

# **Social Assessment incorporating Indigenous Peoples' Plan**

**Project Title:** Empowering Communities to Manage Natural Resources in the Mekong Central Section, Cambodia

**Grantee:** Cambodian Community Development (CCD-Kratie)

## **1 Overview**

This Social Assessment is prepared by CCD-Kratie with consultation of the World Wide Fund for Nature - Cambodia Country Programme (WWF), Northeast Rural Development (NRD) and Cambodian Rural Development Team (CRDT). These organisations are seeking Critical Ecosystem Partnership Fund (CEPF) support in phase 1&2 for collaborative work to protect freshwater biodiversity and community livelihoods along the Mekong river mainstream between Kratie and Stung Treng provinces, north-eastern Cambodia.

The Social Assessment describes the proposed project area and provides background information about human population, community livelihoods and resource management strategies. It sets out the legal and institutional framework governing people's rights to own and use land in the area, and to access wetland resources. It outlines how the proposed project will engage with this legal and institutional framework through a community co-management approach; sets out potential challenges for communities arising from this approach; outlines proposed mitigation strategies; and details the project framework for community consultation, informed prior consent and participation. The assessment addresses each of these matters as they pertain specifically to Indigenous people resident in the area, as well as the ethnic Khmer population. In addition the assessment flags areas where the implementing agencies' knowledge of Indigenous (and, where relevant, non-Indigenous) communities should be enhanced to inform project planning. The assessment concludes with recommendations, incorporating the Indigenous People's Plan, designed to support CCD-Kratie, WWF, NRD and CRDT's efforts to maximise culturally appropriate benefits to Indigenous people.

Free, Prior and Informed Consent is the guiding principle of this document. CCD-Kratie, WWF, NRD and CRDT will jointly conduct planning and outreach activities in all villages that will be affected by the project. Meetings will typically be held with the full community. Special efforts will be made to insure the participation of Indigenous People. Proposed management designations and management activities will be discussed with the community and the consent of the community will be obtained before any designations and activities are implemented. Minutes of the meetings will be kept and copies of the minutes will be filed and distributed. Any actions that require the consent of the community will be clearly described in the minutes and consent will be recorded in the minutes. Nearly all the Indigenous People in the project site speak Khmer, so the meetings will be held in Khmer. If there is a need to translate the discussions into an indigenous language we will do so.

## **2. The project area**

CCD-Kratie, WWF, NRD and CRDT will implement critical management and conservation activities along the Mekong mainstem between Kratie and Stung Treng

towns. The focus is the management of the 'Central Section' of this area, which extends from approximately 40 kilometres north of Kratie town to six kilometres north of the Kratie-Stung Treng provincial border, taking in 56 kilometres of the Mekong mainstem. The implementing agencies will also undertake environmental education, conservation and alternative livelihoods work outside the Central Section, in communities located between the two provincial capitals and reliant on the Central Section's natural resources. The project area is located in the CEPF Priority Corridor "Mekong River and Major Tributaries" and in the CEPF Priority Site "Mekong from Kratie to Laos PDR".

## 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;
- Extensive forest, timber stocks, unsettled land and nursery and breeding grounds for economically important fish species.
- 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
- The presence of Eld's Deer, otters, at least 18 CEPF Priority Fauna Species and five CEPF Priority Flora;

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.<sup>1</sup>

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<sup>1</sup> 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

### 3. Human population

#### 3.1. Human population in the Central Section

Population data updated is available for the Central Section, and indeed, for the area between Kratie and Stung Treng towns. Within the Central Section more population data is available for the Eastern Channels, than for the more populous and accessible Western Channel. The Eastern Channels support the lowest human population densities between Kratie and Stung Treng towns and contain the most intact wetland areas of the Central Section. The Eastern Channels, which will be a key focus of conservation activity for this project, are home to just six established communities with an estimated population of at least 5,653. The customary boundaries of these villages cover a significant proportion of the Eastern Channel's land and water resources, including the areas of greatest biodiversity and conservation value.

##### 3.1.1. Indigenous peoples in the Eastern Channels

A majority of these communities are home to Indigenous peoples. Preliminary observations of human settlement in the Central Section undertaken by WWF in 2006-07, suggest the following characteristics of communities with additional villages in the Eastern Channels:

Village	Ethnicity	Village established
Kampong Kboeung	Phnong	More than 100 years
Au KOK	Phong	More than 100 years
Puntachea	Phnong, Khmer	More than 100 years
Koh Khngear	Koy	50 years
Satlieu	Khmer	1970*
Koh Dambong	Khmer	Unknown
Au Krasaing	Koy, Khmer	More than 100 years
Koh Entrachey	Koy, Khmer	More than 50 years
Kampong Damrey	Koy, Khmer	More than 50 years
Beung Char	Koy, Khmer	More than 100 years

\*Established as a new administrative division of a neighbouring village.

### **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 expansion of villages within the Central Section, however the original locations and ethnicities of new settlers are not documented.<sup>2</sup>

It is not known how many temporary and seasonal visitors, or new settlers, are Indigenous people. A population census, including identifying settlers' ethnicity, should be conducted in the Central Section in order to provide a stronger basis for more detailed project planning.

### **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 4% 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.<sup>3</sup>

### **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 population. Kratie and Stung Treng provinces are home to Koy, Phnong, Kachak, Mel, Kraol and Brao people. The implementing agencies' existing knowledge of villages along the Mekong between Kratie and Stung Treng towns indicates that Koy, Phnong and small numbers of Charay people are resident. As detailed above the Central Section is home to Phnong and Koy 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. More detailed demographic and socioeconomic data, including the location and situation of Indigenous

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<sup>2</sup> Bezuijen et al 2007, *Observations of Human Activity*, p2

<sup>3</sup> Bezuijen, M, Robert Timmins and Teak Seng. 2008. *Biological Surveys* p36.

communities, should be gathered in the target villages through participatory baseline assessments early in the project cycle.

### **3.4. Indigenous peoples' livelihoods**

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 construction and the sale of labour.<sup>4</sup> Communities are not observed to practice the shifting agriculture that is characteristic of upland Indigenous peoples in Cambodia.

While the livelihood and resource management strategies of Indigenous and non-Indigenous peoples in this area appear similar, Indigenous people may retain specific knowledge and/ or distinctive practices that are not readily apparent to outsiders. Further exploration of Indigenous peoples' resource use and management strategies is appropriate. This should include analysis of Indigenous people's relative reliance on forest products (including non-timber forest products), time spent in forestry activities, reliance on wildlife hunting, and use of chamkar farms (including cropping practices and whether fallow periods are observed). This investigation should be conducted early in the life of the project as well as throughout the project cycle, to ensure the project identifies and accommodates any specific resource strategies that make Indigenous people, within and outside the Central Section, more likely to experience livelihood vulnerability as a result of the altered management regime that the project will enforce.

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.<sup>5</sup> 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.

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<sup>4</sup> Community survey data gathered by WWF, CRDT and CED, June 2010

<sup>5</sup> Bezuijen et al, *Observations of Human Activity*, p2.

### 3.5. Indigenous culture and identity

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

- Having Indigenous ancestry;
- Prayer to spirits for assistance, and ceremonies to thank spirits for their help;
- Living communally;
- Belief in ‘araks’, spirits who can find out why someone is sick;
- Communal use of land and forests;
- Respect for spirits and annual ceremonies for the village spirit;
- 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).<sup>6</sup>

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

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<sup>6</sup> 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.

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. Four of the six communities with customary resource rights in the Central Section's Eastern Channels are Indigenous and the project will work with these and other Indigenous (and non-Indigenous) communities to support their sustainable management of these lands and waterways. The participatory social assessment proposed by the implementing agencies will help to address gaps in knowledge about socio-economic circumstances.

### **3.7. Consultation and engagement of Indigenous peoples**

The perception of agencies working in the wider project area is that Indigenous peoples have adopted forms of social and political organization that are similar to ethnic Khmer in the area. In initial focus groups Indigenous people identified village elders who should be consulted about the project design. It should be noted that some communities in the Central Section are familiar with participatory community approaches to local development, having worked with various community development NGOs 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. The implementing agencies have considerable experience in engaging Indigenous communities in Kratie and Stung Treng, and as per their existing project strategy, should seek to identify and involve existing formal and informal village leadership structures.

## **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 forest lands 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.

Although land conflict is relatively low in Kratie and Stung Treng when compared to the national situation, large commercial concessions for rubber and teak plantations have been granted between Kratie and Stung Treng towns.<sup>7</sup> In focus group discussions, people in some proposed target villages (outside of the Central Section) reported that their livelihoods have been severely impacted by the granting of concession lands, as they are no longer able to access areas they would customarily use for hunting, fishing or to cut timber and gather other forest products. This alienation from land and resources may constitute a push factor for in-migration as well as over-reliance on the resources of the Central Section. Given the relative abundance of unclaimed land in the Central Section, this situation should be monitored closely. The project partners including MAFF should 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 one Community Forestry (CF) and 5 Community Fishery (CFi) areas. The aim of community forestry is to maintain healthy

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<sup>7</sup> NGO Forum on Cambodia, *Statistical Analysis on Land Dispute Occurring in Cambodia 2010*.

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 two 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. Agriculture Development, 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. Agriculture Development (AD) is integral part of the cultural identity of forest-dependent communities and is 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.<sup>8</sup>

### **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.

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<sup>8</sup> Indigenous People's NGO Network coordinated by NGO Forum, *The Rights of Indigenous People in Cambodia*

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 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 potential of this existing legal and institutional framework has not been reached in the project area. Some Community Fisheries have been established in the wider project area, but have not completed the process required to register a Community Fishery with the Fisheries Administration. This project will seek to encourage active community co-management of community fisheries and forest areas in the Central Section.

This will involve working with communities and Fisheries/ Forest Administration 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. Established Community Fisheries/ Forestry groups will be supported, and new groups established where none exist, dependent on community interest. Initial focus groups suggest a high level of interest, including from Indigenous people, in establishing these groups.

### **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 reduced access to natural resources in the Protected Areas of the Central Section. The implementing agencies 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.

The project seeks however to implement a management strategy that balances livelihood needs and biodiversity conservation. This approach provides support to livelihoods by:

- 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.

- 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.
- Alternative livelihoods and poverty reduction work will employ a consensus building approach designed to increase community cohesion and ability to advocate on issues of concern.

The implementing agencies' experience in comparable settings, including in Indigenous communities, is that participation in these schemes can lead to increases in income of up to 30 per cent per family as well as measurable improvements in reported nutritional intake (through consumption of produce and protein) and reduction in time spent in the forest to harvest timber or non-timber forest products. This suggests that for most people in the project area, participation in the proposed sustainable livelihoods projects should reduce poverty and enhance livelihoods while reducing reliance on unsustainable activities. However the income generated through hunting and other illegal activities should be investigated in greater detail in the early stages of the project to assess whether the benefit offered by participation in alternative livelihoods programs is sufficient to sustainably replace the foregone income.

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

The altered management regime in the Central Section will reduce access to wetland aquatic resources in protected areas. This may result in the loss of areas in which people might otherwise have expanded land for cultivation, or undertaken fishing or forestry activities. In addition to foregone income and reduced livelihood opportunities, such restrictions may be regarded as limiting the autonomy over resource use decisions that communities presently enjoy. Initial community consultations however suggest that many people in affected communities 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.

The potential impacts on access to natural resources that might be introduced through the establishment of community fisheries and forests and granting of community land title.

## **8. Community consultation and participation**

Free, prior, and Informed Consent is the guiding principle of this document. The local communities targeted by the 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 CCD-Kratie 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. The communities are also considered to have been consulted during project design, and the contents of the Social Assessment are considered to be still relevant.

### **8.1. Disclosure, discussion and evaluation of potential community impacts**

The consultant met with CCD-Kratie stakeholders in selected areas. Focus group discussions with local communities / Indigenous People (total of 193 representatives) with key informants (such as Commune Councillors / local authorities, CCD-Kratie staff and BOD) 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 CCD-Kratie 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.

- Collective land registration is a long with expensive cost for involving officials from Mol, MRD and MLMUPC.

Village	Commune	Province participants	Men/Women	Interviewed date	Ethnicity
Puntachea	O’Krieng	Kratie	23/15	15-02-16	Phnong
Kompong Damrey	Beung Car	Kratie	30/ 15	16-02-16	Koy
Au Kok	O’Krieng	Kratie	30/ 15	15-02-16	Phnong
Kompong Kboueng	Koh Dambong	Kratie	30/ 15	17-02-16	Koy
Au Krosaing	Beung Car	Kratie	24/ 15	18-02-16	Koy
Koh Anchey	Beung Car	Kratie	28/ 14	19-02-16	Koy
Beung Cha	Beung Car	Kratie	28/ 14	19-02-16	Koy

Issues discussed included:

- Livelihood challenges and emerging issues;
- Ideas about improving life in the community and which agencies villagers think could assist;
- Community interest in forming community forestry and fishery groups; and
- Any negative impacts the villagers foresee resulting from the project and ways to resolve these.
- The population and ethnic composition of the village;
- Languages spoken in the village;
- Religious and spiritual beliefs and practices;
- Identification of important people in the village, including elders, with whom the project should consult;
- Ranking of importance of livelihood activities;

- Identification of fish species caught by villagers, fishing practices including prevalence of illegal methods, whether outsiders fish within village boundaries, and if so their origins;
- Identification of wildlife caught by villagers, extent of illegal trade including points of sale and whether outsiders hunt in village boundaries, and if so their origins;
- Information about land use and ownership in the village;
- Access to services;
- Availability of natural resources (including change over time);

In all sampled villages, participants in focus groups expressed interest in and support for the proposed project. It was felt that improved law enforcement and protection of natural resources, particularly from non-customary expropriation by outsiders, would have positive impacts for community livelihoods. Although people in two villages said that ceasing illegal hunting and fishing methods would have adverse impacts on livelihoods, there was apparent consensus among those present that the benefits from proposed alternative livelihoods activities would be significant, and a reasonable 'trade-off' for foregone income. In general these Indigenous communities welcomed the opportunity to be more actively involved in the management of natural resources.

## **8.2. Ongoing consultation and culturally appropriate participation approach**

These initial discussions with communities provide a basis from which the implementing agencies can undertake further and more detailed social assessment, particularly in the Central Section. Open discussion with communities about potential adverse impacts and challenges of project implementation will be encouraged throughout project implementation.

As discussed above the agencies will seek to identify existing leadership and participation structures in communities, including identifying and consulting Indigenous community leaders. Opportunities to 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.

The implementing agencies will seek to cooperate with other agencies working in the area, particularly within the Central Section. This will involve regular meetings between CCD-Kratie, CRDT, NRD and WWF, and ongoing cooperation with the provincial and national Forestry and Fisheries Administrations. These partnerships provide opportunities for the implementing agencies to share lessons learnt and best practice including relating to Indigenous people's participation.

## **9 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. This approach seeks to reduce community dependence on ongoing NGO support, within the framework of WWF's long-term commitment to this area. 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.

## **10. Priority actions**

Nonetheless there are a number of actions the project partners 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.

### **10.1 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.

### **10.2 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.

### **10.3 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.

### **10.4 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.

## **11. 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 CCD-Kratie

Management Staff and the CEPF Regional Implementation Team (RIT) at IUCN. The following mechanisms will be employed in the event any unsatisfactory event or disputes took place.

## **11.1 Project Operation**

### **11.1.1 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 CCD-Kratie project staff and or senior management team to facilitate the meeting. CCD-Kratie 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.

### **11.1.2 Conflict with Project Staff**

Should any of CCD-Kratie staff perform misconduct that is against the policy of CCD-Kratie 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 Program Manager (PM) and Executive Director (ED) for taking disciplinary actions. The PM and ED 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 Board of Director (BOD) to review for potentially terminate the employment status.

## **11.2 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 CCD-Kratie project staff and management team.
- Contact other civil society group / partners working in the area who could help resolve the issues.
- CCD-Kratie 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.

- CCD-Kratie together with the leaders of local community could also ask the assistance of CEPF Regional Implementation Team and IUCN for advocacy support

### **11.3 Land Cases Disputes**

Land disputes and conflicts happened across Cambodia and also in CCD-Kratie 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 (RIT) within 30 days, together with a plan for remedial action by CCD-Kratie.