

Comments of Civil Society Organizations

As Inputs for the Campaign to Register State Land, People’s Private Land, Indigenous Communal Land; Land dispute Resolution and Land Use Planning

Introduction

This position paper was prepared at the time when the Royal Government of Cambodia was conducting a systematic land registration campaign across Mondulakiri province starting with **the land registration campaign launching event on 28 July 2020**, which was expected to be completed in August 2020. The campaign started in this province is viewed as relating to the arrest of a senior Royal Government official in July over land disputes in Mondulakiri province as well as encroachment on State land and private land by other powerful individuals, which has not been resolved yet in this province. The main objective of this paper is to suggest a number of recommendations to contribute to the implementation of systematic land registration not only in Mondulakiri, but also subsequent campaigns in other areas or provinces. This paper describes 1) history of land allocation in Cambodia; 2) lessons learned and good experiences gained; 3) past and current challenges; 4) recommendations suggested by CSOs; and 5) brief conclusion.

History of land allocation in Cambodia

Land allocation in Cambodia was divided into four phases starting from the 1980s. 1) The first land allocation was in the 1980s with the establishment of *Krom Samaki* comprised of between 10 and 15 families per *Krom Samaki* sharing the use of land, farming equipment, and draft means. The allocation guidelines were issued by the central party and was implemented by *Krom Samaki* heads. Farmland belonged to the State, but it was allocated to each family in the *Krom Samaki* according to available labor force¹. However, in 1986 in a reform process, each individual was given possession right to cultivate, but private ownership was not allowed.² In 1989, the government started a procedure of sporadic land registration for farmland under two steps: 1) users whom had been allocated by the State could apply for possession right with the cadastral office; and 2) cadastral officials surveyed the land and then applied for approval by authorities concerned. This method emulated the model France had applied over 70 years ago.³

2) This phase began from 1991 to 1993 when the Vietnamese voluntary armies were withdrawn from Cambodia and the Paris Peace Accord was reached requiring respect for human rights for people in the country, refugees and displaced people, and a focus on the right to property. At that time , there was allocation for people repatriated back into society.

3) This phase occurred in 1998 after the dissolution of the Khmer Rouge political organization and army. Peace was ensured and State land was distributed to former Khmer Rouge members to

¹ Diepart J.C (2015). The fragmentation of land tenure systems in Cambodia: Peasants and the formalization of land rights

² Annual World Bank Conference on Land and Poverty 2013, Old Policies – New Action: A Surprising Political Initiative to Recognize Human Rights in the Cambodian Land Reform, Franz-Volker Müller, Günther Zülsdorf Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), Paper prepared for presentation at the “ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY”, The World Bank - Washington DC, April 8-11, 2013

³ Diepart J.C (2015). The fragmentation of land tenure systems in Cambodia: Peasants and the formalization of land rights

reintegrate into the national society.⁴ The end of the 1980s was the end of collective land use, i.e., the *Krom Samaki*, and it was also the beginning of the land reform. Land remained to belong to the State, so no one had the right to demand the land they had occupied before 1979. During this phase, the State allocated land for people to occupy, use and sell. The distributed land consisted of three types, i.e., residential land, farmland, and land concession (5 ha and above for developing agro-industry). Due to differences between possessed land, farmland, land concession, and residential land, in 1992, the first Land Law was adopted, considering that all land belonged to the State, and people had the possession right.⁵ In this phase, there was an important development, i.e., the amendment of the 1992 Land Law, and the adoption of the new Land Law on 31 August 2001. Key provisions include: Any regime of ownership of immovable property prior to 1979 shall not be recognized, and only legal possession can lead to ownership. New possession ceased when the Land Law entered into force. No arbitrary occupation of land can occur on private land of the State or a public legal person once the Land Law entered into force. Meanwhile, pending legal recognition of statutes of indigenous communities, current existing groups shall manage their customary communities and property, and shall comply with the provisions of the 2001 Land Law.

4) This phase, implemented since end June 2012, is the phase under Directive 01 of the Royal Government under the slogan “old policies - new actions for the land sector” to provide full land titles for those people having existing cultivated land.⁶ In addition, the guidelines on social land concession following the 2003 Sub-Decree has been implemented until now, and the 2009 Sub-Decree on Procedure of Indigenous Communal Land Registration has also been implemented until the present.⁷

Results and challenges of land distribution under Directive 01, allocation of social land concession, and collective indigenous communal land registration

Directive 01

This program was implemented between June 2012 and December 2014 by about 1,100 student volunteers, and covered 1.2 million ha of land, and issued about 610,000 land titles. This program along with other measures of the Royal Government was carried out to address issues relating to implementation of economic land concession. Although implementation was not smooth, a large part of land was taken out of some economic land concession, ex-forestry concession, permanent forest reserves, and natural protected areas. Land titles were granted to people who encountered

⁴ Annual World Bank Conference on Land and Poverty 2013, Old Policies – New Action: A Surprising Political Initiative to Recognize Human Rights in the Cambodian Land Reform, Franz-Volker Müller, Günther Zülsdorf Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), Paper prepared for presentation at the “ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY”, The World Bank - Washington DC, April 8-11, 2013

⁵ Diepart J.C (2015). The fragmentation of land tenure systems in Cambodia: Peasants and the formalization of land rights

⁶ Annual World Bank Conference on Land and Poverty 2013, Old Policies – New Action: A Surprising Political Initiative to Recognize Human Rights in the Cambodian Land Reform, Franz-Volker Müller, Günther Zülsdorf Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), Paper prepared for presentation at the “ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY”, The World Bank - Washington DC, April 8-11, 2013

⁷ *ibid.*

relocation, in particular, rural poor people, and recently valid approval of new economic land concessions were suspended.⁸

Along with this success, including a great deal of satisfied people (over 60% of interviewees) and significant reduction in conflicts, came many gaps and concerns. 1) Lack of opportunities for CSOs and development partners to take part in monitoring the implementation or to take part in disseminating the Directive 01 resulted in difficulties in assessing the quality of the entire process. 2) Detailed plans should have been made in advance before surveys were conducted because in practice implementation started right away in July 2012 according to the Instruction Circular No. 108 of the Council for Land Policy. Hurried implementation had impacts because survey groups were not well aware of the types and classification of land, resulting in surveys made in forest covers, such as the case in Uddor Meanchey province. 3) Concerning issuing land titles for those people who had illegally occupied State land (in some cases, over 20 years), such as forest covers or protected forests, very few people had received information that they lived illegally on the land; 4) Implementation had problems in indigenous areas because the surveying students were not prepared sufficiently. In particular, only after about one month of the campaign implementation, was the Instruction issued not to survey collective land in the whole process, but indigenous people were allowed to accept private ownership and to relinquish the right to collective land while there was intimidation or requirements for them to accept [the private ownership] as collective ownership would take a longer time at a time when pressure from land traders increased. Some indigenous people opted for private ownership, which constituted a risk to their unity and preservation of their culture/traditions because those accepting private ownership were condemned of jeopardizing or obstructing the planned collective land registration.⁹ 5) Some cases related to lack of clear administrative boundaries between the provinces of Monduliri and Kratie resulting in indigenous communities losing access to the resources they had enjoyed due to their acceptance of private land.¹⁰ 6) Some families were not certain about their land boundaries and the people adjacent to their land, resulting in difficulties in surveying because it required thumb prints of people involved. Moreover, landowners who had left to work in other provinces or in other countries did not receive information in time, resulting in missing.¹¹

Allocation of social land concession

Landlessness has been a problem since the 1990s, and this problem has grown large as a result of repatriation of people from the Cambodia-Thai borders, losses of land due to transactions, and an increased in demobilized army. As encroachment on unoccupied land for use was considered illegal since 2001, a new land distribution mechanism was established in the form of social land concession by transferring State private land to landless families for residence and farming. Social land concession is divided into two levels, i.e., initiation at the local level by commune councils and at the national level by relevant ministries. Social land concession is similar to possession, especially,

⁸ Grimsditch, M; Schoenberger, L. and Meas, N. (2015). New Actions and Existing Policies: The Implementation and Impacts of Order 01, NGO Forum on Cambodia

⁹ DIRECTIVE 01BB IMPACT ASSESSMENT REPORT, Private land titling by the youth student volunteers in Ratanakiri Province, *Assessing issues during the demarcation process and effects on indigenous communities*, By: Alison Rabe, SVC Advisor, February 2013

¹⁰ Note of interviews by Sek Sorphorn and Chea Phalla, ILO, Impact Assessment of PM Directive 01 on Indigenous Collective Land Registration, 21 December 2012

¹¹ "Moving Forward: Study on the Impacts of the Implementation of Order 01BB in Selected Communities in Rural Cambodia", June 2013, *Study on the Impacts of the Implementation of Order 01BB on Selected Communities in Rural Cambodia*

for the first five years. When a concessionaire has lived on the land for five years and has complied with regulations, s/he can apply for a land title. As of June 2014, 12,374 concessionaire families, covering a total land area of 113.167 ha (residential land, cultivation land and infrastructure).¹²

A Sub-Decree on Social Land Concession was adopted in 2003 as a mechanism to transfer State land to poor families for residence and cultivation. The first five-year pilot program was implemented in the provinces of Kampong Cham, Kampong Thom and Kratie with the support of the World Bank and GIZ. The Good Governance Project in land distribution was highly appreciated for its success thanks to close collaboration between officials at all levels, organizations, and community representatives in land concession areas, but more attention should focus on real landless families and labor cost for daily livelihoods to be included in the Project, and development of infrastructure, such as roads, schools, health centers, water supply and livelihood enhancement programs from the beginning is required.¹³

Meanwhile, the publicly available research paper made of the Ministry of Land Management, Urbanization and Construction and the World Bank found that: 1) Implementation of land identification process was carried out successfully in avoiding negative impacts on existing land users. Claims for the land they had occupied before the project started (although without land titles) were identified and were not included under the project through a transparent and consultative process; 2) Negative impacts of land acquisition for infrastructure sub-projects were avoided for land users thanks to land use planning, which allocated unoccupied land for infrastructure needs; and arrangements were made to swap land with a small number of land users; and 3) The complaint mechanism did not respond fully to the large number of complaints. In fact, land identification and distribution process usually leads to demands or protests. If the project implementing agency cannot implement, another option is to outsource a service provider to do the job¹⁴.

Collective indigenous communal land registration

The Royal Government recognizes indigenous communities' right to land through provision of collective land ownership. This program is an important option for indigenous communities to protect their land and natural resources and to preserve their culture and customs. Given their vulnerability, implementation of provisional protection measures before formal registration is needed in order to ensure their sustainable customary land occupation and use. Once they obtain official ownership, they have legal rights to lodge complaints to courts to resolve problems, in particular, encroachment on land boundaries and destruction of communities' forest.

Indigenous people's rights in Cambodia, especially, the right to access to land resources, are recognized officially under the 2001 Land Law. Further, Sub-Decree No. 83 (2009) on "Procedure of Registration of Indigenous Communal Land", which complies with the Law on Forestry (2002) and the 2008 Law on Natural Protected Areas, provides regulations and detailed guidelines on how indigenous people can register community land.

Generally, the registration process undergoes three main phases: 1) identity recognition by the Ministry of Rural Development, in which 150 community identities had been recognized as of

¹² Diepart J.C (2015). The fragmentation of land tenure systems in Cambodia: Peasants and the formalization of land rights

¹³ End project evaluation report, Wathanakpheap, 2013

¹⁴ Environmental and Social Management Framework (ESMF), LASED-III Preparation, 2020

November 2019; 2) registration as a legal person by the Ministry of Interior, in which 150 communities had been registered as of 15 May 2020; and 3) provision of collective land titles by the Ministry of Land Management, Urbanization and Construction, in which 30 of the 68 communities applying for land titles were issued with land titles as of end of December 2019.¹⁵ The indigenous communities that have not been covered have the highest risk to losses of identities, culture, rights, and land disputes, leading to a high risk to effective management of natural protected areas and State's permanent forest reserves.

Remaining challenges facing indigenous communities include: 1) Understanding of registration procedures and process exists mainly among community leaders only while community members have little understanding. Therefore, there were hesitation among community members whether to register as collective land or as private land, which is a risk to losses of opportunities to preserve, manage, and develop the land in the long term; 2) Overlapping of communities' land claimed to be customary farmland and classified State land in natural protected areas managed by the Ministry of Environment (MOE) or permanent forest reserves managed by the Ministry of Agriculture, Forestry and Fisheries. As a result, information on overlapping requires investigation and coordination between communities and relevant agencies to distinguish management zones or to classify permanent forest reserves clearly in accordance with the Law on Natural Protected Areas, the Land Law and the Law on Forestry before official communal land registration; 3) Preliminary mapping was also complicated and took a lot of time with participation of CSOs and cadastral officials although there are no laws or procedures defining this process.

Legal framework and establishment of the structure for carrying out the campaign in Mondulkiri province

This campaign complied with relevant laws and guidelines, and ministries involved and the Mondulkiri Provincial Administration issued instructions and notices in July 2020 to ensure effective implementation of the campaign with the following results:

The Ministry of Agriculture, Forestry and Fisheries issued a Decision No. 269 SSR/KSK dated 6 July 2020 on the establishment of 18 working groups across the country to study and verify data of forest land under people's actual occupation.

Two days later, the Ministry of Interior issued a Letter No. 1963 dated 08 July 2020 informing the governors of all the provincial councils of the prevention of illegal encroachment into natural protected areas in provinces. Seven days later, the Mondulkiri Provincial Administration issued a Letter No. 080/RBK dated 15 July 2020 submitting preliminary estimate data on the number of people and land areas under occupation and enjoyment of benefits within natural protected areas in Mondulkiri province to the Ministry of Land Management, Urbanization and Construction. The preliminary data shows an estimated number of 10,772 families occupying a land area of approximately 39,158,20 ha in five municipality and districts of Mondulkiri province.

One day later, the Ministry of Land Management, Urbanization and Construction issued a Letter No. 2160 dated 16 July 2020 requesting the Mondulkiri provincial governor to collaborate in registration of State land, people's private land, indigenous communal land, settlement of land disputes, and

¹⁵ Thol, D. & Oeur, I. (2019) A Decade of Communal Land Titling in Cambodia: Achievements and Ways Forwards. Cambodia Journal of Basic and Applied Research (CJBAR), 1(2), 06–15. Royal University of Phnom Penh.

land use planning in Mondulkiri province. One day later, the Ministry of Land Management, Urbanization and Construction issued a Letter No. 2166 dated 17 July 2020 requesting a meeting on implementation of registration of State land, people's private land, indigenous communal land, settlement of land disputes, and development of land use planning in Mondulkiri province to be held on 28 July 2020 to the Mondulkiri provincial governor. On the same day, the Mondulkiri Provincial Administration issued an Instruction No. 051/20 dated 17 July 2020 to eight officials led by Mr. Sok Sera, Provincial Deputy Administrator to visit Sre Preah commune, Keo Seima district, Mondulkiri province, for 50 families living in Kak commune, Ponhea Krek district, Tboung Khmum province who did not have land for farming.

On that same day, the Ministry of Environment issued a Letter No. 054 dated 17 July 2020 on the establishment of 14 MoE teams to monitor, investigate and document the locations that people had actually used and enjoyed benefits in natural protected areas and biodiversity corridors. This is an important preparation to avoid surveys that can overlap between private land, collective land and State land. For instance, the results of the systematic land survey at Sre Y village in Mondulkiri province had led to the provincial department of environment issuing a Letter No. 341/20 dated 10 June 2020 requesting objection to the document of the land survey results of the systematic land registration team because some of the land parcels and geographical locations were within the REDD+ Project of the Keo Seima Wildlife Sanctuary, which was carrying out management zoning.

The Ministry of Environment issued an Instruction No. 005 dated 20 July 2020 on guidelines for investigating and documenting locations carved out for the people who had been using and enjoying benefits in natural protected areas and biodiversity corridors to the ministerial teams and the provincial department of environment. On that same day, the Ministry of Land Management, Urbanization and Construction issued a Decision No. 039 dated 20 July 2020 on the establishment of a commission to support the registration of State land, people's private land, indigenous communal land, settlement of land disputes, and land use planning in Mondulkiri province.

One day later, the Mondulkiri Provincial Administration issued an Notice No. 097/20 dated 21 July 2020 on surveys for registration of State land, people's land, and indigenous communal land for the public, all State agencies, financial agents, local authorities, and people to take part, to demark land boundaries, to prepare relevant documents, to resolve conflicts, and to prohibit any more encroachment on forest land. On the same day, the Mondulkiri Provincial Administration issued 10 separate Notices No. 101/20, 108/20, 105/20, 107/20, 198/20, 088/20, 102/20, 102/20, 104/20, and 106/20 dated 21 July 2020 on meetings to disseminate notices on adjudication areas for systematic land registration in 10 villages, including villages of O'Chra, Ghati, Sre Ampil, Puzam, Nongbuo, Chi Meat, Koh Myoeul Loeu, Koh Myoeul Krom, Lao Romeat, and Puloung.

At the national level, the Ministry of Interior issued a Decision No. 3139 dated 22 July 2020 on the «establishment of an Inter-Ministerial Working Group for investigation of illegal encroachment onto natural protected areas located in Mondulkiri province with roles and responsibilities to investigate each case of illegal encroachment in natural protected areas in Mondulkiri province with 13 members, including the Ministry of Environment; the Ministry of Land Management, Urbanization and Construction; the Ministry of Agriculture, Forestry and Fisheries; and chaired by the Ministry of Interior.

Soon later, the O'Raeng District Administration issued a notice to people who had not registered their land or who had been having land disputes through a Letter No. 188/20 dated 31 July 2020 on surveying for registration of State land, people's land, and indigenous communal land in O'Raeng

district, which had not been registered and had been having unresolved conflicts, asking them to file complaints at the legislation and conflict resolution office of the O’Raeng District Administration from 30 July to 18 August 2020.

The Mondulkiri Provincial Governor also issued a Letter requesting a meeting on 28 July 2020 on implementation of registration of State land, people’s private land, indigenous communal land, settlements of land disputes, and land use planning in Mondulkiri province. According to the announcement of the Ministry of Land Management, Urbanization and Construction dated 28 July 2020, there were 550 members in the Inter-Ministerial Working Group, including approximately 300 members of surveying groups from the Ministry of Land Management, Urbanization and Construction, about 200 members from the Ministry of Environment, about 50 members from the Ministry of Agriculture, Forestry and Fisheries, using T300 PLUS GNSS and currently present in the campaign in Mondulkiri province. The Working Group will stay at 37 locations.

After four days of implementation between 29 July and 02 August 2020 in target villages, the Mondulkiri Provincial Administration issued a Notice No. 134/20 dated 04 August 2020 on the temporary suspension of the Working Group’s activities of registration of State land, people’s private land, indigenous communal land, settlements of land disputes, and support for land use planning in Mondulkiri province, postponing the work implementation because of weather. The Provincial Administration will notify the date for work resumption at a later date.

Opportunities and risks or consequences resulting from such campaign or a similar campaign

Will implementation of such campaign (either in Mondulkiri or any other areas in the future) bring about any impacts or risks on registration of indigenous people’s collective land in natural protected areas, State permanent forest reserves, and on the implementation of LASED III (Land Allocation for Social and Economic Development Project) of the Royal Government in the future?

- Relevant Decisions, Instructions, and Notices of the Ministry of Interior; the Ministry of Land Management, Urbanization and Construction; the Ministry of Environment; the Ministry of Agriculture, Forestry and Fisheries; and the Mondulkiri Provincial Administration reflect the efforts of the Royal Government of Cambodia in timely prevention to address the challenges of encroachment on natural protected areas through the implementation of harmonization of procedures of three Sub-Decrees, including the Sub-Decree No. 118 on State Land Management; Sub-Decree No 46 on the Procedure for Setting up the Cadastral Plan and Main Land Registry, and Sub-Decree No. 83 on Procedure of Registration of Indigenous Communal Land. In field practice, some Working Group officials understood the framework of registration of State land, indigenous communal land, and people’s private land, but they applied the entire procedure under Sub-Decree No. 46 in indigenous communities, resulting in urging them to apply for private ownership.
- According to the aforementioned documents, we have observed that the land registration work in Mondulkiri province was hurried while land encroachments and transactions in natural protected areas and State permanent forest reserves increased. Despite the good intention and although the implementation was carried out by MLMUC officials who have the expertise and experience in surveying land, they have little understanding of the local contexts. For example, in Mondulkiri province, the registration of indigenous communal land has been going on for many years now, and each community is in a different stage of registration. In addition, there are community forests and community natural protected

areas, which have different management plans as well. Similarly, migrants, who are generally poor, will miss the opportunities to occupy their legally owned land due to untimely information.

- The campaign of systematic land registration, covering both State land and privately occupied land, involving many stakeholders, in particular, in indigenous areas, can lead to disagreement between people who want private land ownership and indigenous people who want collective land ownership. Although stakeholders including Royal Government officials and CSOs see good opportunities of such campaign to enhance indigenous people's rights and to preserve their cultural and customary identities, the potential disunity among the communities can become a factor that obstructs or delays the collective land registration process. This can directly affect the LASED III Project, in which one of its components is to register collective land for those communities that have apply for registration with the provincial department of land management, urbanization, construction and cadaster.
- Another component of the LASED III Project is to grant social land concession to landless poor people by distributing State private land. Such land allocation campaign like that in Mondulkiri province is viewed as not to affect State land reserves for future social land concession. The important point is that for existing concession from beginning until end 2021 when the LASED II Project ends some concessionaires may have lived on the allocated land for five years already, and their land can be surveyed and land titles granted every time a campaign is implemented. The problem is that, for those who have lived on the allocated land for less than five years, will their land be surveyed or not when a province-wide land survey campaign is carried out like the case in Mondulkiri province?
- The campaign in Mondulkiri province was not the same as that under Directive 01. This time, an opportunity was widely open for awareness raising, participation in land survey, and giving comments on good options and local contexts for survey officials. While the Ministry of Land Management, Urbanization and Construction established survey teams, the Ministry of Environment established teams to supervise, investigate, and compile documents relating to people living on and enjoying usufruct in natural protected areas. Likewise, the Ministry of Agriculture, Forestry and Fisheries assigned teams to investigate and verify the data of forestry land actually occupied by people. These are mechanisms to avoid overlapping land survey in the interest of the people who actually live on the land and ensuring the protection of natural resources, which people rely on. Moreover, the district administration assigned an office to receive complaints for resolution before land survey.

Recommendations

Based on past experiences and dialogues within the campaign for almost one week now, we would like to make the recommendations to contribute to effective survey and registration of State land, people's land, and indigenous communal land for the current and future implementation:

For the Royal Government and sub-national levels

- There should be discussions on the operation of the land allocation campaign with consultations with CSOs on detailed planning and better timing for sufficient preparation than the campaign in Mondulkiri.

- Key lessons of the campaign should be reflected because government officials, indigenous community representatives and CSOs were involved in the process with specific lessons learned compiled before another systematic registration in another area or province starts.
- Target survey officials should receive orientation on the context of local communities and indigenous people and various types of land management, including division of management zones of natural protected areas (core zones, conservation zones, sustainable-use zones and community zones), registration of collective land under Sub-Decree No. 83, community natural protected areas, etc. before operation.
- Village chiefs, commune chiefs and other stakeholders, especially CSOs in target areas should announce preparation for participation and pre-making copies of documents, lists of land holders, and pre-demarcation of plots of land to facilitate survey teams. In fact, collective land ownership already exists, so it does not need any survey, but additional adjudication documents must be made in the form of collective ownership for the land newly occupied outside of community land. Therefore, it is necessary to survey and prepare adjudication documents only for those people who occupy land outside of indigenous communal land, especially, for those who are not community members. Provision of private ownership should follow the Royal Government's Circular No. 06 dated 23 July 2019.
- Local authorities should publicize widely the mechanism for filing a complaint, and sufficient time should be allowed for communities to participate. For instance, community land that have already been registered as collective land and is being registered is sold, which is considered a dispute case that need to be resolved through filing a complaint with the land dispute resolution commission at the provincial department or at a district office called the legislation and dispute resolution office of the district administration.
- There should be tentative results of land surveys, which reflect land classification (State public land and State private land) and a map dividing management zones of natural protected areas in Mondulkiri province, issued by the leaders of the four ministries based on the results of working groups' investigation.

For communities or people

- The indigenous communities that have land titles must show the number of community members, land plots, land locations or locations of disputes to survey officers to resolve the disputes in a timely manner. For forest land newly cleared after land registration, communities should apply for additional collective ownership (as land reserves for shifting cultivation).
- Community leaders should explain to members of indigenous communities the importance and opportunity available at this time for registering collective land in accordance with existing policies and laws. However, in case that an indigenous community member wants private ownership, s/he must fulfill formalities for leaving in compliance with the statute first before the land portion can be carved out in accordance with the procedure under Sub-Decree No. 83, Sub-Decree No. 118 and the Royal Government's Circular No. 06 dated 23 July 2019.
- Communities should present their identities and should pre-demarcate their land plots and get ready with required documents (some communities lack documents, or documents show

different names, making it difficult for officers; or a spouse or bordering landowners were not present).

- A community that has already obtained an identity recognition document or does not have complete documents must apply to the survey team of the provincial department of land management, urbanization, construction, and cadaster.
- A community that has not received self-identification from the Ministry of Rural Development should have separate meetings to discuss ethnic, social, cultural, and economic unity; traditional livelihood practices and cultivation on the land they occupy according to their collective use customs. Then, they should seek to meet with survey officials to present their aspiration for the ownership.

For CSOs

- This is a good opportunity for CSOs, especially organizations working with indigenous communities, to help share information or comments with survey teams because CSOs already have good communication with communities and can invite a lot of people to participate.
- Preparation of lists of land holders by CSO officers is good, and family groups should be divided in proportion with the number of survey teams in each community.
- Strengthen awareness raising and continue to investigate land buyers/sellers in community areas and protected areas in the situation where resources encounter losses.
- Coordinate with community leaders and village chiefs to prepare tables of land holders' identities (lists of names, land size, tenure time, types of crops) outside of indigenous communal land, which has already been registered or is undergoing a registration process, and community natural protected areas.
- Study and gather, together with village chiefs, community leaders, and other stakeholders, information on outsiders who have bought land collectively owned by a community or land of community natural protected areas.
- Coordinate with neighboring landowners to demarcate land plots (spraying pints to mark boundaries) in advance and wait for or show the way for the land survey team.
- Remind natural protected area officials and other relevant officials to review, verify, and record data of tenure years and yearly forest cover in the field.

Overall comments

The systematic land survey campaign in Monduliri province has attracted interests of development agencies, in particular, CSOs. It is an important process to address the issue of encroachment of State land and private land, and other land disputes which have been going on for many years now. Although welcoming this operation, CSOs are concerned over the operation in Monduliri province as well as other similar, future campaigns. It is true that this campaign is unlike the operation under Directive 01 because it did not prevent people involved from participation, but preparation for implementation seemed hurried as evidenced by documents issued by ministries involved and by sub-national administration, which were all made in July 2020. This resulted in CSOs being unable to prepare themselves and resources to participate fully. Communities and village/commune

authorities seemed not to have sufficient tie for dissemination while survey officials did not have opportunities to seek to better understand local contexts in advance. Further, managers, implementers, and other people involved in this campaign should have a common understanding of the harmonization of the three Sub-Decrees, i.e., they should not apply only Sub-Decree No. 46 (systematic land registration) to ensure effective implementation. The temporary suspension period presents an opportunity for stakeholders, especially, CSOs, to meet in order to reflect on this new practice, and we continue to be committed to taking part in this and future process with the Royal Government with some recommendations as suggested above for submission to the Royal Government and officials at all levels for consideration.

List of participating agencies

1. NGO Forum on Cambodia (NGO Forum)
2. Highlander Association-Rattanakiri
3. Cambodia Indigenous Youth Association (CIYA)
4. Indigenous Rights Active Members (IRAM)
5. Ponlok Khmer (PKH)
6. Non-Timber Forest Products Organization (NTFP)
7. Non-Timber Forest Products Exchange Programme (NTFP-EP)
8. Community Legal Education Center (CLEC)
9. Environmental and Health Education Organization (EHE)
10. My Village (MVi)
11. Indigenous Community Support Organization (ICSO)
12. Community Empowerment and Development Team (CEDT)
13. Norwegian People's Aid (NPA)
14. HEKS
15. Oxfam
16. Office of the High Commissioner for Human Rights (OHCHR) in Cambodia
17. Analyzing Development Issues Centre (ADIC) (coordination and report writing)