the first step in the process of eliminating/reducing land alienation

Closing Remark by Mr. Heng Sam An

- ❖ Appreciated the open and active discussion
- ❖ Agreed with the priority activities. Mobilizing forces to prevent [land alienation] and to call for support from NGOs.
- ❖ Thanked CARE and NGO Forum for taking the initiative to have this workshop conducted in Ratanakiri.
- ❖ When get back, will try to implement carefully.

Workshop on Indigenous Land Issues Ratanakiri, March 28-30

Indigenous Peoples, Land Rights and Development: International Experiences

I. Indigenous peoples' relationship to land

In 2001 former Chairperson of the United Nations Working Group on Indigenous Populations and at that time **Special Rapporteur Mrs. Erica-Irene A. Daes** submitted a report on "**Indigenous peoples and their relationship to land**". This report is based on extensive research and consultation with indigenous peoples all over the world. It tries to reflect what is common among indigenous peoples is with respect to their relationship to land.

In her introductory chapter she identifies **a number of elements that are unique to indigenous peoples and their relationship to land**. She writes:

1. a profound relationship exists between indigenous peoples and their lands, territories and resources;
2. this relationship has various social, cultural, spiritual, economic and political dimensions and responsibilities;
3. the collective dimension of this relationship is significant; and
4. the intergenerational aspect of such a relationship is also crucial to indigenous peoples' identity, survival and cultural viability.

In other words, what distinguishes indigenous peoples' relationship to land from many other peoples is that **land is not just an economic resource**. Their relationship to land has **several dimensions**:

1. Clearly, first and foremost it is the **basis of their livelihood**. But their relationship to the land goes beyond that.
2. It has a **social and cultural dimension**:

For example, the social organisation of indigenous peoples is reflected in the way access to land and resources are regulated.

The Tangkhul Naga of Northeast India, for example, distinguish between land that belongs to individuals, land belonging to a clan and land that belongs to the whole village. For each type of land there are clear regulations on its use.

They used to live from hunting and gathering, and from raising goats, donkeys and horses. All the good land with access to water has been taken away by outside farmers and turned into cattle ranches.

Only in the Central Kalahari Game Reserve about 1000 Khwe could continue an independent live. This has also ended just recently when they were **relocated out of the reserve**.

Left without land their living condition is extremely harsh and the Khwe have become the **poorest and most marginalized sector of Botswana society**.

Only few have found **jobs as farm hands**, where they live with their families in total dependence on the outside farmers.

It is important to note that this is a **very common situation**. Indigenous people generally have much **less access to education** than the majority people. As a consequence indigenous people find it very difficult to obtain an education that enables them to find alternative incomes when they have lost their lands.

Therefore, throughout the world indigenous who have become landless end up **working as unskilled laborers**. But as modernization and **mechanization** in agriculture and industry progresses, they tend to become unemployed again.

As a result of land occupation by outside farmers the Khwe communities have been torn apart and their traditional social structure has broken down as. Many moved to towns, where they live in slum areas and try to make a living as daily labourers. Over the recent decades more have been forced to move their as cattle farming was modernized and fewer people are needed.

The result is not only devastating for the Khwe, but poses problems to the nation.

Thousands of Khwe have now been relocated by the government to special **resettlement sites**. There the government has to provides food, and housing, runs schools and health centers.

There are however almost no jobs in these resettlement sites and very few other economic opportunities. So people are forced to spend most of the days idle. Alcoholism and domestic violence are rampant. Social structure, values and culture have almost totally disintegrated.

As a consequence of dispossession they have become **almost totally dependent on government welfare**. It is very costly and difficult to develop viable economic alternatives under such conditions, and almost impossible to revive the people's culture and society.

Their social systems were weakened and people did not feel in control of their lives anymore. **They were forced into development that did not respect their cultural values and knowledge.** They lost their community vision for the future. Social and health problems increased as a result. It became a major embarrassment to the national government that these problems were created. But now, because, the social systems have been weakened so much, the cost **of health** systems to try to address this is often more than twice than that for the non-indigenous. It has been only with restoration of community lands that some of these problems could be addressed. Even then much of the damage and problems are extremely difficult to reverse.

One of the severest consequences of the **social breakdown** due to land loss are **increasing security problems**. This is reflected in increasing **criminality rates**. Ut it can get even worse: In the **Chittagong Hill Tracts of Bangladesh**, for example, hundreds of thousands of Bengalis have been settled by the government on indigenous land and much of the best land has been flooded after the building of a hydroelectric dam.

As a result, **armed conflicts** have broken out which after more than 40 years is still not fully settled. Many of the displaced indigenous fled to neighboring India. There, conflicts again occurred because the local people did not want the thousands of **refugees** either.

But all this does not have to happen:

According to a statement of the Lumad of Northwestern Mindanao in the ADB report, indigenous peoples cannot be poor if the following are present.

- ❖ Forest for all their food and health needs;
- ❖ Peace;
- ❖ The indigenous characteristic of helping one another in times of need;
- ❖ Knowledge about the forest in lieu of formal schooling; and
- ❖ Indigenous systems and means to help them choose their own lifestyle." (p. 35f)

The ADB report concludes with stating:

"Access to land and control over the ancestral land/domain is crucial for indigenous peoples' well-being. Moreover, the ancestral domain provides the context and environment that **make development possible.**" (p. 60)

III. Indigenous land rights and development

There are many examples that show that if given the time and land tenure security needed, indigenous communities are well capable to adapt to changing conditions, develop their economies and contribute to the development and well-being of the nation.

But there are a range of other alternatives:

Indigenous peoples have since centuries traded a wide range of forest products with the outside world. Many of such **high-priced specialized forest products** are today being planted by indigenous farmers all over the humid tropics. In the North of the Philippines, in Sabah or in Northern Thailand, indigenous communities have successfully entered commercial **vegetable and fruit production** or are producing **niche products such as flowers** for urban markets.

Finally, in some cases where indigenous peoples **rights over their forests** have been recognized they have established **community-based forest management enterprise**. An example is that of the **Siriono of Bolivia**.

With the help of NGOs they have developed a complex sustainable management system for their communal forests.

They produce boards for the local furniture and construction industry, and fire wood for a local brick factory.

All these examples teach us a few important lessons. From experience all around the world, it is obvious that:

1. The land tenure systems most suited to indigenous communities are the systems that are based on and reflect traditional systems.
2. If this is done, indigenous people can develop their land management and economic systems and adapt them successfully to new situations.
3. By doing this the traditional conservation aspects of indigenous culture are maintained and indigenous communities can contribute a lot to environmental conservation.
4. By doing this indigenous communities can get actively involved and can contribute a lot to the economic well-being and development of the nation.
5. If inappropriate land tenure systems are adopted and land alienation is allowed, social systems of indigenous people breakdown.
6. If the social systems breakdown, environmental conservation and development become more difficult.
7. If social systems breakdown, poverty, environmental, health and security problems increase.
8. Increasing poverty, environmental, health and security problems entail high costs for the nation.

It seems from this that a system of land ownership that respects the indigenous communities' communal ownership is **essential for a place like Ratanakiri**. If this workshop is successful in coming up with effective strategies to reduce and prevent land alienation in Ratanakiri it will be doing a profound and long lasting service to Ratanakiri and to Cambodia.