

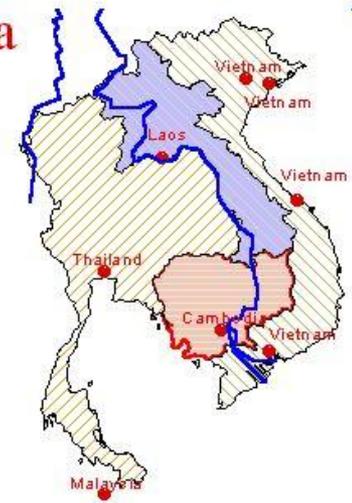
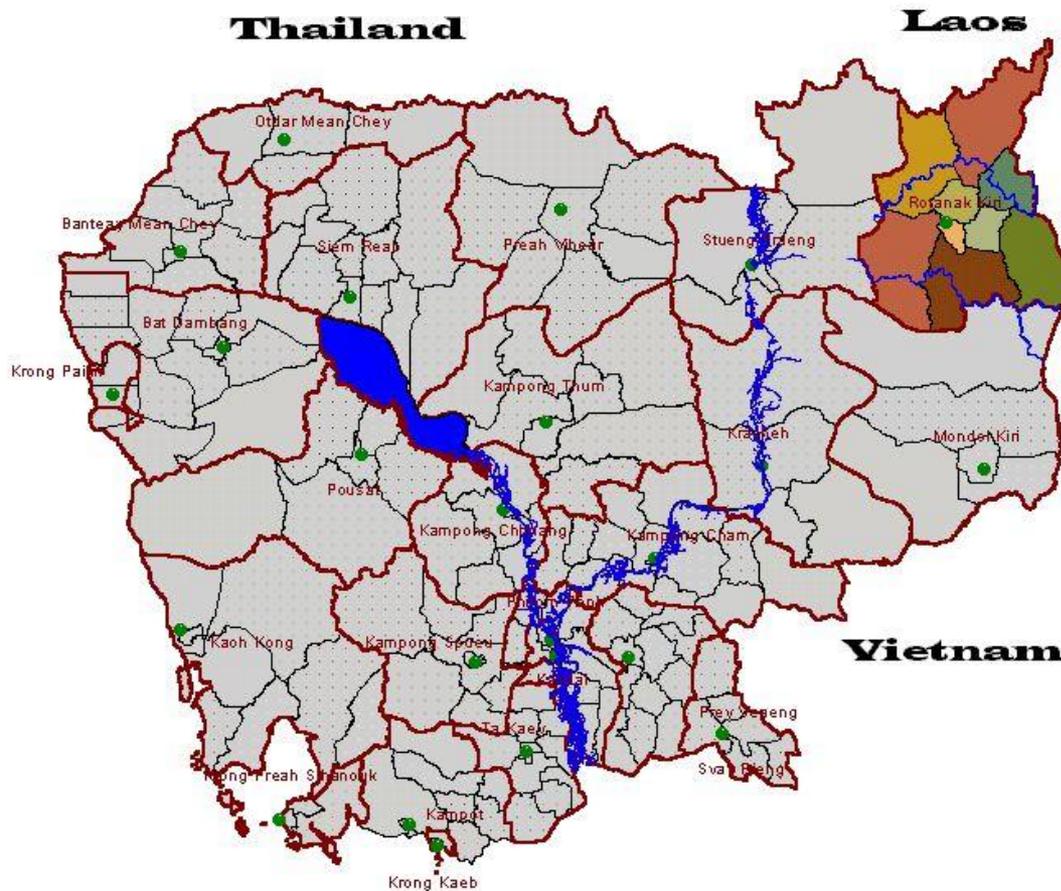
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# The Competition for the Communal Lands of Indigenous Communities in Cambodia

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Jeremy Ironside

# Position of Ratanakiri Province, Northeast Cambodia



**LEGEND**

- Rivers
- Cities
- Country
  - Cambodia
  - Laos
  - Thailand
  - Vietnam
- Major rivers
- Provincial streams
- Chhet

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# Ratanakiri and Mondulkiri Provinces.

- 2008 census - 179,215 indigenous people, or 1.4 per cent of the population.
  - The only 2 provinces where indigenous peoples are the majority.
  - Ratanakiri - 10,782 km<sup>2</sup>, population - 150,000 = 14 people/km<sup>2</sup>
  - Mondulkiri - 14,682 km<sup>2</sup>, population - 60,811 = 4 people/km<sup>2</sup>
  - Annual population growth rates of 4.65% (Ratanakiri) and 6.29% (Mondulkiri).
  - Highest poverty rates in the country.
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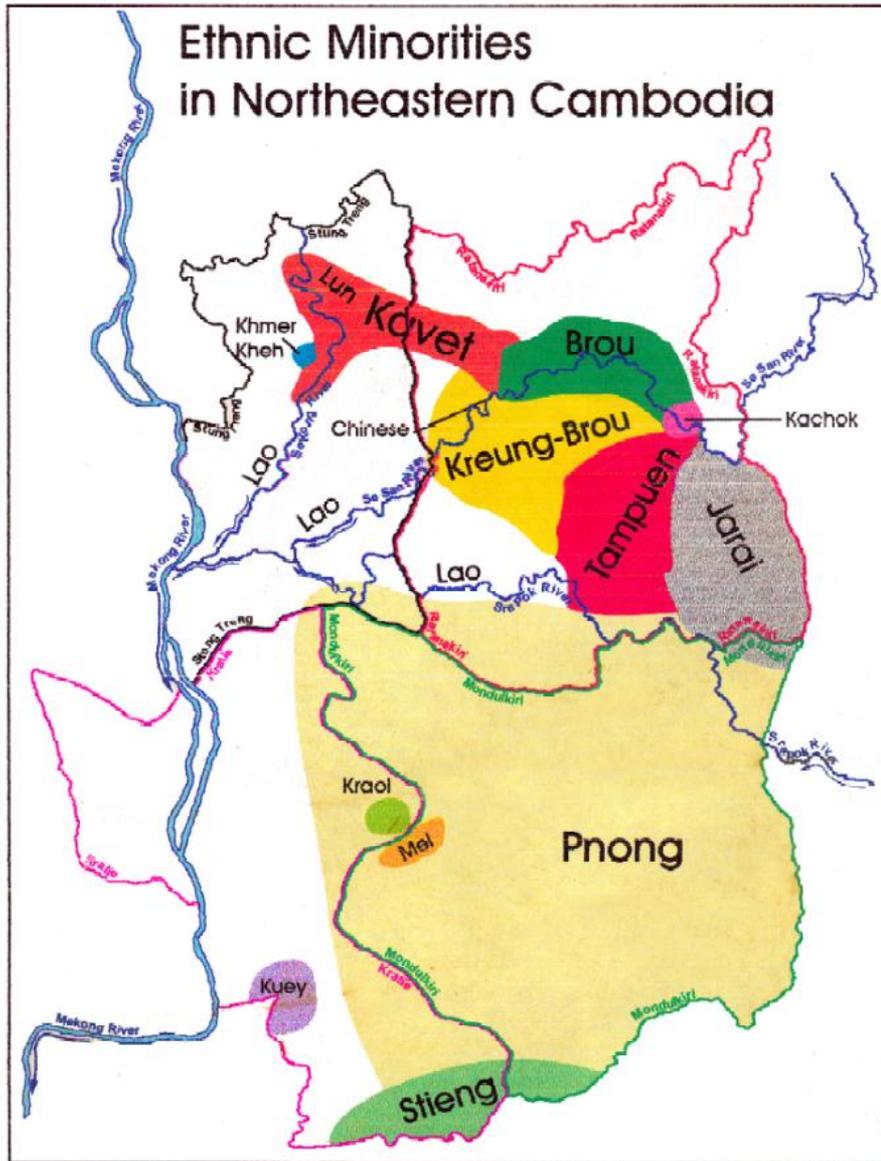


Figure 2: Ethnic Minorities in Northeastern Cambodia

Source: Coim 1996, modified from Diffloth, 1992



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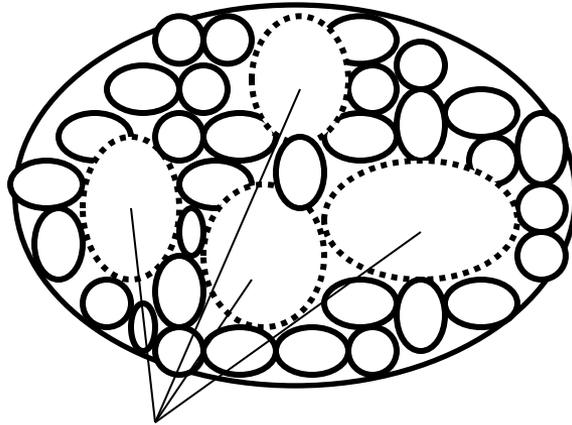
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## Background: Baseline

- Post independence (1960s) continued and expanded colonialist policies,
  - International and civil war - continued in remote areas until 1998,
  - War and remoteness allowed indigenous groups to avoid large scale deculturation but also left them unprepared for 'modernisation' processes,
  - CLV Development Triangle.
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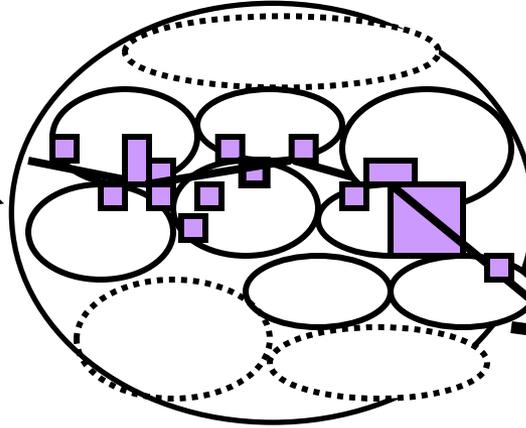
# Alienation of Communal Land in Cambodia

1) Traditional system

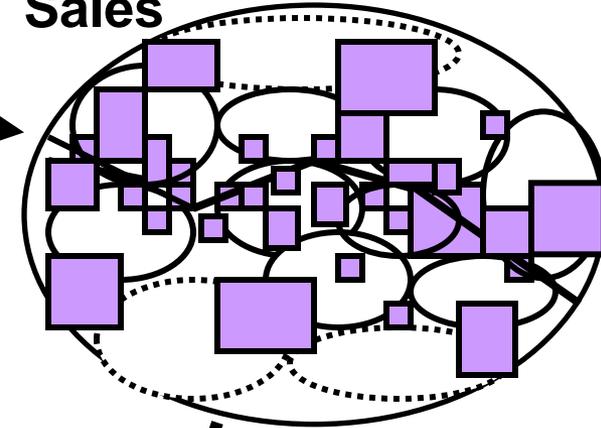


Communal Forest areas

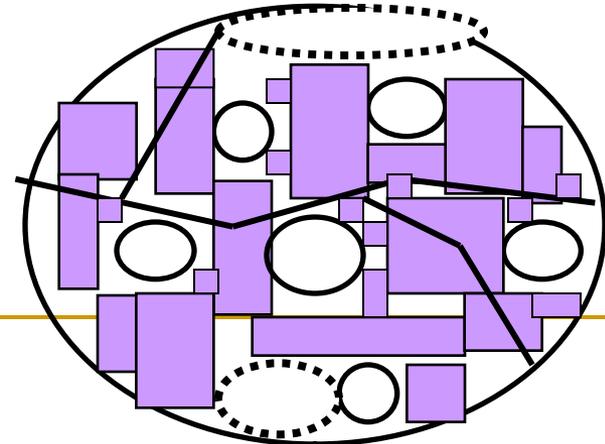
2) Early Land Sales (1990s)



3) Post 2001 Land Law Illegal Land Sales



4) The Future ?



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# Small scale dispossession

- Reasons
    - Accessibility,
    - Insecure tenure – denial of customary rights,
    - Disputed boundaries,
    - Active involvement of local authorities – accepting bribes and as land brokers,
    - Desire for money,
  - No recourse through the judicial system,
  - Men invariably are the ones at least initiating the sale of their families' lands.
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# Small v Large scale dispossession – what is land grabbing?

- Small scale closely linked to larger concessions because;
    - Sell now or you will lose your land anyway,
    - Free market policies driven by IFIs provided the alienation infrastructure which larger companies could use – collusion by authorities, use of intimidation and fraud, under valued land, etc.
  - Large scale land grabs are simply the culmination of historical processes by which land has always been grabbed.
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# Concessions

- 1,325,724ha to 128 companies – not counting concessions granted inside protected areas and provincial concessions.
  - 2005 Economic Land Concession Sub Decree is ignored – widespread speculation and clearing for logs.
  - Land dealers who told villagers they should sell before the state takes their land off them, were right.
  - Long term crops are interpreted as land individualization.
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# Burial and spirit forests



Desecration of burial and spirit forest areas touches at the heart of indigenous culture and symbolizes the clash of cultures in play.

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# Communal Land Titling

## 2001 Land Law

### **Chapter 3 – Collective Ownership: Immovable Property of Indigenous Communities**

- ❑ **Article 23:** ‘...the groups actually existing at present shall continue to manage their community and immovable property according to their traditional customs...’
  - ❑ **Article 25:** ‘...not only lands actually cultivated but also includes reserved areas necessary for the shifting of cultivation...’
  - ❑ **Article 26:** ‘...includes all of the rights and protections of ownership as are enjoyed by private owners...’
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# Communal Land Titling

- Three pilot communal land titles – in 2011?
  - Another 17 villages with legal entity recognition,
  - Seen as bringing communities ‘under the law’,
  - Door has been opened for a significant scaling up,
  - Reluctance by government to implement protective measures and view communal land titling as a temporary bridge,
  - Some evidence that LE registration has provided some security.
  - ‘cooked but we haven't eaten it yet’
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# Communal Land Titling

- Why community members want a communal title
    - follows traditions,
    - to protect resources
    - fear that individual titles will mean they will lose their land,
  - Key issue is what is the appropriate level of decision making.
  - Appears to be more appropriate for encouraging diverse land use
  - A lot of discussion about adaptive strategies for agriculture to deal with climate change. However systems on which that adaptation could be built continue to be destroyed.
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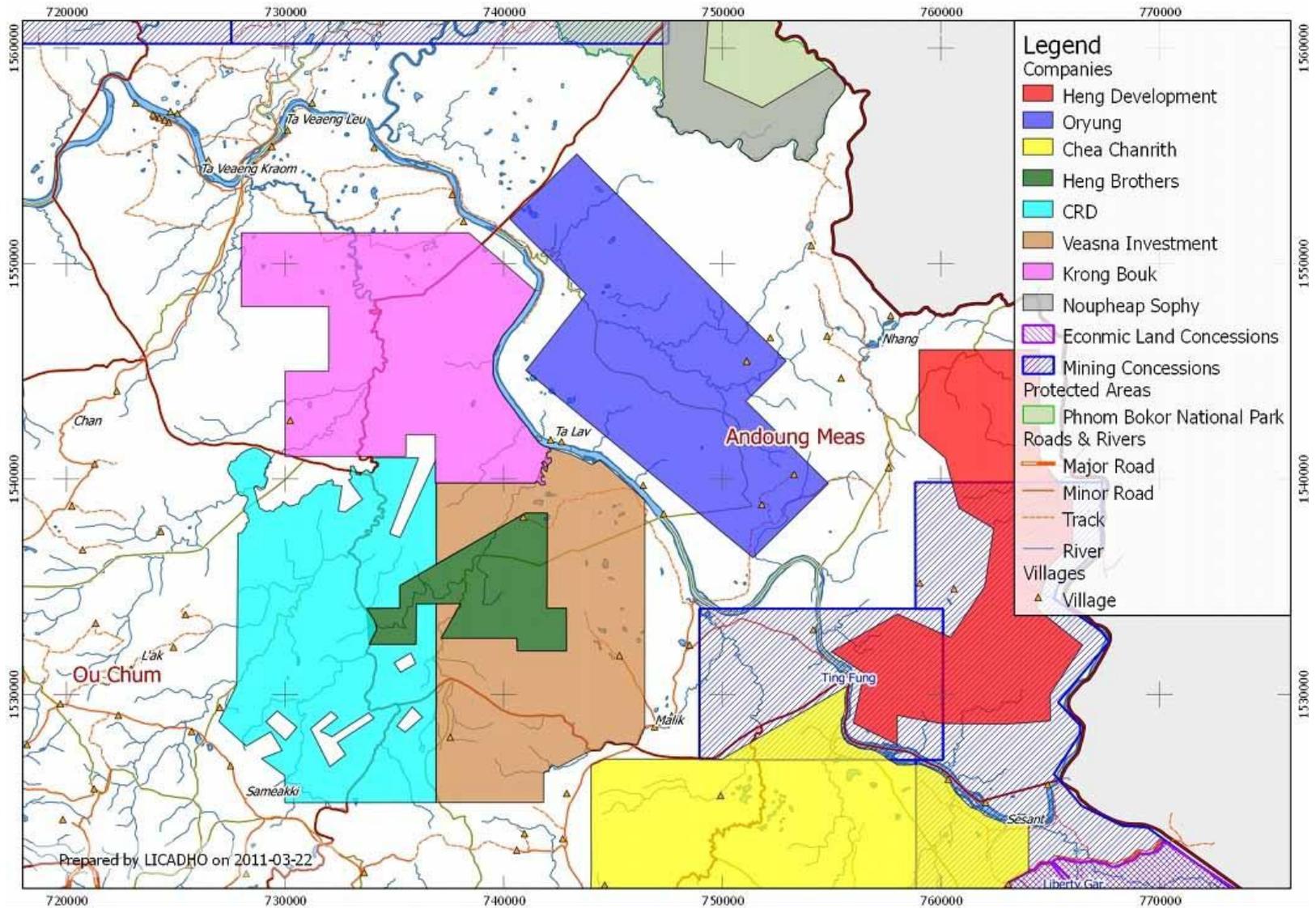
# Conclusion

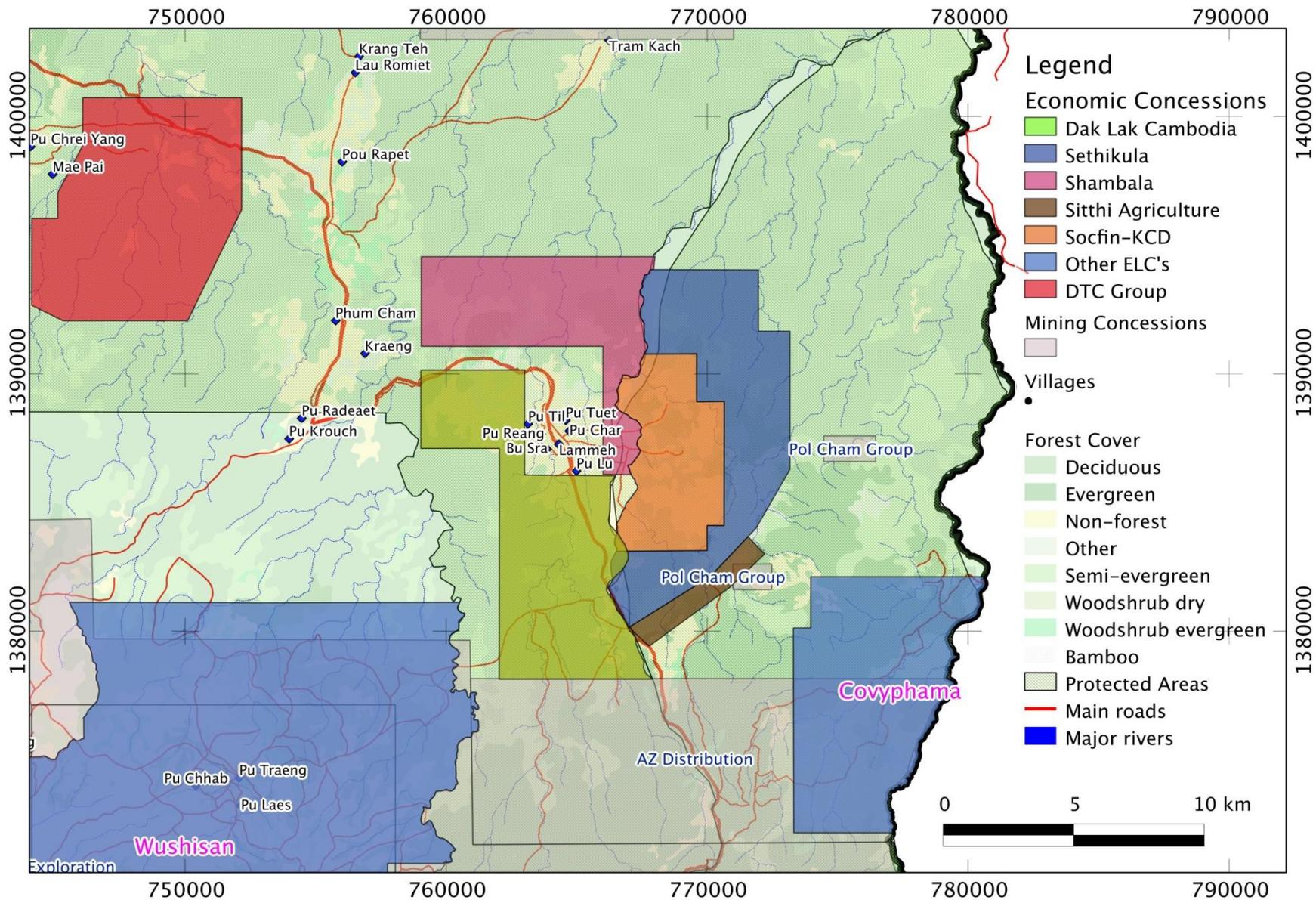
- Cambodia today false development; main motivation for land grabbing, is to occupy and control resources,
  - New land led patronage system is being created,
  - Similarities of small and large scale alienation,
  - Both are related to policies favouring industrial agricultural production.
  - Public opinion is either ignorant or accepts the logic of this land use.
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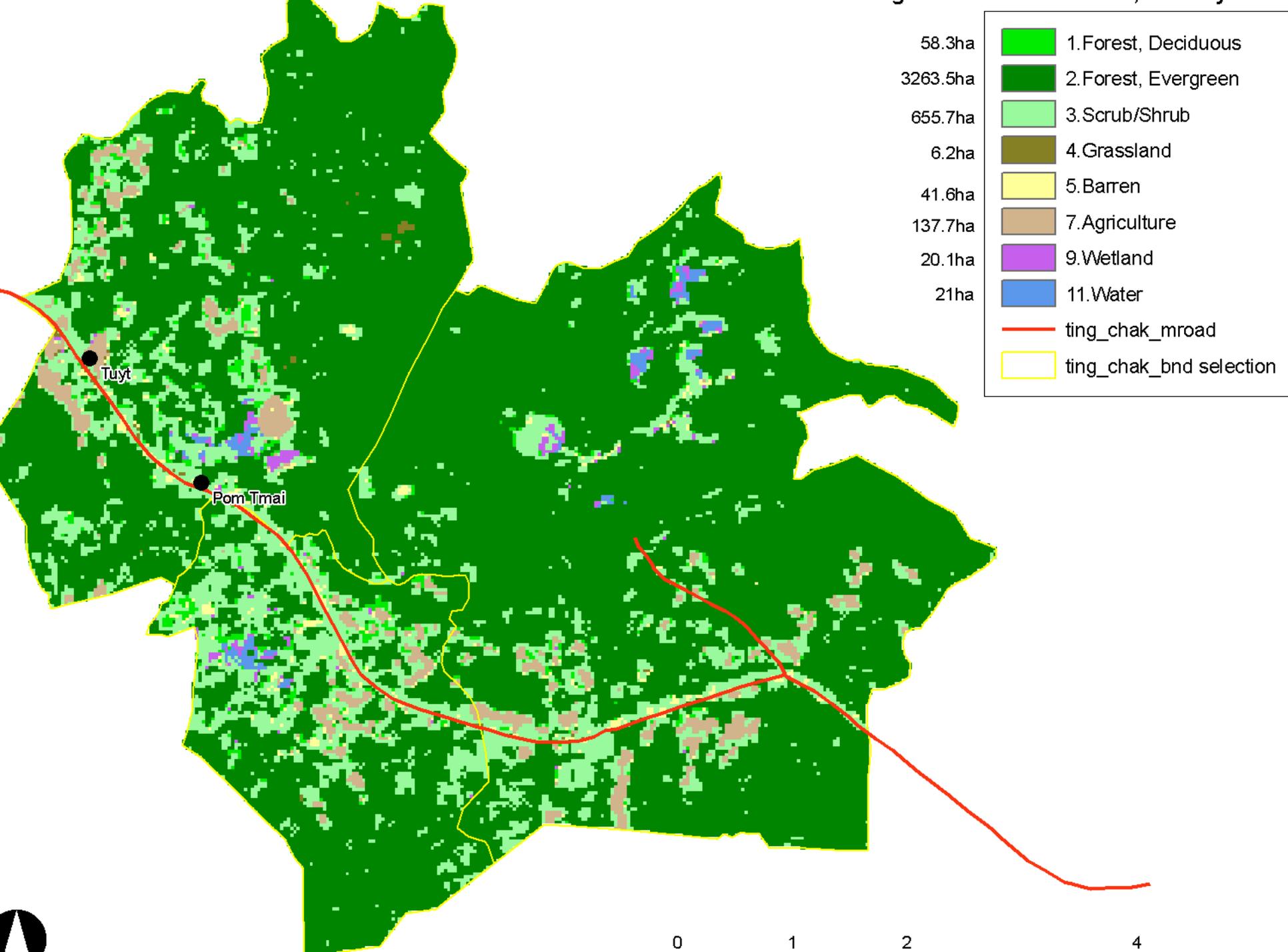
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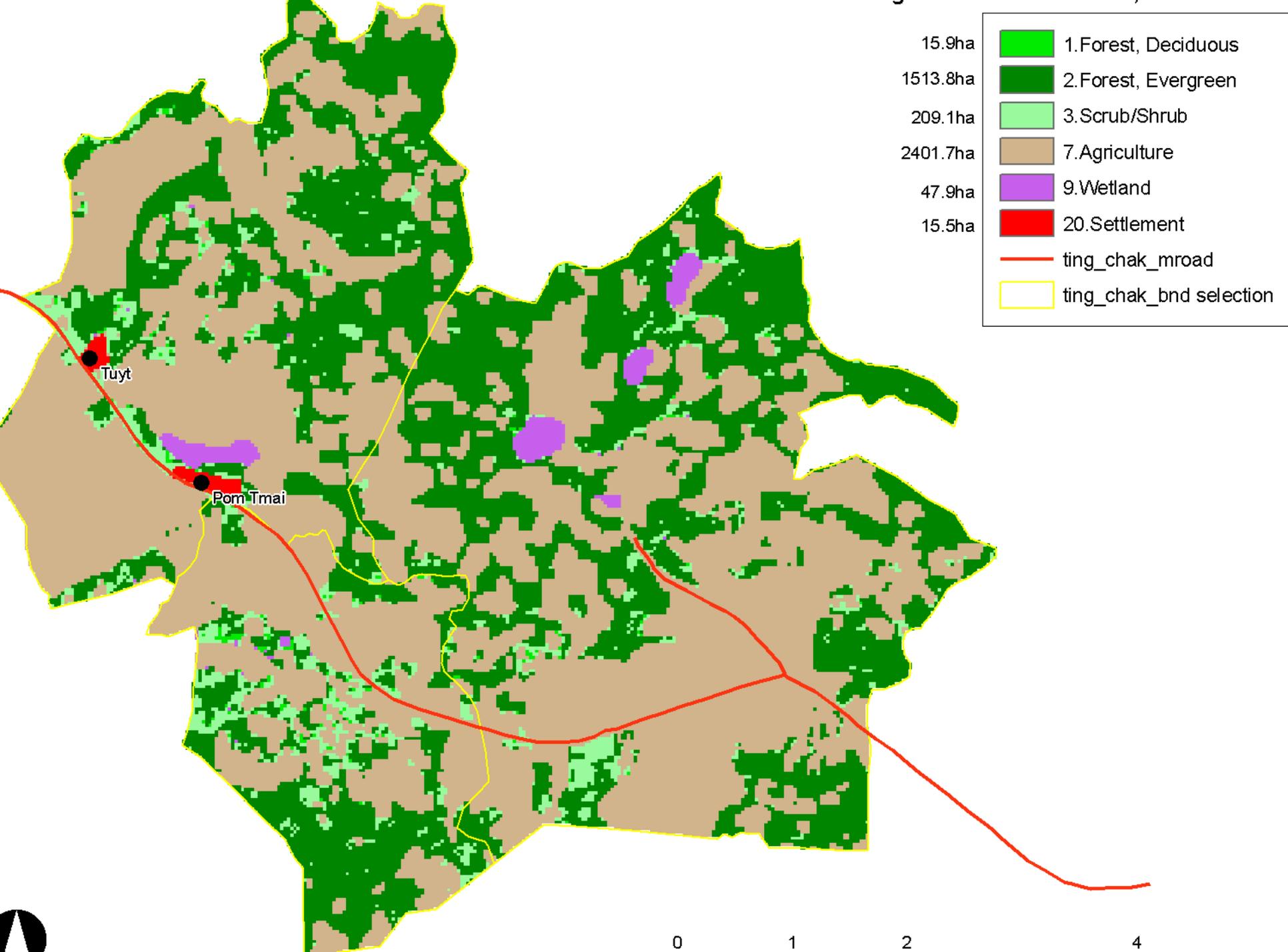
# Conclusion

- Important to support communal land management systems as a potential alternative to the concentration of land and wealth, and inevitably industrial models of agriculture from land privatization.
  - Henry George in 1879 '...as the value of land increases, so does the contrast between wealth and want ....'  
George (1905; 224).
  - Speculatory locking away land 'condemn(s) the producer of wealth to poverty ... pamper(s) the non-producer in luxury, ... rear(s) the tenement house with the palace, plant(s) the brothel behind the church, and compel(s) us to build prisons as we open new schools (George, 1905; 340).
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Thank you

