

Social Assessment incorporating Indigenous Peoples' Plan

Project Title: Empowering P'ngong and Kuoy Indigenous Communities for Natural Resource Management and Biodiversity Conservation along the Mekong River in Cambodia

Grantee: Community Economic Development

1 Background

Existing safeguard documents.

In March 2011, the World Wide Fund for Nature - Cambodia Country Programme (WWF), Cambodian Rural Development Team (CRDT) and Community Economic Development (CED) prepared and submitted a Social Assessment Report, incorporating an Indigenous People's Plan (IPP). These organisations were recipients of Critical Ecosystem Partnership Fund (CEPF) Phase 1 support for collaborative work to protect freshwater biodiversity and community livelihoods along the Mekong river mainstream between Kratie and Stung Treng towns, in Kratie/Stung Treng provinces, northeastern Cambodia.

The Social Assessment described the proposed project area and provided background information about human population, community livelihoods and resource management strategies. It set out the legal and institutional framework governing people's rights to own and use land in the area, and to access wetland resources. It outlined how the proposed project would engage with this legal and institutional framework through a community co-management approach; set out potential challenges for communities arising from this approach; outlines proposed mitigation strategies; and detailed the project framework for community consultation, informed prior consent and participation. The assessment concluded with recommendations designed to support CED's efforts to maximise culturally appropriate benefits to Indigenous People in the project area.

Previous work by CED in the project area.

CED has worked in 21 villages in and around the Central Section of the Mekong mainstream within Kratie and Stung Treng provinces. The efforts of CED have yielded a high level of results, which is greatly appreciated by local communities, local authorities, government agencies, civil society networks, and donor partners. The achievements made by CED for 2010-2013 are summarized below:

- Approval of Community Forestry (CF) Internal Rules and Regulation and the Signing of Community Forestry Agreements in Au'Kok, O'Krieng and O'Krusang villages. Majority of CF organized has reached step 6-7 including by-laws, agreement plan, and maps;
- Approval of Community Fishery (CFi) Internal Rules and Regulation and Signing of Community Fishery Agreements in Kampong K'Boeung and Au'Krusang villages. The CFi areas has reached step 7;
- Mapping of land use and resource use conducted in Au'Kok and Puntachea villages and identified the customary village boundary in preparation for a communal land title for the Indigenous Community;

- Building technical skills and competencies of 5 community fisheries through SALAPHUM action research and the documentation of wetland biodiversity, etc. Based on the study a total of 86 fish species found in Boeung Char commune.
- Over-all, CED had established communities: 17 Community Forestry, 2 Community Fishery, 8 communal land registrations, 11 natural resource management communities and 28 savings group.

Guiding principle.

Free, Prior, and Informed Consent is the guiding principle of this document. The local communities targeted by the Phase 1 project were consulted at all stages of project design and implementation. The project team conducted meetings and trainings at the community level with the presence of the village chief and the commune chief. Nearly all the Indigenous People in the project site speak Khmer, so the meetings were held in Khmer. The meetings were properly documented in Khmer by CED staff and were properly filed and kept. All posters, videos and training materials used and produced were translated into Khmer, such as the Sub-Decree on Procedures of Registration of Land of Indigenous Communities and the Policy on Registration and Right to Use Lands of Indigenous Communities and were distributed to the communities. As the activities in the Phase 2 project are a direct continuation of those in Phase 1, working in the same villages, the communities are considered to have been consulted during project design, and the contents of the Social Assessment are considered to be still relevant.

2. The project area

The focus area for CEPF Phase 2 project is located in the CEPF Priority Corridor “Indo-Burma Biodiversity Hotspot, Mekong River and Major Tributaries” and in the CEPF Priority Site Mekong river zone, Kratie and Stung Treng province, Cambodia. The target 10 villages located in O’Krieng commune and Boeung Char commune in Sambo district, Kratie province were identified in the “Central Section’ of Mekong mainstream.

CED will implement critical management and conservation activities along the Mekong mainstream in Sambor district, Kratie province. The project will encourage community co-management of community fisheries, community forestry areas and implement a strategy that balances biodiversity and conservation and livelihood needs.

a) Community Forestry (CF) Area

Village	Commune	CF Area (Has.)	Forest Type	CF Members	Status
1) O’Krieng	O’Krieng	2,731	Deciduous	361	Step 7
2) Au’Kok	O’Krieng	1,200	Deciduous	30	Step 7
3) Khsach Leuv	O’Krieng	Not yet identified	Deciduous	61	Step 5
4) Koh Khne	O’Krieng	Not yet identified	Deciduous	130	Step 5
5) O’Krusang	Boeung Char	5,584	Deciduous	512	Step 7

b) Community Fishery (CFi) Area

Village	Commune	# of Deep Pool Identified	CFi Members	Status
1) O'Krusang	Boeung Char	3	45	Step 7
2) Boeng Char	Boeung Char		61	Deep Pool Management Conservation
3) Kampong Damrey	Boeung Char		67	Deep Pool Management Conservation
4) Koh Entrachey	Boeung Char	1	118	Step 0
5) Kampong K'Boeung	Boeung Char	1	75	Step 7

c) Land Tilting Area

Village	Commune	# of Household	Status
1) Boeung Char	Boeung Char	61	Level 0
2) Kampong Damrey	Boeung Char	67	Level 0
3) Koh Entrachey	Boeung Char	118	Level 0
4) Au'Kok	O'Krieng	30	Level 8
5) Koh Khne	O'Krieng	130	Level 0
6) Puntachea	O'Krieng	120	Level 8

2.1 Biodiversity value

WWF, in partnership with the Cambodian Fisheries Administration and Forestry Administration, undertook the first detailed biological survey of the Mekong between Kratie and Stung Treng towns in 2006-07. This study confirmed that the area supports:

- The largest global population of Mekong Wagtail, among the largest global populations of White-Shouldered Ibis, possibly the largest Indochinese populations of River Tern, Woolly-Necked Stork and Pied Kingfisher, and Cambodia's only known breeding grounds of Plain Martin;
- The largest Mekong breeding population of the Asian Giant Soft-shell Turtle and six globally threatened turtle species;

- The presence of Eld's Deer, otters, at least 18 CEPF Priority Fauna Species and five CEPF Priority Flora;
- One of just three populations of the Critically Endangered Irrawaddy Dolphin (CEPF Provisional Priority Species);
- Six distinct freshwater wetland zones, all of which are usually only found outside the area in isolation and/ or in highly degraded states; and
- Extensive forest, timber stocks, unsettled land and nursery and breeding grounds for economically important fish species.

The majority of this biodiversity value is concentrated in the Central Section. Preservation of the area is critically important to the maintenance of Indochinese bird populations and fish stocks, as well as endangered flora and fauna. The Central Section is also critical to the livelihoods of the area's resident population, people who travel (usually from within a 30 kilometre radius) to access wetland resources, and communities up and down river who depend on the Central Section's unique wetland ecosystem services.¹

3. Human population

3.1 Human population of the target villages

The demographic data of the 10 target villages in Sambo district, Kratie province:

Village	Commune	Ethnicity	Total Household	Population		
				Male	Female	Total
O'Krusang	Boeung Char	Kuoy	45	114	118	232
Boeung Char	Boeung Char	Kuoy	61	155	134	286
Kampong Damrey	Boeung Char	Kuoy	67	170	165	335
Koh Entrachey	Boeung Char	Kuoy	118	292	278	570
Kampong K'boeung	Boeung Char	Kuoy	75	175	178	353
Au'Kok	O'Krieng	Phnong	30	74	61	135
O'Krieng	O'Krieng	Phnong	418	1184	1002	2186

¹ Bezuijen, M, Robert Timmins and Teak Seng. 2008. *Biological Surveys of the Mekong River between Kratie and Stung Treng Towns, northeast Cambodia, 2006-2007*. WWF Greater Mekong – Cambodia Country Programme, Cambodia Fisheries Administration and Cambodia Forestry Administration, Phnom Penh

Village	Commune	Ethnicity	Total Household	Population		
				Male	Female	Total
Koh Khne	O'Krieng	Phnong	130	?	?	657
Khasch Leuv	O'Krieng	Phnong	94	1253	510	1763
Puntachea	O'Krieng	Phnong	120	347	285	632
Total			1,158			7,149

The 10 villages will be the key focus of natural resource management and conservation activity with an estimated 7,149 population or 1,158 households would benefit this project.

3.1.1 Indigenous peoples in the Eastern Channels

The target villages for this project are home to Kouy and Phnong Indigenous People. Preliminary observations of human settlement in the Central Section undertaken by WWF in 2006-07², suggest the following characteristics of communities in the Eastern Channels:

Village	Ethnicity	Village established
O'Kok	Phnong	More than 100 years
Pontachea	Phnong, Khmer	More than 100 years
Koh Khngear	Kuoy	50 years

3.1.2 New and temporary settlement in the Central Section

The Central Section and in particular the Eastern Channels are undergoing rapid and unregulated expansion of human settlement as a result of in-migration and the expansion of established villages. The area is also home to a fluid number of seasonal and temporary camps established for both subsistence and commercial purposes (primarily fishing), mostly in the dry season. In 2006-07 WWF observed at least 31 recently established settlements in the Eastern Channels. New settlements were being established at a rate of at least 10 per year, with a mean length of residence of just 3.2 years. These settlements are small – the mean number of houses per settlement was just two, and the largest observed settlement contained 13 homes.

New permanent settlers appear to be primarily motivated by a lack of land for agricultural purposes in villages of origin, although further investigation may reveal other push factors for in-migration. An unknown but likely significant proportion of new settlement is driven by the

² Bezuijen, Mark, Bunna Vinn and Keavuth Huy. *Observations of Human Activity and Natural Resource Use Along the Mekong River Between Kratie and Stung Treng Towns, Cambodia, November 2006 – August 2007*, WWF Greater Mekong Programme

expansion of villages within the Central Section, however the original locations and ethnicities of new settlers are not documented.³

3.2 Human population between Kratie and Stung Treng towns

There are approximately 80 villages along the Mekong mainstem between Kratie and Stung Treng towns. The limited extant population data for this area suggests the total population of these villages is at least 77,400, or approximately 20 per cent of the combined population of Kratie and Stung Treng provinces. This equates to less than four per cent of Cambodia's estimated 1998 population (which is when the most recent national census took place). In short, this remains a sparsely settled area with some of the lowest population densities in the lower Mekong basin.⁴

3.3 Indigenous peoples between Kratie and Stung Treng towns

There is a significant population of Indigenous peoples in the project area. Indigenous peoples make up seven per cent of Stung Treng's population and eight per cent of Kratie's but just one per cent of the national population⁵. Kratie and Stung Treng provinces are home to Kuoy, Phnong, Kachak, Mel, Kraol and Brao people. The Central Section is home to Phnong and Kuoy people as well as ethnic Khmer. Indigenous peoples are a majority of residents in established communities in the Eastern Channels, and a significant (but unquantified) proportion in the wider project area.

3.4 Indigenous peoples' livelihoods

Indigenous peoples in the lowland Mekong basin of Cambodia, including in the project area, are thought to have migrated from ancestral homes in the hilly upland areas of Mondulkiri, Rattanakiri and Kratie. Little is documented about in-migration histories into this area. However as noted above Indigenous communities in the Central Section's Eastern Channels include well-established settlements of between 50 to 100 years or more old.

Agencies involved in service delivery between Kratie and Stung Treng towns observe that Indigenous communities in this area have adopted a rural lifestyle that is in many ways similar to that of ethnic Khmer. In particular, initial observations of livelihood strategies and natural resource management patterns in the area suggest few, if any, significant differences between the practices of Indigenous and ethnic Khmer communities in these areas. However this assumption should be the subject of further enquiry early in the life of the project, to ensure that the implementing agencies do not inadvertently marginalise culturally specific practices.

Both Indigenous and non-Indigenous communities living along the Mekong between Kratie and Stung Treng towns are highly dependent on wetland resources. Families piece together livelihoods primarily reliant on subsistence fishing and farming. Paddy rice farming is the most significant cultivation method. Other livelihood activities include small livestock raising, chamkar farming (rice or mixed crop gardens located on cleared land away from the village), hunting, timber collection, non-timber forest products collection, vegetable farming, boat

³ Bezuijen et al 2007, *Observations of Human Activity*, p2

⁴ Bezuijen, M, Robert Timmins and Teak Seng. 2008. *Biological Surveys* p36.

⁵ *Indigenous Peoples/ Ethnic Minorities and Poverty Reduction, Cambodia*. 2002, Environmental and Social Safeguard Division Asian Development Bank, Manila.
http://www.adb.org/Documents/Reports/Indigenous_Peoples/CAM/indigenous_cam.pdf

construction and the sale of labour.⁶ Communities are not observed to practice the shifting agriculture that is characteristic of upland Indigenous peoples in Cambodia.

Nine common natural resource use activities occur in the Central Section: logging (both subsistence and commercial), burning of forest and wetland vegetation, subsistence cultivation, fishing (both subsistence and commercial), wildlife hunting (subsistence and commercial), livestock grazing, charcoal production and driftwood collection (both subsistence and commercial) and collection of non-timber forest products (NTFPs). These activities are undertaken both by residents and visitors to the area.⁷ The expansion of these activities, especially on a non-customary commercial scale, is placing increasing pressure on the established livelihood strategies of (Indigenous and non-Indigenous) resident communities.

The National Forestry Program (NFP) outlines 11 steps for Community Forestry in Cambodia. After the approval of Community Forestry (CF) Agreement and Community Fishery (CFi) Agreement the 10 villages will focus on step 8 – 11 the formulation of Community Forestry and Community Fishery Management Plan and Enterprise Development. The CFMP and CFiMP enable communities to harvest, process, transport and sell forest products and Non-Timber Forest Products (NTFPs).

3.5 Indigenous culture and identity

The characteristics, beliefs and practices understood to define Indigeneity in the Cambodian context include:

- Having Indigenous ancestry;
- Living communally;
- Communal use of land and forests;
- Respect for spirits and annual ceremonies for the village spirit;
- Prayer to spirits for assistance, and ceremonies to thank spirits for their help;
- Belief in 'araks', spirits who can find out why someone is sick;
- Practicing or having a history of practicing rotational agriculture;
- Making sacrifices at certain times in the annual farming calendar;
- Having village leaders (chah srok); and
- Maintaining 'spirit forests' (burial grounds in the forest).⁸

Indigenous identity is undergoing considerable change and challenge in contemporary Cambodia. Norms of collective social organization, traditional leadership and consultation

⁶ Community survey data gathered by WWF, CRDT and CED, June 2010

⁷ Bezuijen et al, *Observations of Human Activity*, p2.

⁸ Indigenous People NGO Network coordinated by NGO Forum on Cambodia, *The Rights of Indigenous People in Cambodia*, submission on Indigenous Issues to UN Commission on the Elimination of Racial Discrimination, February 2010.

structures, language, religion and spiritual beliefs have come under pressure in the longer post-conflict period. Change is driven by closer contact with Khmer institutions and culture, incorporation into markets, and resource pressure resulting from ethnic Khmer migration into customary lands and the appropriation of customary land and forest by commercial interests. Even where land alienation is not an immediate threat, Indigenous communities find themselves in a rapidly shifting context that presents challenges for livelihood strategies, resource management systems, social organization and cultural practices.

In initial focus groups, Indigenous people in the project area told the implementing agencies that their Indigeneity is expressed through language, religious beliefs and cultural practices. Many people in these villages speak Indigenous languages with their families and in their communities, although focus group participants report that “everyone” in their communities also speaks Khmer and many use Khmer in their daily interactions. Though people in these communities believe in spirits, most identify as Buddhist (and a very few as Christian). Some Indigenous communities identified that they maintain burial grounds - ‘spirit forests’ - in forestlands away from the village.

Community members report that expressions of Indigenous identity – such as belief in spirits, wearing traditional dress and performing traditional dance – are declining in their importance. Younger people in some Indigenous communities between Kratie and Stung Treng cannot speak Indigenous languages. The extent to which these communities experience the decline of these aspects of culture as problematic is unclear.

Initial focus groups, and the implementing agencies’ experience, suggest that Indigenous peoples in these communities practice individual/ family land ownership, rather than the collective land ownership customarily practiced in upland areas by Indigenous peoples. Focused inquiry might confirm the extent to which collective land arrangements have been replaced by or co-exist with official land titling arrangements and/ or a preference for individual ownership.

3.6 Poverty and marginalisation

There is limited data to suggest whether Indigenous communities between Kratie and Stung Treng towns experience greater poverty and marginalization than ethnic Khmer residents of the project area, including whether there are disparities in land and resource ownership and access. In general communities in the target area live a remote lifestyle characterised by poverty and limited access to services. In focus groups Indigenous people identified lack of village infrastructure and basic services, in particular healthcare, as factors limiting their quality of life. Three of the five communities have secured Community Forestry Agreements and two of the five communities secured Community Fishery Agreements. The project will work out the land titles for Indigenous Communities in six villages.

3.7 Consultation and engagement of Indigenous peoples

CED works and serves with the vulnerable ethnic minority groups Kouy and Phnong people. The project team also consults the village elders, village chief and commune chief in all stages of project activities. The target 10 villages in Sambo district are familiar with participatory community approaches to local development, having worked with various community development NGOs (e.g. CRDT, WWF and Oxfam) consistently for more than ten years. This suggests that these communities have established culturally appropriate processes for consultation and participation, as well as a degree of confidence in asserting community needs and preferences in negotiation with outside agencies.

4 Threats to livelihood

The most pressing threats to livelihoods within the Central Section stem from rapid and unregulated population expansion combined with unsustainable patterns of resource use, particularly over-fishing and hunting. At current rates of in-migration and expansion of settlement, and with no change in resource use patterns, WWF estimates that the last remaining intact forest and many threatened species will disappear from the Central Section within five to ten years.

Clearance, burning and conversion of forestlands are resulting in significant forest loss each year. This has been accompanied by an increase in hunting. Residents of the area identify population decline in prized species including monkeys and turtles, lizards and snakes as a significant livelihood challenge. Both Indigenous and non-Indigenous participants in focus groups identified commercial-scale fishing and hunting by outsiders in their customary lands as a particular threat to livelihoods. Illegal fishing including gill-netting, explosives and poison, is widespread. Illegal logging, while generating short-term income for villagers, further decreases wildlife habitat and the availability of non-timber forest products.

Other threats to livelihoods and biodiversity stem from national and regional economic development processes. In particular, the proposed construction of hydropower dams on the Mekong and tributaries, including in nearby Sambor district, Kratie, may alter river hydrology and impact both numbers and species of migratory fish.

As of 2013, the Royal Government of Cambodia (RGC) granted 64 Economic Land Concessions (ELC) covering 383,409 hectares, and 23 Mining Concessions covering 221,929 hectares (*Open Development Cambodia, 2013*). The ELC are usually granted in the upland areas that hosted substantial areas covered by primary forest in the past. The rural villagers livelihood are seriously reduced by the loss of productive lands and worst they were evicted from their land making them poorer.

CED is monitoring the developments of ELC and mining concessions in all its areas of operation in Kratie and Stung provinces. CED also establishes linkages and build networks with other NGO's, civil society groups and complement the work and advocacy being done at the ground level and provincial level. CED will also work closely with the different government agencies (both at the national and provincial level) and ensure that environmental and social impact assessments are conducted for any proposed concession claims and projects affecting freshwater hydrology in the project area, particularly within the Central Section. This may be particularly important for protecting the rights of Indigenous people, who are nationally over-represented among communities involved in land and resource conflicts.

5 Proposed project intervention

The project proposes three areas of intervention to strengthen the management framework for species and ecosystem conservation within the Central Section, while supporting Indigenous and non-Indigenous communities within and beyond the boundaries of the Central Section to practice environmental stewardship and to reduce poverty.

The framework for improved management of the area will involve three key areas. These are:

1. The establishment of 5 Community Forestry (CF) and 5 Community Fishery (CFi) areas. The aim of community forestry is to maintain healthy forests while serving local livelihood needs in order to help reduce poverty. While, the management of

fisheries resources will be transferred to small-scale fishers through Community Fisheries (CFi).

2. Formalizing ownership of land title for Indigenous Communities. The project will focus 6 villages in the Central Section. Communal land titles are aimed at securing land ownership for indigenous communities in order for them to preserve their culture, religion, way of life and continuous shifting cultivation.
3. Alternative livelihoods, poverty reduction and conservation activities will take place within and outside the Central Section in communities that access or rely on the Central Section's natural resources. Non-Timber Forest Products (NTFP) are integral part of the cultural identity of forest-dependent communities and are important for livelihood of household living in and near the forests.

6 Legal and institutional framework

6.1 Rights of Indigenous people

The rights of Indigenous peoples in Cambodia are protected by a number of international instruments to which Cambodia is signatory. These include the International Convention on Economic, Social and Cultural Rights, International Convention on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Cambodia is also a party to the Convention on Biological Diversity (1992) that recognizes the role of Indigenous peoples in the protection of biodiversity.⁹

6.2 Rights to own and use land

The Cambodian Land Law (2001) grants automatic land ownership rights to individuals who can provide evidence of five or more years of residence or productive use of land prior to 2001. Many people living in established communities in the Central Section should be eligible to gain title to their customary land – if this is not already officially recognised. Some official land titling is observed to have taken place in the area, but it is possible that this process has not been completed for all villages in the Central Section or the wider project area.

The situation for people who have settled in the Central Section since 2001 is less clear. It is uncertain which legal, administrative and customary practices, if any, govern migration and new settlement in the Central Section. Although people seeking to migrate are required to seek permission to settle from the Commune Chief and village leaders, permission to settle at this level does not necessarily imply legality of ongoing tenure. Moreover it appears that in the Central Section in-migrants rarely seek permission to settle.

It is also unclear which customary, administrative and legal frameworks govern the expansion of existing villages within the area. The status of these new settlements is thus also unclear. One priority for the project is to ascertain which customary and administrative practices villagers and local authorities employ in these instances, and/ or which processes they suggest be established to enhance the application of existing law protecting rights to own and use land.

Regardless of their legality, once established new settlements are most likely permanent and are certainly difficult to remove. This project does not require the relocation of

⁹ Indigenous People's NGO Network coordinated by NGO Forum, *The Rights of Indigenous People in Cambodia*

established settlements, although new settlement will not be permitted in protected zones once the Special Management Site is established. In general the project approach is to normalise the land access regime for existing settlements and to reduce their environmental impact, while addressing both 'push' and 'pull' factors for in-migration and village expansion in the Central Section.

There is an urgent need to clarify land use and ownership arrangements in the Central Section, as these apply to Indigenous and non-Indigenous people living in established communities, new permanent settlements and seasonal/ temporary camps. Mapping of land and resource use should seek to identify customary and official village boundaries, and customary and legally recognized land access and ownership rights of individuals, families and communities in the project area. Knowledge of boundaries and land use practices should inform the final zoning of protected and multiple use zones inside the Special Management Site, and the creation of regulations for access within these areas.

It is relevant to note that the Cambodian Land Law (2001) grants collective land ownership rights to Indigenous communities. While initial focus group discussions suggest that Indigenous communities do not practice collective ownership in the project area, this possibility should be canvassed where appropriate with communities in the project area.

6.3 Legal and institutional framework governing rights to fisheries, forestry and wildlife

6.3.1 Community Fisheries and Forestry

Cambodian fisheries and forestry laws establish the legal and institutional framework for community participation in the management of these resources. Community Fisheries and Community Forestry Sub-Decrees and the Fisheries Law (2006) set out a decentralized, devolved institutional framework to support cooperation between community members and the provincial Fisheries and Forestry Administrations. At the community level, co-management is undertaken by the Fisheries/ Forestries Administrations together with Community Fisheries/ Community Forestry Committees whose members are elected by their communities.

The Royal Government of Cambodia (RGC) has committed to establishing approximately 1000 CF site covering 2 million hectares by 2029. As of 2013, 455 CF sites in Cambodia covering 399,879 hectares were at various stages of the process of development outlined under the NFP. Of the 445 CF sites under development only 246 had reached a CF Agreement. The CF sites without an Agreement are more vulnerable to being taken over by an ELC. In 2013, there are 516 Community Fisheries established, of which 358 were officially registered by the Ministry of Agriculture, Forestry and Fisheries (MAFF).

This project will target for the establishment of 5 Community Forestry and 5 Community Fisheries in Sambo district to co-manage the natural resources along Mekong River zone.

CED will involve working with communities and Fisheries/ Forest Administration Cantonment Office to delineate the boundaries of the area (including addressing any differences in customary and official boundaries), and establishing management plans that are in line with restricted fisheries and riverbank forestry access within the Special Management Site.

6.3.2 Wildlife

Forestry Law (2002) prohibits the hunting or trapping of wild animals other than for customary (subsistence) purposes and in customary lands. Hunting, trapping or sale of wild animals recognised as rare or endangered by MAFF is also illegal. Hunting, trapping, and

sale of wildlife in protected areas are illegal. However at present, hunting of all wildlife in the project area is widespread, for both subsistence and commercial purposes. The project will seek to reduce wildlife hunting through education about, and strong enforcement of, existing law. The primary mechanism for enforcement is through ranger patrols to be established in partnership with relevant government agencies and undertaken by community members and government staff. Alternative livelihoods support (primarily small livestock raising) will be offered, particularly targeting those people most dependent on subsistence hunting and trapping, to reduce their dependence on hunting. Direct employment of community members, for instance in ranger patrols or in community nest protection schemes, will offer alternative income.

7 Challenges for communities and mitigation strategies

The project approach presents potential challenges for communities, particularly relating to reduce access to natural resources in the Protected Areas of the Central Section. CED will seek to establish a process to identify impacts and to develop mitigation strategies.

7.1 Illegal activities

In initial focus group discussions both Indigenous and non-Indigenous villagers reported that many people engaging in illegal wildlife hunting, fisheries exploitation and logging on a non-customary commercial scale are from outside their communities. Participating community members welcomed the opportunity to be actively involved in the preservation and management of resources that are central to their livelihoods. However residents as well as outsiders engage in illegal hunting, fishing and forest extraction, for both commercial and subsistence purposes. The project will seek to strongly enforce existing law by:

- Organizing patrol rangers in all 5-community fishery areas in Boeung Char commune. The committee members will be trained on the fishery laws and be equipped with patrol equipment's. CED in partnership with VSO with the support of Faroe Islands will provide a motorized boat that they can use in conducting patrol. The Community Fishery of O'Krusang and Kampong K'Boeung have received a motorized service boat.
- Formation of forest rangers in all CF areas and work closely with the local Police office, commune chief and concerned government agency.

The project will also provide livelihood development support by:

- Optimizing the benefits to local populations from the use and management of forest resources through the implementation of forestry and wildlife conservation concept as reflected in the CF Management Plan and CFi Management Plan with the participation of local populations.
- Recognize legally and protect the traditional rights of local populations to use forest resources under the framework of food security and poverty reduction considerations
- Providing opportunities for people previously involved in illegal hunting, fishing and forest extraction to be actively involved in conservation activities, including activities that will generate income. CED will provide skills training to the villagers on fish processing, rattan processing and sustainable honey harvesting.
- Poverty and dependence on natural resources will be addressed by group-based alternative livelihoods projects such as small livestock raising, system of rice intensification and vegetable production. CED will provide a small seed capital

assistance channelled to the saving group. The start-up capital and support equipment for processing is vital to the group in running their own business. The savings group will be trained on record keeping and cash flow management.

- CED in partnership with VSO will conduct market assessment study on fish and NTFP products and establish linkages with other market actors.

7.2 *Reduced access to land, fisheries and forest resources in protected areas*

Once the target 10 communities have reached the final stage of Community Forestry and Community Fishery the villagers' access to wetland resources in protected areas will be reduced. Moreover, the local villagers and the members of CF and CFi regard the designation of protected areas as an opportunity to enhance the management of resources and improve livelihoods, particularly by preventing non-customary commercial scale resource extraction.

The project seeks to protect biodiversity in protected areas without negatively impacting livelihoods. This may be achieved by, for example:

- Reducing the need for unsustainable timber harvesting by providing fuel-efficient stoves and water filters (reducing the need for wood and charcoal for boiling water);
- Supporting communities to participate in the establishment of regulations for the use of fisheries and forestry resources, and seeking to understand and recognize customary (including Indigenous peoples') use and access regimes in the designation of protected areas; and
- Encouraging participation in poverty reduction activities that have the potential to significantly improve food security and livelihoods but do not require rapid expansion of village or family lands. These sustainable management strategies provide a much stronger basis for these communities to develop into the future.

7.3 *New settlements*

Improved regulation of land and resources will highlight the unclear legal status of new and seasonal/ temporary settlements in the Central Section. As noted above no existing settlements will be required to relocate - although settlements under construction in areas declared protected zones at the time the zones are declared may be required to relocate to a multiple use zone. Existing settlements in the Central Section will be supported to participate in the design and implementation of the management strategy for the Central Section.

7.4 *In-migration and seasonal/ temporary visitors*

The project will seek to reduce permanent and seasonal in-migration to the area through preventing these activities in protected areas, allowing them only in designated multiple-use zones. This may mean that greater place pressure is placed on resources within multiple use zones with the Central Section, and on resource-rich areas outside of the Central Section. The project will seek to mitigate this potential impact by conducting poverty reduction, environmental education and alternative livelihoods work outside of the Central Zone in villages located in the 30 kilometre radius from which most in-migration and seasonal in-migration originates.

8 Community consultation and participation

In August 2013, CED commissioned an independent evaluator to assess the strategic programs in 2008 to 2013. The final evaluation aimed at documenting the outcomes as well as lessons learned and helping CED in crafting its new 5-Year Strategic Plan for 2014-2018. The program evaluation was made possible through the support of CEPF Phase 1 project.

8.1 Disclosure, discussion and evaluation of potential community impacts

The 2-consultant team met with CED stakeholders in selected areas. Focus group discussions with local communities / Indigenous People (total of 75 representatives) and 15 interviews with key informants (such as Commune Councillors / local authorities, CED staff, BOD and existing donors) were conducted. Discussions addressed project / program achievements, changes and potential impacts to the communities, and the future needs of the program.

Below are summary of issues discussed from CED program / project interventions:

- The CF in O'Krusang had agreed to outsider people to use their forest resources for construction. This cause upset from the inside communities members.
- Illegal logging activities, which happened during night time, have put greater challenge to CF Committee members.
- CF Committee members express the needs of design their official uniforms as patrolling team and have a clear sign when performing their duty.
- Uncontrollable fishers from outside and they commit to illegal fishing during night time.
- Some local authority and Police officers found not helpful to intervene when people call for arresting illegal fishers.
- There were no records of fish catch per family season to measure the certain increases in fish catch or other aquatic resources increased as an effort of the fisheries/aquatic conservation.
- Some of the processor of rattan has not been successful, as there has no adequate market place.
- There was limited knowledge on how to fix the original price of rattan producers for producers have raised higher price unusually.
- 50% of rattan processing groups has applied their knowledge after the training and the rest dropped out of business.
- The processing groups will only organize a meeting to reflect their business operation if with the presence and coordination of CED staff.
- Some members requested to withdraw their membership due to unseen any potential benefits. Most of the members do not know about how much money they have in the savings group.
- Collective land registration is a long with expensive cost for involving officials from Mol, MRD and MLMUPC.

The following key points are remarkable changes were likely to have resulted from CED intervention.

- The efforts to get collective land registration for IPs is underway and people actively participated in the process. This is an outcome of the advocacy for Indigenous People rights, which aims to ensure that the current generation of IPs can protect resources for the next generation through collective land registration.
- Many local communities / IPs have changed their practices in advocacy, forest and fisheries resource management, agriculture and social life. They have built strong solidarity and can challenge private companies and illegal activities that took place in their forest site and fisheries zone.
- The livelihood integration efforts implemented by CED had seen as a starting point to improve living conditions through access to micro & small business, handicraft production, wild honey collection, resin tapping, fish processing, etc. are vital for sustainable livelihoods development and sustainability of the communities.

8.2 On-going consultation and culturally appropriate participation approach

CED will work to promote more community participatory action research; data gathering and community production for these will help the grassroots advocacy to reach highest level of effectiveness. Build indigenous capacities and skills to mobilize and organize strong movements and groups which can challenge land dealers and economic land concessions to be transparent and accountable, and encourage good democratization in good governance so local communities will have equal opportunity and be treated equitably and with integrity.

CED employs bilingual workers, which may be a model that the implementing agencies can employ in order to offer choices to communities about their preferred language for consultation. The project team will also seek the views of different groups within communities – women, men, older and younger people, people with greater and lesser degrees of fluency in Indigenous/Khmer language, poorer and less poor people – should be sought, particularly during participatory mapping processes, and in consultations to assess the impact of restricted access to protected areas.

Further more, will maintain working with existing stakeholders and other government agencies working in the area, particularly within the Central Section. These partnerships provide opportunities to share lessons learnt and best practice including relating to Indigenous people's participation.

9 Grievance Mechanism

The project will provide favourable environment for the local communities and Indigenous People to raise their complaints or issues regarding the project. This will include providing all target communities with contact details of the CED project team and the CEPF Regional Implementation Team at IUCN. The following mechanisms will be employed in the event any unsatisfactory event or disputes took place.

9.1 Project Operation

9.1.1 Internal conflict with CF /CFi Officers and Members

In any cases the officers and members could not agree in arriving at a consensus agreement in the establishment of CF/ CFi internal rules and regulations, boundary, etc.

- Any member of the group can request the presence of CED project staff and or senior management team to facilitate the meeting. CED should consult the leaders and officers and if possible come-up with a favourable decision.
- The local community could also request the staff of Forestry Administration Office and Fishery Administration Office to resolve technical issues concerning CF and CFI establishment, and the land titling processes.
- The community should also invite the Village Chief and Commune Council Chief.

9.1.2 Conflict with Project Staff

Should any of CED staff perform misconduct that is against the policy of CED and also dishonour cultural norms of the Indigenous People the local community should do the following:

- The CF / CFI Chair or Village Chief should report the case to the Area Manager (AM) and Program Coordinator (PC) for taking disciplinary actions. The AM and PC will discuss with the concerned staff and set plans for overcoming the problem within the appropriate specified period.
- If the staff continued to commit serious offence or there is inadequate improvement in performance, or a repetition of misconduct, the case will be brought to the Executive Director (ED) to review for potentially terminate the employment status.

9.2 Conflict with Local Authorities and State Institutions

For cases where land ownership was disputed between private individuals and a state institution or authority.

- The local community, CF and CFI officers, should document any events or incidents. Submit report to CED project staff and management team.
- Contact other civil society group / partners working in the area who could help resolve the issues.
- CED will also ask assistance of partners working at the provincial and national level to organize a meeting with concerned officials / institutions to settle the issues.
- CED together with the leaders of local community could also ask the assistance of CEPF Regional Implementation Team and IUC for advocacy support

9.3 Land Cases Disputes

Land disputes and conflicts happened across Cambodia and also in CED target areas. The local community should:

- First, disputes should be resolved outside of the formal mechanisms through negotiations between the concerned parties.
- In cases where this proves to be unsuccessful, the Administrative Committee (AC) will be involved and will attempt to resolve the dispute first at the village level, before sending to commune and district authorities for conciliation.
- Any disputes that were not resolved by the AC will be referred to the Cadastral Commission (CC).
- Cases related to family inheritance disputes that could not be resolved during adjudication were forwarded to the courts.

Any grievances raised will be communicated to the CEPF Regional Implementation Team within 30 days, together with a plan for remedial action by CED.

10. Indigenous People's Plan

Both Indigenous and non-Indigenous peoples stand to benefit from the proposed project intervention. The new management regime proposed for the Central Section should enhance the community-level application of relevant law, including law relating to the protection of Indigenous people's rights, the role of Indigenous peoples in the management of biodiversity, Indigenous and non-Indigenous people's rights to use and own land, and community co-management of customary land and resources. Community co-management of forestry and fisheries resources may serve to increase community control over wetland resources and enhance the ability of government agencies to respond to community needs. Collaborative mapping of communities' resource use and customary management practices will aim to identify and assist in managing any emergent resource conflicts (for instance between older and more recently established settlements, between Indigenous and non-Indigenous communities) in equitable ways. Regulation of in-migration and new settlement will protect the customary lands and waterways of Indigenous (and non-Indigenous) communities resident in the proposed Special Management Zone. Alternative livelihoods and poverty reduction work will seek to address poverty and marginalization within Indigenous (and non-Indigenous) communities between Kratie and Stung Treng towns, and to reduce dependence on natural resources both within and outside of the proposed Special Management Zone.

The declaration of a Special Management Zone within the Central Section will allow critical actions to protect biodiversity and the livelihoods of Indigenous people (and non-Indigenous people) resident in this area. The project's participatory approach to conservation and resource management activities has potential to strengthen social cohesion, and Indigenous people's ability to interact effectively with Forestry and Fisheries Administrations and other government agencies that will collaborate on the project. The community-based conservation and alternative livelihoods components of the project will be delivered through technical and material support to community-based organisations. Technical support will assist these organisations to continue alternative livelihood work independently and if necessary to seek future financial and or technical support from commune level structures.

Some Indigenous people may be disadvantaged by the new management regime. This applies primarily to people involved in illegal, destructive or unsustainable activities. Given the apparent similarity in Indigenous and non-Indigenous peoples' livelihood and resource use patterns in the area, the risks and potential benefits of the project are unlikely to differ significantly between these populations. The alternative livelihoods and poverty reduction component of the project will benefit both Indigenous and non-Indigenous people and mitigate the impacts of reduced access to the resources of the Central Section.

11. Priority actions

Nonetheless there are a number of actions CED can consider to enhance the delivery of culturally appropriate benefits to Indigenous Peoples. Benefits of the project to both Indigenous and non-Indigenous people in the project area will be enhanced by the collection of further data about socio-economic circumstances in the project area, particularly in the Central Section. Building on the community consultations already undertaken, this information could be gathered through the more detailed participatory assessment/ social baseline survey process proposed by the implementing agencies.

11.1 Resource access and land use regimes in the Central Section

More extensive mapping of customary village boundaries and use of land, riverbank and waterways for farming, fisheries and forestry purposes should be undertaken, with a focus

on the Central Section. Customary and emerging land ownership and access patterns in the Central Section should also be documented, including any conflicts over resource use and access.

This process should include mapping of Indigenous people's customary farming, fishing and forestry areas and investigation of Indigenous resource management strategies in the Central Section. Although existing information suggests that there are at most minimal differences in Indigenous and non-Indigenous resource use strategies in the project area, it should be ascertained whether Indigenous peoples employ particular resource strategies that will make them vulnerable to adverse impacts resulting from the establishment of the Special Management Zone, or liable to benefit less from voluntary changes in livelihood strategies.

11.2 Population and settlement in the Central Section

A population census of the Central Section should be conducted, to understand the numbers, locations and ethnicity of all settlements, including new settlers. Motivations for in-migration should be documented.

This will assist to better understand the phenomenon of in-migration and improve the knowledge base from which to target efforts to reduce in-migration (including publicising the restrictions in the wider area), and to engage new settlers in biodiversity protection.

The customary, legal and administrative practices applied to manage in-migration, settlement and village expansion within the Central Section should be documented, as well as the practices and systems villagers and local authorities consider desirable to enhance the application of existing law protecting rights to own and use land.

11.3 Community consultation and participation

The implementing agencies should elaborate a strategy for culturally appropriate community consultation and participation, with a focus on identifying and working with the most vulnerable people in Indigenous communities. This could include documenting and sharing the agencies' existing knowledge of good practice. Free, prior, and informed consent will be the approach used in all project activities.

11.4 Population and resource use between Kratie and Stung Treng

More comprehensive population and socioeconomic data about the situation of Indigenous – and non-Indigenous - peoples between Kratie and Stung Treng towns should be documented, including in-migration histories.