



Defending Land Tenure in a Community Protected Area

by Farmer and Nature Net (FNN)

Socioeconomic and political situation of the place

Pramaoy is one of the five communes of Veal Veang district in Cambodia's Pursat province. The commune is located about 123 km on the west of Pursat provincial town or 312 km from Phnom Penh. There are five villages in the Pramaoy commune ---Pramaoy, Chheu Teal Chrum, Pchoek Chrum, Stueng Thmei, and Tumpoar.

During the Pol Pot regime from 1975 to 1979, the people in this commune collected forest and non-timber forest products (NTFPs) and planted corn and rice as their food staple. They practiced a culture of food/goods sharing, mutual support and strong solidarity with others. With the commune located in a remote area, access to public health services was very poor. Thus, the villagers traditionally used herbal medicine for disease prevention and treatment.

Bad roads prevented vehicles from easily getting to the village. Travel was normally done on foot or by ox-cart. In 1997, the commune was integrated into the Government of Cambodia. At that time, there were only 10 families in Pramaoy village and about 30 to 40 families in the whole Pramaoy commune. Household food insecurity afflicted the commune. The people thus resorted to clearing forestland to expand agricultural areas and produce more food for family consumption.

Since 2000, the Royal Government of Cambodia started building infrastructures and setting-up local administrative units at village, commune, and district levels. The number of newcomers to the commune gradually increased to about 60% of its total population.

According to the 2016 commune database, 7,233 individuals, 4,460 of whom are women, now live in Pramaoy commune. These individuals are part of 2,867 families, whose major sources of livelihood are farming (60%), collection of non-timber forest products (NTFPs) (20%), and off-farm activities (20%). The villagers would plant corn, bean, rice, and pepper while doing some small





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business by selling goods, making handicrafts or working as civil servants. Some are part of the labor force as construction workers, factory workers, farmworkers, etc. Some villagers migrated from their commune to work in Thailand. As to ethnicity and religion, 90% of the population is Buddhist, 6% Muslim, 3% Tumpoar (indigenous group) and 1% Vietnamese.

The increase in population resulted in more resource conflicts, socio-economic and even peace and order issues. More forestlands were cleared for farming. Robbery and theft escalated, perhaps from poverty and the lack of competent local governance. The culture of sharing food/goods, solidarity and mutual support waned. Food was produced to be sold more than to be shared.

The villagers have likewise noticed the effects of climate change --- the rise in temperature, erratic rainfall, prolonged drought affecting farm production and productivity. In a focus group discussion with the community forestry members, it was brought up how the temperature in Pramaoy commune has notably increased up to 38-41°C in the dry season and 26 - 35 °C in the rainy season. The villagers felt vulnerable to climate change variability with their limited adaptive capacity. Highly affected is agricultural yield, which relies heavily on rainwater availability. Food insecurity from climate change in the commune thus remains a critical issue.

In 2016, 345 families in the category of ID Poor 1 said they had poor access to food for 8 to 12 months per year. Around 203 families categorized under ID Poor 2 encountered food shortage from 2 to 7 months per year. To cope with this problem of food shortage, the villagers usually collected NTFPs or worked as laborers to raise their incomes to buy food.

The ID Poor Programme, established in 2006 within the Ministry of Planning, is part of the Royal Government of Cambodia's ongoing efforts to reduce poverty and support socio-economic development throughout the country. The Program's main objectives are to reduce duplication of effort and resources by different institutions and organizations in identifying their target groups for various poverty reduction interventions, and to ensure that assistance is provided to those households who most need it.



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History of the case

The Protected Area Program in Cambodia

A natural protected area is a defined space given extra protection to support long-term conservation of wildlife, nature, ecosystems and cultures. The 1993 Royal Decree on the Protection of Natural Areas recognized 23 protected areas¹, with classification of the natural protected areas into four categories depending on the character of each area and the objectives of its protection and preservation. At the time, these areas covered over 18 percent of Cambodia's land area².

In 2008 the Law on Natural Protected Areas introduced an additional three categories to natural protected areas, bringing the total number of categories to eight (national park, wildlife sanctuary, protected landscape, multi-purpose-use management area, biosphere reserve, natural heritage site, marine park, and Ramsar site). While the character and protection purposes of each category are defined in the law, four styles of zones management may also be applied when deemed necessary (core zone, conservation zone, sustainable use zone, and community zone).

According to the Cambodian land law in 2001, those who have occupied the land for five years can already apply for land ownership. Specifically, 344 families, who are members of the Community Protected Area (CPA) in the Veal Veang district, and another 6 families (non-members of the CPA) have occupied the land inside the community forestry areas (CF) since 2000 for settlement and crop planting.

But until now, they have not yet received land tenure from the government. The additional six landless families in the commune cannot do crop planting without land. Thus, their main source of livelihood is to cut trees inside the forest for selling which is illegal in a protected area. So far, authorities have not made any moves to prevent these six families from cutting trees.

1 Royal Decree on the Protection of Natural Areas 1993, Articles 1 and 2

2 Socheat Leakhena San, 'Indicating Success: Evaluation of Community Protected Areas in Cambodia', in Sango Mahanty, Jefferson Fox, Michael Nurse, Peter Stephen, and Leslie McLees (eds.), *Hanging in the Balance: Equity in Community-Based Natural Resource Management in Asia*, RECOFTC (Regional Community Forestry Training Center for Asia and the Pacific), East-West Center, Honolulu, 2006.



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One thousand fourteen (1,014) families (4,248 population, 1,883 women) in Pramaoy commune requested to form a Community Protected Area (CPA), but the 344 families are already using most of the land in the CPA. So they built their houses on Chamkar (rotation and/or permanent plantations), growing vegetables, planting fruit trees and other crops. Some families bought land from other farmers with internal recognition by the village chief. It is notable that there are seven different communities in the commune, including two community forestry (CF) and five Community Protected Areas (CPAs).

Community forestry is an evolving branch of forestry whereby the local community plays a significant role in forest management and land use decision-making by themselves and with the support of government as well as other change agents. The CF needs to register with the Ministry of Agriculture Forestry and Forestry (MAFF), whereas the CPA needs to register with the Ministry of Environment (MoE).

CPA Registration

In 2003, the community began its petition for CPA registration with the Provincial Ministry of Environment, with technical and financial support from Phnom Kravagn Wildlife Sanctuary & Phnom Somkos Wildlife Sanctuary projects funded by Concern Worldwide, Fauna and Flora International (FFI), followed by the support from RECOFTC (Regional Community Forestry Training Center for Asia and the Pacific) and Mlup Baitong. Finally, the CPA was officially registered with the Ministry of Environment (MOE).

The CPA has the following objectives:

- Manage and conserve natural resources using the law on Community Protected Areas (CPA),
- Ensure transparent and equitable use of forest resources among the community members for the development of the community,
- Put in place a strategy and an action plan for sustainable natural resources management leading to livelihood improvement of the community members.

The Cambodian government began reforming their land registration in 2012 prior to the 2013 national election. The government formed and assigned youth groups to be responsible for land



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survey, measurement and registration in the country. The land of all citizens in Veal Veang district were measured and registered by order of the Cambodian Prime Minister, except for the land of the 344 families in Pramaoy commune who have land inside the CPA.

In 2013, the government sought the reactions of its citizens if they found anomalies with the land survey and registration. It was expected that the government would provide land certificates in 2014. The 344 families in Pramaoy commune have not received their land certificates, so they made a complaint and submitted a letter to the government to provide them the land certificates as with the other villagers in their commune. The total land applied for registration is 1,326.5 ha covering the villages of Pramaoy, Stueng Thmei, and Tumpoar villages.

At the same time, the six landless families still demanded for six hectares (one hectare for each family) within the CPA. They submitted numerous request letters to many concerned stakeholders such as the CPA management committee, village chief, the commune chief and chief of Phnom Somkos Wildlife Sanctuary, the district governor, director of the provincial Ministry of environment, provincial governor, among others to ensure that their letter would reach the Minister of Environment. They also asked help from parliament members.

All those who applied for land ownership remain uncertain of their security in the area without land certificates like the other villagers in the commune. Meantime, they still relied on forest resources and collection of NTFPs to survive without land to cultivate crops.

Currently, no non-government organizations work in this commune to provide technical and financial support. The community members need to work closely with the local authorities (village chief, commune chief, commune councilors) to find solutions to their issues. The community council played an important role to intercede with the government at higher levels.

Effects of the issue on the people

The villagers who have not received land certificates are poor families with many children in their care. The insecurity of land tenure of these families negatively affects their present and future economic and social well-being. They have spent many years cultivating the land but not to its



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full potential because they are not willing to make a long-term investment on land which is still not theirs. They are very much concerned about losing their farming land.

Without land certificates, these farmers have difficulty accessing financial services from institutions like microfinance institutions or banks which require collateral. Normally, the villagers use land certificates as collateral for borrowing money as capital for agricultural production or agribusiness investments. Alternatively, some of them borrow money from private moneylenders but with higher interest rates (e.g., 5 to 15% per month) within a shorter duration. Some villagers do not borrow money, as they have no land to generate income and repay moneylenders.

In the Veal Veang district, Mrs. Chun Hav, 53, lives with her family of 7 in Pramaoy village, Pramaoy commune and have occupied their farming land since 2001. They are among the families who have not yet received land certificates from the government. In 2003, she spent USD 1,500 to buy another piece of land within the CPA from another farmer with full recognition of the village chief. After that, she built a house and planted banana, mango, and other fruit trees. In the same year, she bought 6 hectares of Chamkar land for USD 750/hectare which she planted to corn, rice, and other crops. In 2007, the CPA signboard was placed near the natural stream, 500 meters from her house. In 2012, the youth group responsible for measuring land surveys indicated that her land was inside the CPA. The survey for the land she occupied was postponed with the question on the location of her land. The village chief and government official from the provincial department of land management and urban planning said that her land is not inside the CPA because her land is located 500m from the main road while the CPA is located 3km from the main road”.

Steps taken by the affected community to address the issue and corresponding outcomes

On one hand, the villagers who have not received land certificates continue to follow up the progress of their application with the Ministry of Environment and other relevant government



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agencies. On another hand, at the community level, they also conduct activities to ensure that natural resources and land are distributed to the villagers in an equitable manner. Also, they need to mobilize resources to support the CPA management committee for the demarcation of the CPA boundary, patrolling, making a fire path, and prevent illegal logging. FNN provided indirect support to leaders of CPA and CF through training workshop and forum. In the future, FNN plans to take role in direct support to those existing CPA and CF.

Steps taken by other stakeholders to address the issue and corresponding outcomes

Some NGOs working in the commune, such as Phnom Kravagn Wildlife Sanctuary & Phnom Somkos Wildlife Sanctuary projects funded by Concern Worldwide, Fauna and Flora International (FFI), Regional Community Forestry Training Center for Asia and the Pacific (RECOFTC) and Mlup Baitong, provided support to the established CFs and CPAs. They were not involved in addressing the land issues though.

The villagers are aware that the development projects from the NGOs are not permanent in the community. Project activities previously done would have to be stopped. Therefore, the community should make efforts, together with the local authorities for addressing the issues in their community. They want the management and development of the community to be effective, efficient and sustainable.

Present status of the case

Up to now, there has been no response from the government about the request of the farmers for land certification or titles. The significant progress the farmers have made is the submission of their request letters to the government. The requests to the Minister of Environment were sent in two batches: Phase I, letters from 235 out of 344 families while Phase II, with 109 families submitting a request letter.

To issue a stronger demand, FNN believes farmers who are requesting land tenure from the government should jointly make a request to the government. This would have more influence and would save time for the administrative process. FNN can make use of the networks to facilitate in coming-up with a joint request among the affected communities.

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Recommendations (as expressed by the affected community and other stakeholders)

- The farmers will continue requesting for official land certificates from the government as they have already occupied the land since 2000.
- Involvement from other stakeholders is needed to hasten the progress of farmers' land request. The farmers need support from NGOs to convince the government to respond to the request of the farmers.
- Strengthen the capacity of the CPA and CF to manage and conserve the natural resources, through mobilizing capital for patrolling as well as to cover other expenses related to the administrative functions of the CPA.
- The Farmer and Nature Net (FNN) at the district level is supporting collective saving activities among the community members, the members of the Community Forestry and Community Protected Areas. This would enable the farmers to increase ownership, self-reliance and better access to savings and credit services for investment into agriculture and other business activities. Also, they would like to be members of FNN under the district level. FNN at the national level is mobilizing resources from different sources to support its members in the district to be agriculture cooperatives with legal registration from the Provincial Department of Agriculture (PDA).



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