

Annex 7: Legislative Framework

1. Cambodia has been undergoing a period of rapid legislative change with regards to the legal framework governing the ownership and management of land and natural resources, including forestry and wildlife. This includes Cambodia's first land law (2001), the new forestry law (2002), and sub-decrees on community forestry and wildlife protection (2003). This provides, for the first time in Cambodian history, sufficient legislation to cope with issues of land tenure, community user rights and resource utilization (including wildlife). However, there is no current facility to ensure that all stakeholders are aware of these new laws and it will be necessary for NGOs and other agencies to help increase understanding of the implications and possibilities arising from these laws.

Environment Laws

2. The 1993 Royal Decree on the Creation and Designation of Protected Areas produced Cambodia's first PA system. The management of these areas is under the jurisdiction of the MoE, based upon the legal setting provided by the Law on Environmental Protection and Natural Resources Management (1996). Since 1995 Cambodia has been a ratified signatory of the Convention on Biological Diversity (CBD). The legal framework has been strengthened by the 1997 Sub-Decree on the Organization and Functioning of the Ministry of the Environment, the 1999 Sub-Decrees on Water Pollution Control, Environmental Impact Assessments and Solid Waste Management.

3. As part of its response to the CBD Cambodia has developed a National Biodiversity Strategy and Action Plan (NBSAP), with support from a GEF Enabling Activity through UNDP. The strategy provides a framework for action at all levels, which will enhance Cambodia's ability to ensure the productivity, diversity and integrity of its natural systems and, as a result, its ability as a nation to reduce poverty and improve the quality of life of all Cambodians. Specifically, the NBSAP highlighted the importance of the Northern Plains landscape and the necessity for improved management of Kulen Promtep Wildlife Sanctuary. Some common themes of these laws include their focus on planning, development and management, and public participation. The Law on Environmental Protection and Natural Resource Management refers to community participation in natural resource management.

Land Laws

4. The 1999 Sub-Decree on the Organization and Functioning of the Ministry of Land Management, Urban Planning and Construction (MLMUPC) established this new Ministry and designated amongst its mandates managing land affairs, urbanization, construction, land tenure and geography. Its responsibilities include proposing and implementing a land management policy ensuring a balance between urban and rural development, prepare zoning for economic, social, industrial, tourism, urban and rural development, nature conservation, and cooperate with the Ministry of Environment to protect the environment, protected landscape, natural recreation and ecosystem

5. The new Land Law was passed in 2001, replacing the 1992 Decree, which covered only property. The mechanisms by which the law will be implemented are being established through sub-decrees, including that on the procedure of establishing the cadastral index map and land register, and the recent sub-decree on social land concessions (2003). The law establishes a clear classification system for land, both public and private (see Appendix 3 for a summary) and the usufruct rights of communities - the right to use natural resources. A process of participatory land-use planning (PLUP) has been adopted by MLMUPC, whereby facilitators assist communities to identify and map the land that they use and to develop plans for its improved management. PLUP maps can eventually be registered, achieving formal ownership (land title and resource tenure). Several projects, supported by a variety of donor agencies including GTZ, UNDP and FAO are using PLUP to improve natural resource management in Cambodia. During the PDF-B, CALM undertook consultations with these projects and supported a course for PLUP facilitators in the Northern Plains, with the aim of improving provincial capacity and increasing awareness of the new legislation.

6. A new sub-decree is currently being drafted by MLMUPC that will establish the procedures for communities seeking to register traditional land rights. The positive implications of this are that it offers exclusive use of these areas to local people for their traditional purposes, promoting a stabilization of resource use and increased incentives for local people to manage an area sustainably. Three locations have been chosen to pilot these procedures - one of which is in the Seima Biodiversity Conservation Area in Mondulhiri, managed by MAFF with technical assistance from WCS. Considerable potential exists to share experience between the Mondulhiri pilot and Component 3 of CALM, which specifically aims to establish formal land tenure.

Forestry Laws

7. Existing forestry laws have been under revision for some time, and include the 1986 Resolution on the Role, Responsibility and Organization of the Department of Forestry and the 1988 Forest Law on Forestry Administration. Similar to Fisheries, a 1999 Declaration was issued on the Management and Mitigation Measures for Forest Anarchy.

8. The new Forestry Law (2002), follows and respects the community title of the Land Law and goes further in ensuring user rights for forest products to local communities living in or near forests, even those who may not be able to obtain title under the land law. The mechanism defined in the forestry law to protect these community rights is a Community Forest Agreement between the Forestry Department and the local community for a specific area within state forest land that the community traditionally uses for subsistence uses. The new sub-decree on community forestry (2003, see Appendix 1) sets out the required procedures. Whilst this is a marked improvement over previous legislation, the complexity and novelty of the law, and the relative inexperience of provincial authorities with regard to law, require that support be given to all stakeholders in the coming few years.

9. The Forestry Law also ensures that all concessionaires will have to take greater care and respect for community title and traditional user rights. Here again, it is unlikely that concessionaires will be aware of these changes, presenting an opportunity for renewed consultation and increased cooperation throughout managed forests, using the law as motivating tool. Concessions will need to take further caution of communities as the definition of traditional user rights has been expanded in the Forestry Law to include all subsistence, non-commercial use and the selling/bartering of NTFPs including common wildlife species.

Wildlife Sub-decrees and Protected Forests

10. Some prior legislation contains minor provisions on wildlife issues, but they fail to address several key issues or provide the Forest Administration with authority or incentives necessary for adequate enforcement. A series of sub-decrees are currently being enacted, which were developed by the Forest Administration, with technical legal assistance from WCS. The new laws provide a clear regulatory framework regarding the management, use and conservation of wildlife and habitat. This includes the following key points:

- To establish the management authorities for wildlife issues and provide the duties and functions.
- To define the prohibited and permitted activities and procedures regarding the wildlife use.
- To list the offences, penalties and enforcement procedures.
- To implement certain provisions of CITES.
- To establish the Lists of endangered and vulnerable wildlife species in Cambodia.
- To promote the education and awareness of wildlife issues.
- The authority to establish protected areas for the purposes to protect wildlife and habitat.
- A clarification of those species that can be hunted by indigenous communities for subsistence purposes, and those that are entirely protected.

11. Further sub-decrees have established four Protected Forests, under the jurisdiction of MAFF, across Cambodia. This includes the Preah Vihear Protected Forest, in Chhep and Chaom Ksan districts of Preah Vihear province (see Appendix 2), and approximately including the 'Chhep' IBA area. WCS has provided funding and technical assistance to MAFF staff to identify this key area for wildlife, including activities during the PDF-B. However, the regulations and management structures governing Protected Forests have yet to be defined, but they are best considered as sites where biodiversity values should be maintained within an exploitative landscape (similar to National Forests in other countries). The CALM project therefore provides the opportunity for MAFF to pilot Protected Forest management, and should inform future sub-decrees.

Tourism

12. The 1996 Royal Decree on the Establishment of the Ministry of Tourism includes, among the Ministry's responsibilities, determining policy, planning and strategy for tourism development and promoting tourism investment in accordance with the national strategy. It is also to determine, control and maintain natural recreation, artificial tourism areas, cultural tourism areas and tourism development zones.

Provincial Laws

13. Laws have been adopted which specify the organization and functions of Provincial departments or committees relevant to management of natural resources in the Northern Plains. They are, for the most part, comprehensive, but coherent and consistent implementation and enforcement needs to be achieved. They are as follows:

- **Communes.** The Commune Administration Law (2001) follows the policy of decentralization by providing local governance through a Commune Council. The Council have been given new executive and legislative authority within their jurisdiction to make various decisions and development plans regarding several sectors. The sub-decree on Community Forestry (2003, Appendix 1) specifies these with respect to forest resources.
- **Agriculture, Forestry and Fisheries.** 1986 Circular on the Role, Responsibility and Organization of the Department of Agriculture – Provincial Departments of Agriculture, Forestry and Fisheries provides for the protection of natural resources in cooperation with other relevant agencies, and to prepare projects for zoning at the district level.
- **Environment.** 1999 Declaration on the Organization and Functions of the Provincial Environment Department - This specifies responsibilities for a range of tasks, including implementing policies, illegal activities in national protected areas, monitoring sources of pollution, inspection, implementation of punishment, data management, public education and an environment education program.
- **Rural Development.** 1999 Resolution on the Establishment of a Provincial Rural Development Committee – This specifies responsibilities as including coordinating and cooperating with foreign governments, international organizations, NGOs, national and provincial agencies, private sector and local people to ensure sustainable development of rural areas.
- **Provincial Authorities – Competence.** 1999 Sub-Decree on the Competence of Provincial Authorities – The objectives are based on the important role played by provincial authorities in administering the general administrative works, promoting economic development and sustainable environment, and strengthening law enforcement through coordinating functions with the Departments under the indirect control of line ministries. Responsibilities are identified under the categories of preparation of planning and development programs, land management, urbanization and construction, public works and public service.

Appendix 1. Sub-decree on Community Forestry

SUB-DECREE ON COMMUNITY FORESTRY

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia dated 21 September 1993;
- Having seen the Royal Decree on Formation of the Royal Government of Cambodia, promulgated by Kram NS/RKT/1198/72 dated 30 Nov. 1998;
- Having seen the Law on Organization and Functioning of the Council of Ministers, promulgated by Kram 02/NS/94 dated 20 July 1994;
- Having seen the Law on Establishment of the Ministry of Agriculture, Forestry and Fisheries, promulgated by Kram NS/RKM/0196/13 dated 24 Jan. 1996;
- Having seen the Law on Establishment of the Ministry of Environment, promulgated by Kram NS/RKT/0196/21 dated 24 January 1996;
- Having seen the Law on the Establishment of the Ministry of Land Management, Urban Planning and Construction, promulgated by Kram NS/RKM/0699/09 dated 23 September 1999;
- Having seen the Royal Decree on the Establishment of the Apsara Authority dated 19 February 1995;
- Having seen the Forestry Law, promulgated by Kram NS/RKM/0802016 dated 15 August 2002;
- Having seen the Law on Environment Protection and Natural Resources Management, promulgated by Kram NS/KRM/1296/36 dated 24 December 1996;
- Having seen the Land Law, promulgated by Kram NS/RKM/0801/14 dated 30 August 2001;
- Having seen the Commune Administration Law, promulgated by Kram NS/RKM/0301/05 dated 19 March 2001;
- Pursuant to the approval of the Council of Ministers at its plenary session on 2 December 2003;

Hereby Decides

CHAPTER 1 GENERAL PROVISIONS

Article 1: Scope

This Sub-Decree shall cover:

- A. the establishment, use and management of forest resources by Communities under an approved or proposed Community Forestry Agreement on all state land; and
- B. land under collective ownership, as recognized by the Land Law, where Communities propose to establish a Community Forest under a Community Forestry Agreement.

Article 2: Objectives

The objectives of this Sub-Decree include the following:

- A. To implement the Forestry Law and other legislation regarding Community management of forest resources;
- B. To define the rights, roles, responsibilities and benefits of the Responsible Authorities, Communities and other stakeholders involved in Community Forestry management;
- C. To establish mechanisms and procedures to enable Communities to manage, use and benefit from forest resources, to preserve their culture, and improve their livelihoods;
- D. To determine and ensure user rights for Communities under a Community Forestry Agreement;
- E. To support the Royal Government of Cambodia's policies of poverty alleviation, decentralization and sustainable management of natural resources; and
- F. To provide an effective means for Communities to participate in the rehabilitation, regeneration and conservation of natural resources and biodiversity in Cambodia.

Article 3: Definitions

Words that have specific meaning and are legally binding within this Sub-Decree are defined as follows:

- A. **State Land** is all property owned by the State in the territory of the Kingdom of Cambodia enumerated in Article 58 of the 1993 Constitution and of all properties that escheat, or that are voluntarily given to the State by their owners, that have not been the subject of due and proper private appropriation or that are not presently being privately occupied in accordance with the provisions of Chapter 4 of the Land Law. State land includes the Permanent Forest Reserve, Protected Areas, concession land, conversion forest and other areas.
- B. **Community** is a group of residents in one or more villages in the Kingdom of Cambodia who share a common social, cultural, traditional and economic interest in the sustainable use of an area of natural resources, which they live in or near, for subsistence and livelihood improvement purposes.
- C. **Community Forest** is State forest, granted to a Community living in or near the forest, subject to an agreement to manage and utilize the forest in a sustainable manner between the Responsible Authority and a Community.
- D. **Community Forestry** is a Community conducting forestry activities within a Community Forest in compliance with a Community Forestry Agreement.

- E. **Community Forestry Agreement** is a written agreement between a Community and a Responsible Authority that grants and protects the Community's rights to access, use, manage, protect and benefit from forest resources in a sustainable manner.
- F. **Community Forestry Management Plan** is a document prepared by a Community, through its Community Forestry Management Committee, detailing the system of sustainable use and management of the Community Forest.
- G. **Community Forestry Management Committee By-Laws** are rules passed by the Community Forestry Management Committee on the internal operation of the Community Forestry Management Committee, including such things as quorum requirements, number of committee members, method for electing Community Forestry Management Committee, etc.
- H. **Community Forestry Regulations** are rules passed by the Community Forestry Management Committee on the use and management of the Community Forest, consistent with the Community Forestry Management Plan, including such things as rights of access and duties for Community members and secondary users, user fees, benefit sharing, reporting requirements, fines for violations, etc.
- I. **Responsible Authority** is the government entity that has the duties to make decisions and perform functions including entering into a Community Forestry Agreement with a Community, approving the Community Forestry Management Plan, and conducting monitoring and evaluation activities.
- J. **Secondary Users** are individuals who are not party to Community Forestry Agreement, but can access and use the Community Forest consistent with the Community Forestry Regulations.
- K. **Sustainable Harvest Rates** are the amount of forest resources to be harvested by a Community within a specified period, set by the Community Forestry Management Committee and approved by the Responsible Authority, which are based on the concept of sustainable use.
- L. **Sustainable Use** is the use of forest resources in a way that will ensure the availability of that resource for future generations.
- M. **Customary Use** is the use, by an individual or group, of forest resources in a sustainable manner for subsistence purposes as described in Article 40 of the Forestry Law.

CHAPTER 2 INSTITUTIONAL RIGHTS AND RESPONSIBILITIES

Article 4: Duties of the Ministry of Agriculture, Forestry and Fisheries

The Ministry of Agriculture, Forestry and Fisheries shall have general jurisdiction over Community Forestry Management and the duties and functions as follows:

- A. Allocate areas in their jurisdiction to Communities, consistent with the request by a Community, as defined in this Sub-Decree;
- B. Reduce or waive royalties or premiums, and provide other incentives and rewards, in order to ensure the sustainable and efficient use of forest resources in a Community Forestry Agreement;
- C. Cooperate and coordinate with Ministry of Environment, APSARA and the Ministry of Land Management, Urban Planning and Construction on issues related to this Sub-Decree, including monitoring and enforcement, and the establishment of Community Forestry Agreements in areas with more than one Responsible Authority;
- D. Assist Communities in the protection of religious and/or spirit forest;
- E. Issue Prakas related to this Sub-Decree through a consultative process;
- F. Coordinate with NGOs, civil society organizations and other institutions on implementation and development of Community Forestry management;
- G. Assist in conducting enforcement of all relevant laws or regulations;
- H. Assist in coordinating the resolution of conflicts when requested by a Community or the Forest Administration; and
- I. Other duties necessary to implement this Sub-Decree.

Article 5: Duties of Forest Administration

The Forest Administration shall have the following functions and duties:

- A. Approve and enter into Community Forestry Agreements with Communities through the Canton Chief;
- B. Assist in the establishment and monitoring of Community Forestry Management Plans;
- C. Develop guidelines related to Community Forestry management that are required by Prakas;
- D. Provide technical support to Communities;
- E. Monitor and evaluate the Community Forestry process;
- F. Assist Communities in setting sustainable harvest rates for the harvest of timber and NTFPs within Community Forestry Management Plans;
- G. Cooperate and coordinate with Ministry of Environment, APSARA, Ministry of Land Management, Urban Planning and Construction and local authorities on issues related to this sub-decree including monitoring, enforcement and creation of Community Forestry Agreements in areas with more than one Responsible Authority;
- H. The rights to extend and repeal Community Forestry Agreements;
- I. Establish and manage a Community Forestry central registry as described in Chapter 7 of this Sub-Decree;

- J. Coordinate with NGOs, civil society organizations and other stakeholders on the establishment, approval and management of Community Forestry Agreements;
- K. Training Responsible Authorities in each Province to effectively implement Community Forestry activity and enforce this Sub-Decree;
- L. Assist in coordinating the resolution of conflicts when requested by a Community;
- M. Provide any information and documentation related to Community Forestry to Communities;
- N. Assist in conducting enforcement of all relevant laws or regulations, including Community Forestry Management Committee by-laws and Community Forestry regulations, upon the request of the Community Forestry Management Committee or Community Members; and
- O. Other duties necessary to implement this Sub-Decree.

Article 6: Duties of Ministry of Environment

The Ministry of Environment shall have jurisdiction over Community Forestry Management within natural protected areas established by Royal Decree on 01 November 1993 and the duties and functions as follows:

- A. Allocate areas in their jurisdiction to Communities, consistent with the request by a Community, as defined in this Sub-Decree;
- B. Cooperate and coordinate with Ministry of Agriculture, Forestry and Fisheries, APSARA and the Ministry of Land Management, Urban Planning and Construction on issues related to this Sub-Decree, including monitoring and enforcement, and the establishment of Community Forestry Agreements in areas with more than one Responsible Authority;
- C. Issue Prakas related to this Sub-Decree through a consultative process;
- D. Coordinate with NGOs, civil society organizations and other institutions on implementation and development of Community Forestry management;
- E. Assist in conducting enforcement of all relevant laws or regulations;
- F. Assist in coordinating the resolution of conflicts when requested by a Community or the Forest Administration; and
- G. Other duties necessary to implement this Sub-Decree

Article 7: Duties of the Department of Nature Conservation and Protection

The Department of Nature Conservation and Protection shall have the duties and functions as follows:

- A. Approve and enter into Community Forestry Agreements with Communities through the Protected Area Director;
- B. Assist in the establishment and monitoring of Community Forestry Management Plans;
- C. Develop guidelines related to Community Forestry management that are required by Prakas;
- D. Provide technical support to Communities;
- E. Monitor and evaluate the Community Forestry process;

- F. Cooperate and coordinate with Ministry of Agriculture, Forestry and Fisheries, APSARA, Ministry of Land Management, Urban Planning and Construction and local authorities on issues related to this sub-decree including monitoring, enforcement and creation of Community Forestry Agreements in areas with more than one Responsible Authority;
- G. The rights to extend and repeal Community Forestry Agreements;
- H. Coordinate with NGOs, civil society organizations and other stakeholders on the establishment, approval and management of Community Forestry Agreements;
- I. Encourage the training of Responsible Authorities in each Protected Area to effectively implement and enforce this Sub-Decree;
- J. Assist in coordinating the resolution of conflicts when requested by a Community;
- K. Assist in conducting enforcement of all relevant laws or regulations, including Community Forestry Management Committee by-laws and Community Forestry regulations, upon the request of the Community Forestry Management Committee or Community Members; and
- L. Other duties necessary to implement this Sub-Decree.

Article 8: Duties of APSARA authority

- A. APSARA authority shall have jurisdiction over areas within the Angkor Management Area established by Royal Decree on the 28 of May 1994;
- B. The duties and functions of the APSARA authority related to Community Forestry activity shall be defined by their own legislation consistent with this Sub-Decree, including:
 - 1. Assisting in coordinating the resolution of conflicts when requested by a Community; and
 - 2. Conducting other necessary duties.

Article 9: Duties of the Ministry of Land Management, Urban Planning and Construction

The Ministry of Land Management, Urban Planning and Construction has the following functions and duties:

- A. Cooperate with the responsible authorities and Communities to include areas outlined for use under Community Forestry Agreements in the land classifications and assist in the demarcation of Community Forest boundaries;
- B. Assist in the resolution of land disputes through the Cadastral Commission;
- C. Other duties and functions of the Ministry of Land Management, Urban Planning and Construction related to Community Forestry activity shall be defined by their own legislation consistent with this Sub-Decree, including:
 - 1. Assisting in coordinating the resolution of conflicts when requested by a Community; and
 - 2. Conducting other necessary duties.

Article 10: Duties of Local Authorities

Local Authorities shall have the duty to:

- A. Support and facilitate the formation of Community Forests;
- B. Disseminate information on Community Forestry;
- C. Not interfere with NGOs, civil society organizations or other stakeholders facilitating the formation of Community Forests;
- D. Recognize Community Forestry Regulations;
- E. Support the Communities rights to assembly and expression guaranteed in Article 41 of the 1993 Constitution;
- F. Assist in conducting enforcement of all relevant laws or regulations;
- G. Assist in coordinating resolution of conflicts upon request of the Communities; and
- H. Other duties necessary to implement this Sub-Decree.

Article 11: Duties of Other Government Agencies

Other government agencies shall have the duty to support and facilitate the formation and coordination of Community Forestry activities as required in this Sub-Decree, and any other duties necessary.

CHAPTER 3

RIGHTS UNDER COMMUNITY FORESTRY AGREEMENT

Article 12: General User Rights Under a Community Forestry Agreement

The User Rights of a Community under a Community Forestry Agreement include:

- A. Customary User Rights prescribed in Article 40 of the Forestry Law.
- B. The rights to barter, process, transport and sell NTFPs as described in Article 40(B) of the Forestry Law.
- C. Communities may continue to practice existing swidden agriculture within the areas described in a Community Forestry Agreement during specific periods of time as explained in the Community Forestry Management Plan, as authorized in Article 37 of the Forestry Law.
- D. Creation of benefit sharing programs as described in Article 15 of this Sub-Decree.
- E. Controlling access of secondary users to the Community Forest.
- F. The right to get assistance from other institutions, authorities, NGOs and other civil society organizations in the establishment and enforcement of Community Forestry Agreements.
- G. The right to appeal decisions which impact Community rights under the Community Forestry Agreement, or Community Forestry Management Plan.
- H. Practices pursuant to rights granted under a Community Forestry Agreement must be compatible with sustainable use of forest resources.
- I. Rights created under a Community Forestry Agreement may be restricted in some areas by other legislation, such as legislation related to wildlife, protected areas, or protection forests.

Article 13: Right to Harvest Mature Timber

- A. Communities under a Community Forestry Agreement may harvest, process, transport and sell natural mature timber in accordance with the following:
 - 1. Harvest of timber products for selling or bartering shall not be allowed within the first 5 years of approval of the Community Forestry Management Plan, unless a Community has been operating with a Management Plan prior to the passage of this Sub-Decree, then the moratorium shall be five years from the date of that Management Plan;
 - 2. Payment of any required royalties or premiums; and
 - 3. Terms and conditions in an approved Community Forestry Management Plan.
- B. Communities under a Community Forestry Agreement have the rights to plant, manage, harvest and sell tree species as approved in a Community Forestry Management Plan.

Article 14: Permits, Royalties and Premiums

- A. No permits shall be required for any activities conducted by a Community under the terms and conditions of a Community Forestry Agreement and approved Community Forestry Management Plan.
- B. No royalties or premiums shall be required for any customary use rights conducted by a Community under the terms of a Community Forestry Agreement and approved Community Forestry Management Plan.
- C. Royalties and premiums on activities greater than customary use may be reduced or waived in accordance with Article 53 of the Forestry Law.
- D. Royalties and Premiums should be set after consultation with Communities in order to support Community Forestry formation, benefit sharing, and poverty alleviation.

Article 15: Benefit Sharing Plans

Income generated by a Community from a Community Forest shall be:

- A. Equitably shared by Community members according to Community Forestry Agreement and Community forestry regulations; and
- B. Used for management and development activities that benefit the Community.

Article 16: Prohibited Activities

Communities may not:

- A. Use the Community Forest in the form of a concession;
- B. Transfer or sell their rights granted in a Community Forestry Agreement to a third party;
or
- C. Use the Community Forest to serve any political party or individual not a member of the Community.

Article 17: Secondary Users

Secondary users may share rights of access and use as defined in Community Forestry regulations.

CHAPTER 4 COMMUNITY FORESTRY FORMATION

Article 18: Eligibility of a Community

- A. Only a Community, as defined in Article 3 of this Sub-Decree, may be eligible to elect a Community Forestry Management Committee and establish and manage a Community Forest.
- B. An individual may not be a member of more than one Community under a Community Forestry Agreement.
- C. Every member of a Community shall be bound by the terms and conditions of a Community Forestry Agreement, Community Forestry regulations and any Community Forestry Management Committee by-laws.

Article 19: Community Forestry Management Committee

- A. Election of Community Forestry Management Committee:
 1. A Community shall elect a Community Forestry Management Committee made up of an odd number of members with a minimum of 5.
 2. It is encouraged that at least one-third of the Community Forestry Management Committee membership be women.
 3. The Community Forestry Management Committee shall be selected from Community Members through secret ballot during a free and fair election by at least 2/3 of the members of the Community during a public meeting.
 4. The local authority or Responsible Authority shall be invited by the Community to the election. If the local authority or Responsible Authority are absent, the result of the election shall be officially recognized.
- B. The Community Forestry Management Committee shall have the following duties:
 1. Adopt Community Forestry Management Committee by-laws on the procedures, operations, roles and responsibilities of the Committee;
 2. Operate in accordance with the terms and conditions in the Community Forestry Management Committee by-laws and other relevant legislation;
 3. Represent the Community in any negotiations or resolution of disputes that may arise;
 4. Open a bank account and manage Community finances in a transparent manner;
 5. Prepare Community Forestry Regulations and the Community Forestry Agreement with the participation and approval of a majority of Community members, consistent with this Sub-Decree and other legislation;
 6. Enact Community Forestry Regulations, consistent with this Sub-Decree and other relevant legislation, on the use, access and management of the Community Forest that will be applicable to all users of the Community Forest;

7. Make decisions on Community Forestry development with the participation of the majority of Community members in compliance with the Community Forestry Regulations, Community Forestry Agreement and the Community Forestry Management Plan;
8. Participate in decision making that may affect the rights of their Community members, including development of Prakas and guidelines, approval, denial or renewal of Community Forestry Agreements and Community Forestry Management Plans;
9. Protect wildlife within the Community Forest; and
10. Perform other functions as necessary.

Article 20: Procedure to Submit a Community Forestry Agreement

- A. An application to the Responsible Authority to approve a Community Forestry Agreement shall only be submitted by a Community Forestry Management Committee who has satisfied the requirements stated in Chapter 4 in this Sub-Decree.
- B. The draft Community Forestry Agreement shall be prepared by the Community Forestry Management Committee upon full and fair participation of the Community members.
- C. A Community Forestry Management Committee may request technical assistance to prepare the draft Community Forestry Agreement from any Responsible Authorities, NGOs, civil society organizations or individuals with experience in Community Forestry management.
- D. The Commune Councils with jurisdiction in the area proposed in the Community Forestry Agreement shall post the draft Community Forestry Agreement for 15 days in public places prior to the submission of a draft Community Forestry Agreement to the Responsible Authority, however, the Commune Council has no authority to approve, deny or modify the draft Community Forestry Agreement.
- E. If any conflict arises during the notice period, the Commune Council shall notify and coordinate with the Community Forestry Management Committee to resolve the dispute or modify the draft Community Forestry Agreement.

Article 21: Content of a Community Forestry Agreement

At a minimum, a Community Forestry Agreement shall include:

- A. A 1:50,000 scale map of the area proposed to be under the Community Forestry Agreement;
- B. A list of names of all proposed Community members and Community Forestry Management Committee members;
- C. A copy of the Community Forestry Management Committee by-laws and any existing Community Forestry regulations;
- D. A brief statement of Community Forest resource management objectives;
- E. List of the important forest resources within the area proposed in the Community Forest Agreement;
- F. A statement by the Community to manage the Community Forest resources in a sustainable manner;

- G. A benefit sharing provision that is consistent with the requirements in Article 15 in this Sub-Decree.

CHAPTER 5

COMMUNITY FORESTRY AGREEMENT

Article 22: Approval of a Community Forestry Agreement

- A. If after the public notice period at the Commune Council, there are no conflicts or any conflict has been resolved, then the Community Forestry Management Committee shall submit the draft Community Forestry Agreement to the Responsible Authority as follows:
 - 1. To the Canton Chief of the Forest Administration if the area outlined in the draft Community Forest Agreement is within a forest area under jurisdiction of the Ministry of Agriculture, Forestry and Fisheries, or an area of uncertain jurisdiction;
 - 2. To the Protected Area Director if the area outlined in the draft Community Forestry Agreement is within a protected area under the jurisdiction of the Ministry of Environment;
 - 3. To APSARA authority if the area outlined in the draft Community Forestry Agreement is within the Angkor Management Area;
 - 4. To those responsible authorities stated above if the forest area described in the draft Community Forestry Agreement includes an area with more than one Responsible Authority.
- B. Upon receipt of the draft Community Forestry Agreement from the Community Forestry Management Committee, the Responsible Authority shall immediately forward it to the Provincial Rural Development Committee.
- C. The Provincial Rural Development Committee has 15 days to consult with responsible provincial authorities to determine if any land use conflicts exist.
- D. If no land use conflicts are reported, then the Provincial Rural Development Committee shall issue a formal letter, attached to the draft Community Forestry Agreement, to the Responsible Authority to complete their technical assessment within 30 days.
 - 1. If a land use conflict is reported, then the Provincial Rural Development Committee shall return the draft Community Forestry Agreement to the Responsible Authority. The Responsible Authority shall notify the Community Forestry Management Committee and attempt to jointly resolve the conflict or modify the draft Community Forestry Agreement.
 - 2. If a land use conflict is resolved or the draft Community Forestry Agreement is modified, then the responsible authority shall return the draft Community Forestry Agreement to the Provincial Rural Development Committee to follow the procedures stated in Article 22 © and (D).
- E. Within 45 days of receiving an application from a Community, the Responsible Authority shall inform the Community Forestry Management Committee of the status of the Agreement.
- F. Upon completion of the technical assessment, the Responsible Authority shall:
 - 1. Approve the Community Forestry Agreement and send the original Community Forestry Agreement documents to the Community Forestry Management Committee; or

2. Deny the draft Community Forestry Agreement and send a written explanation to the Community Forestry Management Committee who may follow appeal procedures stated in Chapter 8.
- G. When the Responsible Authority is the Canton Chief, the Canton Chief, after review at the Provincial level, shall forward to the Minister of the Ministry of Agriculture, Forestry and Fisheries a copy of the area outlined for use under the Community Forestry Agreement, following the hierarchy required in Article 6 of the Forestry Law.
1. Within 30 days of receipt of said copy, the Minister shall inform the Canton Chief in writing of his decision to principally approve of the allocation of the area outlined as Community Forest, following the hierarchy required in Article 6 of the Forestry Law.
 2. If the Canton Chief does not receive notice of the Minister's decision within the 30 days, the area outlined shall be automatically principally approved as Community Forest.
 3. The Minister shall make his decision according to whether the Community has traditionally used the resources in that area, and shall give priority to traditional use.
 4. If the Minister does not approve of the allocation of the outlined area, then he shall give a written explanation for the decision to the Community through the Canton Chief, following the hierarchy required in Article 6 of the Forestry Law.

Article 23: Registration of a Community Forestry Agreement

Upon approval of a Community Forestry Agreement, the Responsible Authority shall send a copy of the Agreement to the Community Forestry Central Registry at the Forestry Administration as described in Chapter 7 of this Sub-Decree.

Article 24: Duration of a Community Forestry Agreement

Community Forestry Agreements shall be in effect for a period of 15 years from the date of approval by the Responsible Authority.

One year prior to the expiration of the Community Forestry Agreement, the Community Forestry Management Committee shall submit a written request to the Responsible Authority to renew the Community Forestry Agreement for an additional 15-year term. The request shall be automatically approved, except when the Responsible Authority sends a written finding to the Community Forestry Management Committee, based on monitoring and evaluation reports, with participation of the Provincial Rural Development Committee, Community Forestry Management Committee and other stakeholders, that the process of Community Forestry management is not in compliance with the Community Forestry Agreement, Community Forestry Management Plan and Community Forestry Regulations.

The decision and notice to renew or not renew the Community Forestry Agreement shall be completed by the Responsible Authority at least 6 months prior to the expiration date of the Community Forestry Agreement; otherwise renewal of the Agreement will be automatic.

Article 25: Termination of a Community Forestry Agreement

- A. Community Forest Agreements may be terminated by:
 - 1. Written agreement between all parties;
 - 2. A Community Forestry Management Committee based on agreement of at least 2/3 of the members of the Community during a public meeting; or
 - 3. An understanding of the Royal Government of Cambodia, with approval of the Council of Ministers, that there is another purpose which provides a higher social and public benefit to the Kingdom of Cambodia.
- B. Prior to non-renewal of a Community Forestry Agreement in Article 24 of this Sub Decree, the Responsible Authority shall:
 - 1. Inform the Provincial Rural Development Committee; and
 - 2. Issue a written notice to the Community Forestry Management Committee 6 months prior to termination, stating the reasons for termination and providing an opportunity for the Community Forestry Management Committee to correct the situation.
- C. If the Royal Government of Cambodia terminates a Community Forestry Agreement for another purpose that provides a higher social and public benefit to the Kingdom of Cambodia, then the Community Forestry Management Committee shall be given written notice 6 months prior to termination and the Royal Government of Cambodia shall discuss and negotiate with the Community to determine the fair policy for the Communities loss.

CHAPTER 6 COMMUNITY FORESTRY MANAGEMENT PLAN

Article 26: Preparation of a Community Forestry Management Plan

- A. After the approval of the Community Forestry Agreement, the Community Forestry Management Committee shall prepare a Community Forestry Management Plan with full and fair participation of the Community members as required by procedures defined in the Community Forestry Management Committee by-laws;
- B. A Community Forestry Management Committee may request technical and financial assistance to prepare the Community Forestry Management Plan from any Responsible Authority, NGO, civil society organization or individual with experience in Community Forestry management.
- C. The Community Forestry Management Committee shall submit the Community Forestry Management Plan to the Responsible Authority for review and approval.

Article 27: Content of a Community Forestry Management Plan

- A. At a minimum, a Community Forestry Management Plan shall include:
 - 1. Summary of the contents;
 - 2. Resource map including all land use patterns/zones;
 - 3. Objectives for the management, use and conservation of the forest resources;
 - 4. Inventory of key resources including detail consistent with the level of use;
 - 5. A plan covering silvicultural, nursery, sustainable harvest and marketing practices;

6. Sustainable harvest rates;
 7. Assessment of forest resource use;
 8. Monitoring and evaluation plan;
 9. Current list of all Community members and Community Forestry Management Committee members; and
 10. Current copy of all Community Forestry Management Committee by-laws and Community Forestry regulations.
- B. The detail in the Community Forestry Management Plan shall be based on the level of use.

Article 28: Approval of a Community Forestry Management Plan

- A. The Responsible Authority shall assist the Community Forestry Management Committee during the preparation and submittal of the Community Forestry Management plan in order to ensure approval.
- B. The Responsible Authority, after reviewing the Community Forestry Management Plan for content, accuracy and sustainability, shall approve the Community Forestry Management Plan within 30 days.
- C. After approval, the Responsible Authority shall immediately return the original copy of the Community Forestry Management Plan to the Community Forestry Management Committee, and shall send a copy of the Community Forestry Management Plan to the Community Forestry Central Registry at the Forest Administration as described in Chapter 7 of this Sub-Decree.

Article 29: Duration and Modification of a Community Forestry Management Plan

- A. Community Forestry Management Plan shall be in effect throughout the duration of the Community Forestry Agreement.
- B. The Community Forestry Management Plan shall be reviewed by the Responsible Authority that approved it every 5 years or earlier if necessary; review and monitoring of the Community Forestry Management Plan shall include participation of representatives from the Community Forestry Management Committee.
- C. After conducting a review, the Responsible Authority may require the Community Forestry Management Committee to modify the Community Forestry Management Plan if it is found that there has been a change in:
 1. The needs of the Community;
 2. The Community membership or Community Forestry Management Committee membership;
 3. The conditions of the resources in the Community Forest; and
 4. The use of the resources in the Community Forest.
- D. The Community Forestry Management Committee may modify the Community Forestry Management Plan, with approval of the Responsible Authority, if necessary to reflect a change in the use or conditions outlined in part © above.

- E. The Responsible Authority shall send a copy of a modified Community Forestry Management Plan to the Community Forestry Central Registry at the Forest Administration as described in Chapter 7 of this Sub-Decree.

Article 30: Notice of a Community Forestry Management Plan

The Responsible Authority shall inform respective Commune Councils and Provincial Rural Development Committees about the management objectives in an approved Community Forestry Management Plan and when any modifications are completed.

CHAPTER 7 COMMUNITY FORESTRY CENTRAL REGISTRY

Article 31: Community Forestry Central Registry and Use

- A. The Forest Administration shall keep a Community Forestry Central Registry that will include information on Community Forestry throughout the Kingdom of Cambodia.
- B. The Community Forestry Central Registry shall include, at a minimum, all Community Forestry Agreements and Community Forestry Management Plans in the Kingdom of Cambodia.
- C. The Community Forestry Central Registry shall be well managed and organized in a manner that is easy to access and update.
- D. The Community Forestry Central Registry shall be open for public use.

CHAPTER 8 IMPLEMENTATION AND CONFLICT RESOLUTION

Article 32: Duty to Assist in Implementation

- A. Responsible Authorities, other government agencies and local authorities shall fully assist Communities in the implementation of this Sub-Decree and any related legislation.
- B. Any government official who assists in creating a Community Forestry Agreement for individual benefit, who impedes the legal activity of a Community or Community Forestry Management Committee, or otherwise violates this Sub-Decree, shall be subject to the Forest Offense provisions in Article 90 of the Forestry Law.
- C. The Community Forestry Management Committee and Community members have the duty to conduct the following implementation activities:
 - 1. Write and enact Community Forestry regulations consistent with this Sub-Decree;
 - 2. Assist authorities in enforcing and implementing this Sub-Decree by informing the Forest Administration, Responsible Authorities, other government agencies and local authorities of offenses committed;
 - 3. Collecting fines for violations of Community Forestry Regulations to keep and use within the Community; and
 - 4. Assist Local and Responsible Authorities in conflict resolution

Article 33: Conflict resolution

- A. Conflict between Community members or Community members and secondary users may be resolved by the Community Forestry Management Committee as determined in their Community Forestry Management Committee by-laws, Community Forestry regulations and Prakas. If the Community Forestry Management Committee cannot resolve the conflict, the Community Forestry Management Committee may request the competent local authority to assist in resolving the conflict.
- B. The Responsible Authority or competent local authority may resolve conflicts between Community members and the Community Forestry Management Committee.
- C. Any decision by the Responsible Authority that may harm any interest of a Community Forestry Management Committee, Community members or secondary users, or violates the Community Forestry Agreement or this Sub-Decree, can be resolved under article 38 of the Constitution of the Kingdom of Cambodia or any other formal procedures adopted by the Royal Government of Cambodia;
- D. If a conflict exists between the Community members and a forest concessionaire or anyone operating with a harvest permit approved by the Forest Administration which impacts the Community, the Community Forestry Management Committee may negotiate, resolve, or request the Canton Chief or competent local authority to resolve the dispute.
- E. Disputes involving ownership of land shall be resolved by the Cadastral Commission within The Ministry of Land Management, Urban Planning and Construction.

CHAPTER 9 FINAL PROVISIONS

Article 34: Issuance of Implementing Prakas

The competent institution shall issue Prakas using a multi-ministerial consultative process with various stakeholders as follows:

- A. Prakas to develop guidelines for Community Forest Agreements, Community Forestry Regulations and Community Forest Management Committee by-laws.
- B. Prakas to develop the guidelines for Community Forestry Management Plans.
- C. Prakas to develop guidelines for benefit sharing plans.
- D. Prakas and other legislation necessary to fully implement this Sub-Decree.

Article 35: Repeal Prior Legislation

All provisions contrary to this law shall be abrogated

Article 36: Implementation

The Minister in charge of the Council of Ministers, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Environment, the Ministry of Land Management, Urban Planning and Construction, APSARA authority, all Ministers and State Secretaries of Ministries and institutions concerned and Governors of provincial cities shall be responsible for the implementation of this Sub-Decree.

Article 37: Effect of Sub-Decree

This Sub-Decree shall become effective on the date of its signature.

Phnom Penh, Date _____, 2001

Signed and sealed

Prime Minister

Hun Sen

Appendix 2. Sub-decree on establishment of Preah Vihear Protected Forest

Sub-Decree On Establishment of Preah Vihea Protected Forest Areas for Conservation of Plant and Animal Genetic Resources

Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Reach Kret No. 1198/72 of November 30, 1998 on the Appointment of the Royal Government of Cambodia;
- Having seen Reach Kram No. 02/94 dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Reach Kram No. 0196/13 dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Agriculture, Forestry and Fisheries;
- Having seen Decree-Law No. 35 dated June 25, 1988 on the Management of Forestry Sector;
- Having seen Sub-Decree No. 17 dated April 07, 2000 on the Organization and Functioning of the Ministry of Agriculture, Forestry and Fisheries;
- Pursuant to the approval of the Council of Ministers at its plenary session of June 27, 2002;

Hereby Decides

Chapter 1 General Provisions

Article 1:

Preah Vihea Protected Forest Areas for Conservation of Plant and Animal Genetic Resources shall be established in Preah Vihea Province in order to:

- Protect and conserve all kinds of flora and fauna, especially the plant and animal species which are endangered and nearly extinct.
- Maintain the balance of natural habitats and reproduction of animal wildlife.
- Conduct a scientific study aiming at developing and conserving plant and animal genetic resources.
- Protect and maintain sources of water.
- Promote the awareness and development of community.
- Provide natural tourism services.

Chapter 2

Scope

Article 2:

Genetic resources are the gatherings of heredity substances of individuals or plant and animal species living in a priority natural area, which require institute conservation measures.

Article 3:

The surface of Preah Vihea Protected Forest Areas for Conservation of Plant and Animal Genetic Resources is 190,027.00 ha. See the attached map as Annex. The areas are enclosed by closed lines with coordinates: A(499912, 1566180), B(492324, 1573505), C(485465, 1592638), D(584589, 1557069), E(572384, 1548694), F(576118, 1536860), G(562677, 1534721), H(544670, 1537216), and I(540110, 1537537).

Chapter 3

Duties and Responsibilities

Article 4:

The Ministry of Agriculture, Forestry and Fisheries shall organize and manage the Preah Vihea Protected Forest Areas for Conservation of Plant and Animal Genetic Resources, ensuring sustainable development of natural resources to improve living conditions of local people.

Article 5:

Processes of organization and management of the Preah Vihea Protected Forest Areas for Conservation of Plant and Animal Genetic Resources shall be defined by Prakas of the Ministry of Agriculture, Forestry and Fisheries.

Chapter 4

Final Provisions

Article 6:

Any provisions that are contrary to this Sub-Decree shall be deemed null and void.

Article 7:

The Minister in charge of the Council of Ministers, the Minister of Agriculture, Forestry and Fisheries, the Minister of Economy and Finance, the Minister of Land Management, Urban Planning and Construction, the Ministers and Secretaries of State of all relevant ministries and institutions, and the Provincial Governor of Preah Vihea shall implement this Sub-Decree respectively from the date of signature herein.

Phnom Penh, July 30, 2002.

Samdech Prime Minister

Signed and sealed

Hun Sen

cc:

- The Ministry of Interior
- The General Secretariat of Senate
- The General Secretariat of National Assembly
- The Office of Samdech Prime Minister
- All Ministries and Institutions
- All Provincial Departments and Municipalities
- As mentioned in Article 7
- Archives and Documentation

Appendix 3. Overview of Land and Forest Land Classification under the Land Law and the Forestry Law

Prepared by Robert B. Oberndorf, J.D.

The Land Law classifies the various types of property within the Kingdom of Cambodia and the ownership rights that are available with the different classifications. At the same time, the Forestry Law creates a classification scheme for the forests in the Kingdom. There has been some confusion as to how these two-classification schemes work, and how they interact with one another. This overview provides a concise and simple explanation of how property and forestland are classified under the two pieces of legislation, and points out where there may be areas of confusion. The terms used in this overview are the same as those used in the current unofficial English translations of the Land Law and the Forestry Law.

Land Law (2001):

The Land Law creates three types of property classification in Cambodia: State Public Property, State Private Property and Private Property. Private Property is further classified based on the ownership rights involved.

State Public Property

State Public Property (**Articles 15 & 16 LL**) is land held by the State in public trust, which carries a public interest use. State Public Property includes the following:

- Properties of a natural origin, such as the permanent forest reserve, navigable or floatable waterways, lakes, seashores, etc;
- Properties that are developed for general use, such as the harbor in Sihanoukville, railways and railway stations, airports, etc.
- Property made available for public use, such as roadways, public parks, or natural reserves;
- Property that provides a public service, such as public schools and universities, administrative buildings or public hospitals;
- Properties of archeological, cultural or historical significance, such as the temples at Angkor;
- Royal properties, such as the Royal Palace.

It is important to note that State Public Property may not be sold or transferred to other legal entities, though it may be subject to rights of occupancy or use that are strictly temporary in nature, such as a logging concession in the Permanent Forest Reserve.

The Land Law does say that State Public Property may be reclassified as State Private Property if the property loses its public interest use. For example, the land and buildings that are occupied by the Forest Administration is State Public Property. If the government moved the location of the Forest Administration and this property became vacant, then it would lose its public interest use and could be reclassified as State Private Property. This type of reclassification cannot occur until a law has been passed on transferring of State Public Property to State Private Property.

State Private Property

State Private Property (**Article 17 LL**) is land that is owned by the State or public legal entities that does not have a public interest use (owned by the State or public legal entity, but does not fit the definition of State Public Property as outlined above). State Private Property can be described as excess or idle land that is held by the State or a public legal entity. The main difference between State Private Property and State Public Property is that State Private Property may actually be sold or transferred to other legal entities.

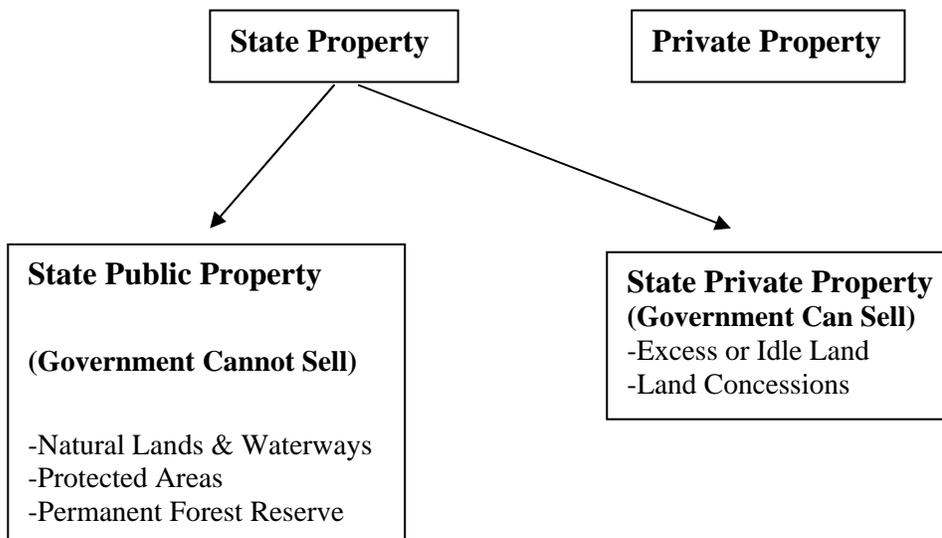
Land concessions (**Chapter 5 LL**), whether for a social or an economic purpose, may only occur on State Private Property.

A sub-decree will be passed outlining the conditions and procedures related to the sale and management of State Private Property. There shall be no sale of State Private Property until this sub-decree is enacted.

Private Property

Private property, or property that is under private ownership, is property within the Kingdom of Cambodia that is owned by natural persons or legal entities other than public legal entities. Private property may be used by its owner or owners in any way, as long as the use does not create a nuisance or is otherwise prohibited by law. Private property may be leased, used as collateral, inherited, or transferred to other individuals or legal entities.

Ownership of private property takes various forms based the number of people or legal entities that own the property and the rights of use that they have, such as individual ownership, collective ownership, undivided ownership, co-ownership and joint ownership. (**Article 10 & Title IV LL**).



Forestry Law (2002):

The Forestry Law sets up a classification system for forestland within the Kingdom of Cambodia that is separate from the classification system of the Land Law. Unlike the Land Law, the Forestry Law defines the terms used in the classification system.

Permanent Forest Estate

The Permanent Forest Estate is all forested land within the Kingdom of Cambodia, including forest that occurs on private land and flooded forest. All categories of forest fall within the definition of the Permanent Forest Estate.

The Forestry Law defines the Permanent Forest Estate as follows: “the overall forest complex, natural and planted, in the Kingdom of Cambodia, including State and private, designated as two main categories: the Permanent Forest Reserve and Private Forest, to be maintained to ensure a sustainable permanent forest cover and use.”

Private Forest

Private Forests are those forested areas that are located on Private Property as described above. The Forestry Law defines Private Forest as follows: “Forest Plantation or trees, whether planted or naturally grown on private land under registration and legal title with the State pursuant to authorized legislation and procedures.”

Permanent Forest Reserve

The Permanent Forest Reserve is comprised of forests that are located on State Public Property. There are three sub-categories of forest within the Permanent Forest Reserve: Production Forest, Protection Forest and Conversion Forest. Protected Areas, under the Jurisdiction of MOE, are not included within the Permanent Forest Reserve.

The Forestry Law defines the Permanent Forest Reserve as follows: “State forest on lands excluding land that is privately owned, categorized as production forest, protection forest and conversion forestland for other development purposes.”

Production Forest

The primary purpose of production forest is for the extraction of timber and NTFP resources.

The Forestry Law defines Production Forest as follows: “Forest area having the primary function of sustainable production of Timber Products and Non Timber Forest Products. Production forest includes forest concession, other harvesting area, degraded forest, forest to be rehabilitated, reserved area for regeneration or tree plantation, reforested areas and forest areas under management agreement between the Forest Administration and a local community.”

Protection Forest

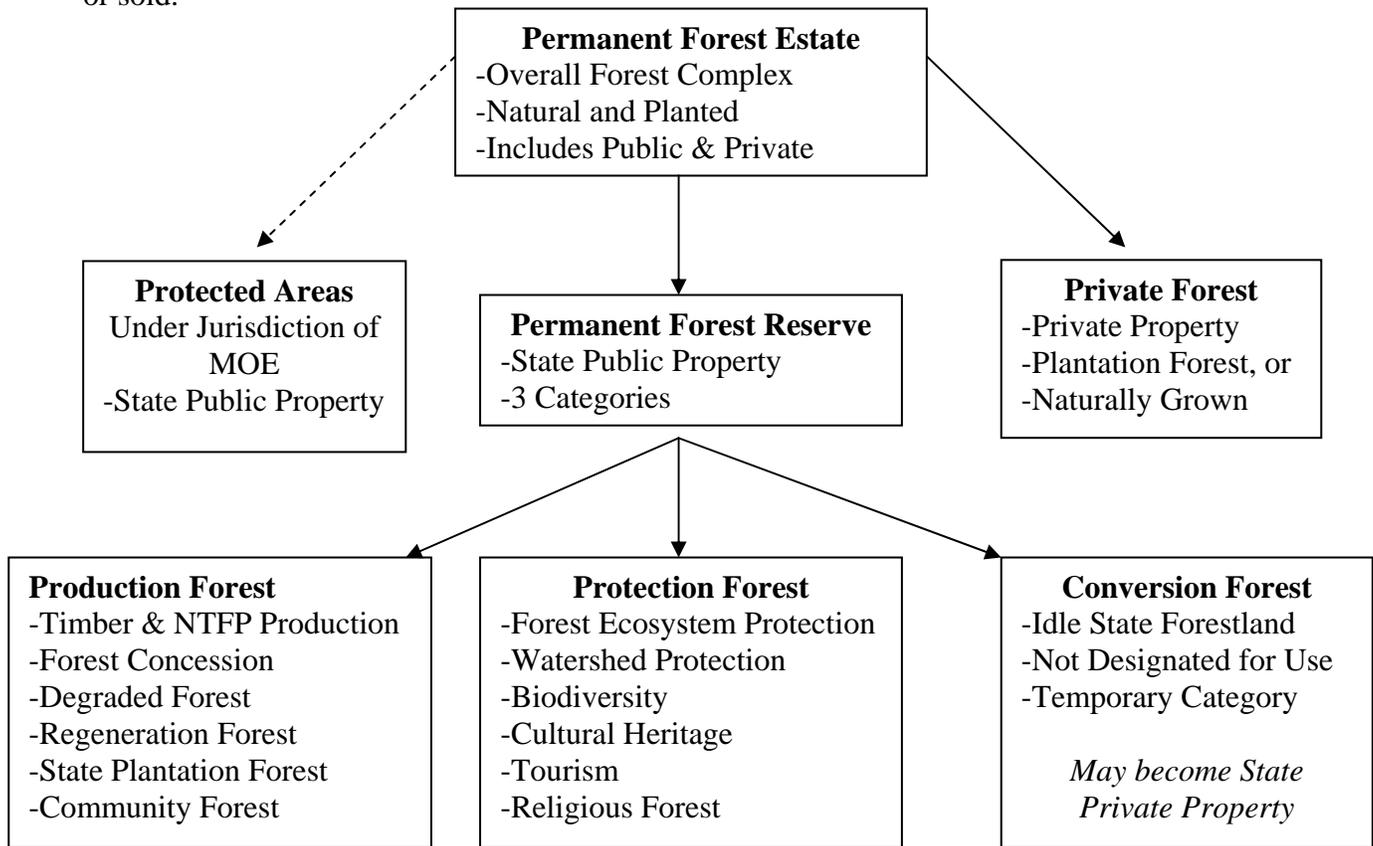
The Forestry Law defines Protection Forest as follows: “Forest area having the primary function of protecting the forest ecosystem including the protection of water sources regulation; biodiversity, land, water, watershed and catchments; wildlife habitat, fish, floods prevention, erosion, sea water intrusion; soil fertility and cultural heritage that has public interest. Protection forest under this Law does not include the protected areas under the jurisdiction of the Ministry of Environment pursuant to the Environmental Protection and Natural Resources Management Law.”

Note that the protected areas under the jurisdiction of MOE, mentioned in the above definition, are considered State Public Property under the Land Law.

Conversion Forest

The Forestry Law defines Conversion Forest as follows: “Idle State forestland, covered mainly by secondary vegetation, not yet designated for any use that shall be classified temporarily as Permanent Forest Reserve.”

Though Conversion Forest is part of the Permanent Forest Reserve, and therefore State Public Property under the Land Law, it could be reclassified and removed from the Permanent Forest Reserve. If this is done, it could become State Private Property and be used for land concessions or sold.



Annex 8: Linkages between CALM project, Seila Program, LUPU and LMAP

1. Commune development plans

Seila's approach is to achieve poverty reduction through establishing participatory governance systems for delivery of basic services that are cost effective, easy to access by the rural poor and able to be sustained by partnerships between government, civil society and the private sector. This approach follows the RGC's decentralisation policy. One main contribution has been working at the provincial level with line ministries and donors to develop new decentralised and deconcentrated mechanisms and procedures for managing local development. *Seila* has delivered concrete development benefits through the provision of financial resources at these local (commune and provincial) levels.

The central feature of the decentralisation approach piloted by the *Seila* Program has been the introduction of commune development plans (CDPs), leading to the preparation of three-year commune investment programmes (CIPs). Based on the CIPs, the communes each year select projects to be funded using the communes' allocations from a commune/sangat fund. In 2002 a decision was taken to expand the coverage of the *Seila* system to include all 24 Provinces and Municipalities including Preah Vihear Province.

Despite the severe strains this decision imposed on a weak and already stretched decentralisation administration, all 1,621 communes/sangats have received basic training in the *Seila* system and have completed the 11-step planning process for 2003, presented their priority projects at a District Integration Workshop, signed 'temporary agreements' for a large number of projects to be implemented by line agencies, and have selected Commune/Sangkat Fund projects for implementation. Most of these projects are now under implementation and a few have already been completed. It represents an impressive level of participatory development activity and responsiveness by line agencies to the expressed needs of the communes.

To formulate the commune investment plan, a participatory process is undertaken at the village level with the assistance from the District facilitator Team. The process includes steps for identification of problems and their prioritisation. The communal investment plan covers mainly the areas of socio-economic development while natural resource and environmental management is poorly integrated, as it is not considered a priority for *Seila*. CALM aims to support the commune planning process by including analysis of environmental/natural resource problems, and their inclusion within the prioritisation process. These issues will then be addressed through specific assistance to communes in natural resources and environmental management (NREM). Regulations for NREM will be included in CDPs and endorsed by the Commune Council. The project will use the District Integration Workshops as an opportunity to integrate environment and natural resource management into the provincial planning framework.

2. Provincial Rural Development Committee

At the province level, the Provincial Rural Development Committee (PRDC), chaired by the Governor and including all Department Directors, District Chiefs and senior officials from the military and police, are responsible for the administration and management of the provincial territory. The PRDC is supported by *Seila* in its planning process. This body will provide the principal committee for CALM to integrate conservation planning across the landscape.

3. Land use planning

Secure land tenure and access is essential for the development of conditions that encourage sustainable management of natural resources. A new legislative framework governing the management of land and forestry has been created by the RGC within the past 2 years. This provides the necessary framework for establishing local management systems for natural resources, and for resolving issues of land tenure, community user rights and resource utilization. MLMUPC is supporting a participatory land-use planning (PLUP) process whereby facilitators assist communities to identify and map the land that they use and to develop plans for its improved management. PLUP maps can eventually be registered, achieving formal ownership (land title and resource tenure).

However, the capacity of MLMUPC and MAFF to implement these laws and processes at the project site is extremely weak and provincial departments lack sufficient staff, training or equipment. *Seila* is the principal mechanism by which decentralized policies can be implemented, but requires assistance from donor agencies, which is currently lacking. LMAP of MLMUPC (funded by GTZ) is the implementing agency of the new land law, but the Northern Plains is not one of the priority provinces.

The Land-use Planning Unit (LUPU), funded by Handicap International during 2001-2003 and now by *Seila*, works in 5 provinces including those in the Northern Plains. LUPU maintains 7 provincial staff trained in PLUP who work with district and commune chiefs to identify and prioritise areas for demining, and to assess land-use options following the removal of mines. Austcare and World Vision are also supporting LUPU in two districts of Preah Vihear province. CALM will work closely with the trained LUPU staff, particularly in those key sites that contain mines. LUPU has established a provincial committee chaired by the second deputy governor that approves the annual work plan. This committee will provide one entity to integrate planning at the landscape level.

The PDF-B funded a provincial training and awareness course on the PLUP process and the new land law for stakeholder staff (including *Seila*), with support from the MLMUPC. Completion of the PLUP process in key sites is necessary for Component 3, and this will involve staff from the MLMUPC, MAFF and MoE. Guidance will be sought from three pilot PLUP sites, involving WCS/MAFF/MLMUPC and *Seila*/MoE, working with communities in forest areas. These sites have been chosen to advise on the formulation of the new sub-decree on indigenous communities land-use rights, with support from LMAP of MLMUPC/GTZ.

Outputs of PLUP will be incorporated into the *Seila* program through the CDPs, District Integration Workshops and the Provincial Rural Development Committee. District and provincial integration of PLUP maps will be essential if land conflicts are to be identified, for resolution by the appropriate committees, and maps approved.

4. Natural Resources and Environment Management (NREM)

The key tool for NREM at the commune level is the *Seila*-supported commune development plan (CDP). CDPs should contain a land use plan based on technical and participatory assessment of natural resources. Such a plan will take account of the economic uses of natural resources, and the synergies/conflicts between them. An NREM phase is included in the 11-step CDP process. DANIDA is currently supporting a NREM component to *Seila*, but only in four provinces: Pursat, Stung Treng, Siem Reap and Ratanakiri; this project will be implemented in a district of Siem Reap that contains one of the Northern Plains' key sites for conservation in 2005-2007. CALM would work in collaboration with the *Seila*/DANIDA NREM project and extend these initiatives to other areas in the Northern Plains. The project will increase the degree of which the conservation and environmental protection and natural resource management are mainstreamed into local government operations, in collaboration with MLMUPC and *Seila*.

Demands for the establishment of community forestry and fishery areas are expected to be high as they are supported by government policy. However, local revenue generation for management of natural resources remains problematic. In a market economy, all users of publicly owned natural resources should be obliged to pay for the sustainable and equitable management of those resources. The village agreements between protected area authorities and villages will strengthen sustainable and equitable management of those resources. Private sector participation in the planning process is somewhat controversial, but should be encouraged, at least through the district integration workshops.

Training in NREM will be provided to Commune Councils and community members through a variety of mechanisms. Within the decentralised government structures, capacity of NREM Technical Facilitation Teams (TFT) composed of provincial and district personnel, will be improved. These NREM-TFTs are responsible for supporting Commune Councils and communities in the NREM aspects of the CDP process. Considerable technical support will be provided to promote the integration of the Components 3 and 4, in cooperation with the UNDP-funded *Seila* program, into the provincial government planning processes.

The CALM project will investigate the possibility to use the *Seila* Financial System for the provision of rewards under the incentive scheme (Component 4). The incentive scheme aims to benefit local communities in return for improved management and maintenance of wildlife populations and their habitat, following provisions that will be included in the communal development plans. The incentive scheme also aims to encourage the concept of 'ownership' and the value of the wildlife resource.

Annex 9: Stakeholder consultations and participation plan

Stakeholder Consultations during PDF-B

Date	Purpose	Key Stakeholders	Key findings and Conclusions
2 January 2004	Brief on the progress of the PDF-B project	GEF Government Operational Focal Point - Director General of MoE UNDP and WCS representatives	<ul style="list-style-type: none"> - His Excellency was pleased with the activities of the CALM project and the efforts made to consult stakeholders within Government and local communities. - Need for clear modality arrangements for the project's implementation, especially in regard to the Kulen Promtep Wildlife Sanctuary. - Agreed to new endorsement letter for CALM project.
2 January 2004	Review project stakeholder meetings and discuss project progress	Deputy Resident Representative of UNDP Cambodia UNDP and WCS representatives	<ul style="list-style-type: none"> - The project PDF-B phase has achieved all major objectives. - Preparation of Project Document is progressing well and feedback from Government agencies has been positive and productive. - Importance of co-financing for full CALM project, and the potential role of <i>Seila</i> programme (also funded by UNDP). Agreed that <i>Seila</i> should be included as a crucial co-financing partner.
18 December 2003	Brief on the progress of the PDF-B project Seek initial comments on the logframe	Project Advisory Committee - MAFF, MoE, DNCP, FA, Provincial authorities and departments 27 participants	<ul style="list-style-type: none"> - See Appendix 1. - Appreciated the progress of the project development phase - Understood the threats and the proposed interventions in the logframe - Suggested to have individual institutional consultations with MAFF, MoE and provincial authorities over the draft logframe, then followed by a national workshop - Suggested that the logframe should strongly address the supports in infrastructure development, capacity building, community forestry and livelihood development, boundary demarcation, wildlife trade control and resettlement and immigration control. (See attached minutes).
28 and 29 November 2003	Investigate options for cooperating on environmental education projects	Save Cambodia's Wildlife Mlup Baitong WCS technical staff 5 participants	<ul style="list-style-type: none"> - Save Cambodia's Wildlife have developed a curriculum and trained non-formal teachers in the Northern Plains provinces, and would be able to do so again - Mlup Baitong have a radio unit that is planning to visit Preah Vihear to produce programs with the local radio station - Mlup Baitong have some experience of training military personnel in environmental education
21 October and 19 November 2003	Explain CALM project, learn about LUPU in the Northern Plains	Handicap International staff LUPU provincial staff WCS project staff 5 participants	<ul style="list-style-type: none"> - Handicap International will be withdrawing in November 2003, but <i>Seila</i> will continue to support LUPU - LUPU have an annual provincial planning process that determines priorities for demining and subsequent land-use options. There are 7 trained staff in each province. - The procedures for facilitating LUPU to visit new areas (within key sites) that are mined were discussed. - LUPU will also be working with Austcare and World Vision in other districts in the Northern Plains
23 October and 22 November 2003	Explain CALM project, learn about <i>Seila</i> in	<i>Seila</i> and PLG staff WCS technical and project	<ul style="list-style-type: none"> - <i>Seila</i> provided information about the provincial planning process and copies of commune development plans for 2003 - WCS project staff were invited to provincial meetings, scheduled for December 2003

	Northern Plains and discuss future cooperation	management staff (MAFF) 5 participants	<ul style="list-style-type: none"> - <i>Seila</i> were invited to attend PLUP training course in January 2004 to learn about the land law and PLUP process - Arrangements to incorporate project plans into the <i>Seila</i> process was discussed
8 October 2003 Subsequent meetings	Discuss PLUP and holding a training workshop in Preah Vihear Discuss the importance of learning from PLUP/NREM in Ratanakiri	PLUP focal point MLMUPC LMAP 10 participants	<ul style="list-style-type: none"> - Enthusiastic about assisting with the implementation of the new land law in the Northern Plains - Agreed to support a training workshop in Preah Vihear for 19-31 January 2004 - Training workshop will include a description of the new Land Law by a legal expert from MLMUPC - Kim Sovann from Ratanakiri will attend the training to provide advice on land-use planning in forested areas.
October - December 2003	Discuss co-operation on activities to improve livelihoods of communities around key sites	Action Against Hunger WCS Staff 5 participants	<ul style="list-style-type: none"> - AAH is interested to continue work on improving village food security in districts containing key sites for conservation. - AAH has funding for continuing village garden scheme and animal health workers - WCS is able to provide technical veterinary support to assist with the identification and treatment schedules for domestic cattle - Joint proposals written and submitted to obtain funding for a 3-year project
29 September - 10 October 2003	Produce problem and threat analysis for the Northern Plains and proposed interventions	WCS/MAFF/MoE project staff and Provincial technical staff 11 participants	<ul style="list-style-type: none"> - Key species and key sites identified - Draft threats and problems analysis was completed (see Annex 3) - Interventions for different threats proposed and discussed
11-14 May 2003	Discussion on integration and cooperation between the provincial departments of environment	Directors of the Provincial Departments of the three provinces and WCS staff 6 participants	<ul style="list-style-type: none"> - Sharing information about illegal activities related to logging and wildlife trade - Cooperation was sought on law enforcement - Assessed basic needs of the provincial environmental departments in assisting the management of Kulen Promtep Wildlife Sanctuary. - Assessed key stakeholders in the three provinces and threats to the wildlife sanctuary
March 2003	Discussion with Colonel Ghnem Sok Heng on border wildlife trade	WCS/MAFF project staff and technical advisors Colonel Ghnem Sok Heng 6 participants	<ul style="list-style-type: none"> - Colonel Ghnem Sok Heng agreed that reduction of border wildlife trade was necessary and gave his support
January - June 2003	Participatory problems analysis and consultations with 8 communities	WCS/MAFF/MOE project staff, technical advisors and communities More than 600 participants	<ul style="list-style-type: none"> - Participatory maps were drawn of resource use areas - Discussions on environmental and natural resource management problems and threats. Prioritization. - Recommendations produced for future natural resource management by communities. - Assessment of village livelihoods.
January 2003 and 8 - 11 April 2003	Capacity assessment of provincial department of	Provincial department of forestry, Preah Vihear, staff	<ul style="list-style-type: none"> - See Appendix 2. - DAFF have 70 staff, but few with a high level of education or formal training - Equipment, infrastructure are insufficient for management

	forestry, and consultations on training needs.	WCS/MAFF project staff and technical advisor	needs - A training course was requested, and provided by WCS trainers from 8-11 April 2003. - Opportunities for building capacity during the full project were discussed.
December 2002 and 12-15 March 2003	Capacity assessment of provincial department of environment, and consultations on training needs.	Provincial department of environment, Preah Vihear, staff WCS/MoE project staff and technical advisor	- See Appendix 3. - PDoE have 17 staff and 25 rangers in Kulen Promtep Wildlife Sanctuary - Few staff are educated or have received any training - Equipment, infrastructure are insufficient for management needs - <i>Seila</i> have provided funds to PDoE to undertake activities, however it is unclear if PDoE has the capacity to achieve these activities - PDoE has particular problems prosecuting the perpetrators of illegal activities in wildlife sanctuaries, due to problems completing official documentation - A training course was requested, and provided by WCS trainers from 12-15 March 2003, in collaboration with the <i>Seila</i> funded training course for Kulen Promtep Wildlife Sanctuary rangers - Opportunities for building capacity during the full project were discussed.

Local Consultations

In each village (except for those around Phnom Tbeng) PRA techniques were used to:

- Map village resource use areas
- Discuss trends in wildlife populations and the causes of any changes
- Discuss livelihood problems relating to environmental problems experienced by communities, and prioritise them.

Meetings included group discussions with up to 100 people (in one village including representatives of all families), smaller group consultations with village elders and commune officials, and key informant interviews with school teachers and village workers.

Preah Vihear Protected Forest and O'Scach Key Sites. Project staff visited all 4 Communes directly surrounding the area, or 7 of 10 villages. 2 further communes (5 villages) at a greater distance but known to use forest in the O'Scach area were also visited.

Kulen Promtep Wildlife Sanctuary. Detailed consultations were undertaken in all 4 villages in, or nearby, to key sites.

Phnom Tbeng. Project Staff visited most villages surrounding the hill and had discussions with village representatives.

In addition, a socio-economic assessment of local livelihoods was undertaken in 7 off the villages surrounding the protected forest and 2 off the villages in the wildlife sanctuary.

Further, the project interacted strongly with a development NGO (Action Against Hunger) who had 10 years experience working in the area. AAH had conducted their own livelihood consultations with the same villages. The projects were able to share results, conclusions and recommendations. AAH has supported the project approach and has suggested collaboration over future activities, so that short-term improvements in food security by AAH might contribute to longer-term activities by CALM. This proposal is currently awaiting approval.

Stakeholder Participation Plan

Stakeholder	Mandate	Role in Project	Interest in the Project	Potential Conflicts
MAFF	Government Ministry responsible for Agriculture, Forestry and Fisheries	Executing Agency. MAFF will provide the management and staff for 3 of the key sites. Chairs project steering committee.	MAFF has had a long interest in the Northern Plains, including the Community Tiger Project since 1998 and proposing the sub-decree that led to the establishment of the Preah Vihear Protected Forest. The new forestry law and wildlife sub-decrees provide the ministry with the necessary legal framework to manage forest areas and protect wildlife.	MAFF will be involved in resolving land conflicts between communities, logging concessions and the provincial departments
WCS	International Conservation NGO. Works under MoUs signed in 1999 with MAFF and MoE	Collaborating Agency and project initiator. WCS will provide technical assistance to CALM. Member of project steering committee.	WCS first worked in the Northern Plains in the 1950s and returned in 2000-2003, investing \$300,000 in the area. WCS has been responsible for development of the CALM project.	
MoE, DNCP	Government Ministry responsible for management of protected areas	Implementing Agency. MoE will provide the management and staff for 1 key site. Member of project steering committee.	MoE manages Kulen Promtep Wildlife Sanctuary, which has been selected as one of the key sites for conservation	MoE will be involved in negotiating land conflicts with communities inside the wildlife sanctuary
MLMUPC and Provincial departments	Government Ministry responsible for land management and administration	Provide official support to the PLUP facilitators during land-use planning and demarcation. Resolve disputes over land. Responsible for maintaining database of registered land. Member of project steering committee.	MLMUPC, through LMAP and the PLUP focal point, has shown interest in implementing the new land law and procedures in the Northern Plains. Ministry staff have been involved in training CALM project staff and opened the awareness course in Preah Vihear.	The cadastral commission is located in the provincial department and will be responsible for resolving land disputes
MRD	Government Ministry	Collaboration on activities to improve	Actively works with other NGOs on development work	The incentive scheme (Component 4) requires

	responsible for rural development.	food security in Member of project steering committee.	in the Northern Plains.	that rewards are provided to communities based upon improved management practices, this may conflict with development needs.
Provincial Government	Responsible for administration and management of province.	Key role in integrated conservation values into provincial planning, approving community management plans and facilitating establishment of law enforcement teams. Provincial government support for activities is essential. Member of project steering committee.	The Provincial Governor has attended in several project activities, including training courses, and is known to have a strong interest in wildlife. The first deputy Governor issued a ban on hunting in support of WCS.	Occasions may arise where the provincial government must chose between conservation needs and development goals.
<i>Seila</i> -UNDP	Provides technical and financial assistance to provincial and commune planning process and line ministry activities.	Key role in incorporating natural resource management into community development plans, and integrating these at provincial level.	The <i>Seila</i> project advisor in the province has demonstrated considerable interest in the CALM project, and is enthusiastic about integrating outputs at commune and provincial levels.	
Provincial Department of Agriculture, Forestry and Fisheries	Manages forestry and fishery resources at the provincial level.	Management of forested areas, including key sites, and enforcement of wildlife laws. Capacity building of provincial staff will be necessary if project activities are to be sustainable.	CALM has worked in close collaboration with DAFF during the PDF-B phase. Three DAFF staff have been employed by CALM and have participated in most provincial activities. DAFF has frequently requested assistance, particularly in controlling border wildlife trade.	DAFF will also be involved in the regulation of forest concessionaires.
Provincial Department of Environment.	Responsible for environmental issues at the provincial level and management of protected areas.	Management and patrolling of Kulen Promtep Wildlife Sanctuary. Capacity building of provincial staff will be necessary if project activities are to be sustainable.	CALM has worked in close collaboration with DoE during the PDF-B phase. Two provincial counterparts have been employed and they have participated in all project activities inside the wildlife sanctuary. WCS supported a training course for wildlife sanctuary rangers, and DoE has frequently asked for further assistance.	
Royal Cambodian	Responsible for	Involvement in law enforcement	The Provincial Police Department has shown	Conflicts may arise if components of the

Armed Forces and Police forces	maintenance of defense and security.	activities. The cooperation of military and police commanders around key conservation sites will be crucial if illegal activities are to be controlled.	considerable interest in CALM, and its staff have frequently cooperated with the project. WCS has had consultations with some military commanders, who have indicated their support for reduction in wildlife trade. WCS also has good links with the regional commander in Siem Reap. The provincial governor is also a military general.	military continue logging and hunting activities.
Communities in Chhep, Chaom Ksan and Kulen Districts	Commune councils are responsible for writing management plans and regulating community areas.	CALM will encourage and facilitate communities around key sites to complete land-use maps for approval and develop management plans. Incentive schemes will provide rewards in return for improved management and reduction in illegal activities. Communities will benefit from eco-tourism projects initiated in their areas.	WCS has established close links with at least 5 communities during the PDF-B, and employs rangers in these villages. Village consultations during PDF-B established the problems and threats local people face, both to livelihoods and specifically to natural resources. Villages indicated their enthusiasm to be involved in the project, especially for assistance with improving livelihoods and education.	Villages will encounter conflicts with livelihoods, although it is hoped that the incentives scheme will mitigate this.
Land Use Planning Unit	LUPU is a multi-department provincial body that identifies priority areas for demining and determines subsequent land-use.	Two key sites contain mines and CALM will work with LUPU to determine when demining will occur and how the land will be used afterwards.	Preah Vihear LUPU were interested in visiting project sites known to contain mines to discuss with communities for their removal.	Land allocation conflicts between conservation and communities may arise, however these should be covered by existing community agreements.
ITTO Trans-boundary project	ITTO-funded project for conservation of Phatam, Thailand, and trans-boundary cooperation	The ITTO project has established a consultation framework that could be used by CALM to address border issues.	WCS has held consultations with Thai and Cambodian project members, and with the Thai border police, all of whom are interested in stopping wildlife trade. The Cambodian project member is provincial DAFF.	

Chendar Plywood Forest Concession	Responsible for management of the forest concession	The forest concession lies on the border with the Preah Vihear Protected Forest, and partly overlaps with the O'Skach key site.	The head of the logging company has indicated his support for biodiversity conservation efforts and has facilitated project staff working within the concession.	If the concessionaire follows its management plans and environmental impact assessment no problems should occur.
Action Against Hunger	International Development NGO, working in Preah Vihear since 2000	Joint proposals with WCS for improvements in food security in villages surrounding key sites.	Has consistently provided provincial level support for WCS in developing the project plan. Staff have collaborated on animal health issues, and on the writing of proposals for joint activities.	

Appendix 1. Project Advisory Committee: Establishing CALM in the Northern Plains of Cambodia

Ministry of Agriculture, Forestry and Fisheries (MAFF)
18th Dec 2003

Background

On 18 December 2003 at 200pm, a presentation and discussion on the CALM project was held. The meeting was led by H.E Uk Sokhunn, Under Secretary of MAFF, the National Project Director. The meeting served as both a project advisory session as well as an opportunity for additional stakeholders to view, and comment on, the draft plans for the full project.

List of participants

Ministry of Agriculture, Forestry and Fisheries (MAFF)

H.E Uk Sokhunn Under Secretary of State for MAFF and the National Project Director

Ministry of Environment (MoE)

Mr. Chay Sameth Director, Department of Nature Conservation and Protection (DNCP)

Forestry Administration

Mr. Ong Sam Art Deputy Director, Forestry Administration

Mr. Men Phymean Director, Wildlife Protection Office (WPO)

Mr. Lic Vuthy Deputy, Forest and Wildlife Research Institute (FWRI)

United Nations Development Program (UNDP)

Mr. Lay Khim

Department of Environment Preah Vihear (DoE PVH)

Mr. Khoy Khunchanrath Director, Provincial Department of Environment

Preah Vihear Provincial Authorities

Mr. Long Sovann Deputy Governor Preah Vihear

Mr. Yem Chan Deputy Director Department of Agriculture in Preah Vihear

Mr. Lim Mao Director Forestry office in Preah Vihear

Military

Soldier No. 122

Soldier No. 4

CALM Project

Mr. Tan SETHA, Project Coordinator (CALM) and DFRI/MAFF

Mr. Kong Kim Sreng, Component Manager, DNCP/MoE

Wildlife Conservation Society (WCS)

Mr. Joe Walston, Acting Director, WCS Cambodia

Mr. Tom Clements, Technical Advisor, CALM

Presentations

- H.E Uk Sokhunn - welcomed all the stakeholders present from MAFF, MoE, WCS, Preah Vihear authorities, UNDP representative and other institution involved in the CALM project.
- Mr. Tan Setha - presentation on the CALM Project in Preah Vihear Province.
 - The CALM Project employs 26 people. In Preah Vihear Protected Forest: 11 people, 3 from Forestry Administration, 1 from Preah Vihear and 7 Rangers. In Kulen Promtep Wildlife Sanctuary: 15 people, 5 from MoE and 10 Rangers.
 - The main activities during the year: wildlife research in conservation areas - all WCS staff and rangers; to identify the populations of keys species of wildlife such as G. Ibis, W.Ibis, W.W. Duck, S. Crane and mammals, such as Eld's Deer, Gaur, Banteng and Elephant;
 - Progress has also been made on piloting conservation interventions and with developing strong relationships with communities and other stakeholders.
- Mr. Kong Kim Sreng - presentation on survey and conservation activities in Kulen Promtep Wildlife Sanctuary.

Comments from Participants

H.E Uk Sokhunn stated that:

- He supports the project activities, and is pleased with the skill of the staff. He would like to see even more qualified and intelligent people to come and work on the project.
- More research should be done in Northern Plain areas not only on wildlife, because for the future these areas will become a potential place for eco-tourism.
- H.E compared these areas to other developing countries that have built viewing towers in protected areas for looking at wildlife.
- Infrastructure should be provided for staff and communities working in these areas.
- Training courses for project staff in communities for appropriates.
- Do more law enforcements on wildlife trade and other illegal activities.

Mr. Chay Samith:

- He welcomes the work CALM has been doing with MoE and DoE.
- He would welcome information about the present project infrastructure.
- The project will need more infrastructure: station, equipment (for office supplements, motorbike, boat...) if it is to be effective.
- He requests that the project work very closely with communities.
- He welcomes WCS's technical support
- Requests that the project prepares good documents before the next meeting.
- He asked for the national seminar to be held on 29 Dec, 03.

Mr. Khoy Khunchanrath DoE, PVH

- He welcomes the work that CALM has been doing in Preah Vihear with MoE and DoE.

- The main objective of the project in Kulen Promtep Wildlife Sanctuary should be community management and education awareness.
- He asks the project works with and trains MoE rangers, to contribute to the sustainability of activities.
- He requests to close the Chendar Playwood concession company because this place is the crossing point between Prey Preahroka and Prey Saak for animal migration.
- Kulen Promtep Wildlife Sanctuary needs large improvements in infrastructure.
- Soldier No. 122: Live inside the wildlife sanctuary. He requests that they be moved, because they always disturb the wildlife. Further, the government provides only rice to the soldiers, so they are reliant on the forest (especially wildlife) for food and trade.
- Soldier No. 4: Based on the border with Thailand, near Trapangprasat. They are currently making new settlements within the wildlife sanctuary in areas that have good hard woods like: Beng tree, Nieng Nourn tree... Additionally they are hunting the wildlife.
- It is possible to discuss problems with the Soldier of No. 122, but it is very difficult to talk to Soldier No. 4.

Mr. Long Sovann, Deputy Governor, PVH

- He welcomes the project's activities in Preah Vihear
- He would like the project to help local people create community forests, and provide incentives.
- He would like the project to provide an education awareness component and especially targeted at the local community, e.g. by using video show about the importance of wildlife and forest for livelihoods and national pride.

Mr. Ong Sam Art: Deputy director Forestry Administration.

- He supports the project activities, but commented that the logframe format was difficult to understand.

Mr. Men Phymean, Director of Wildlife Protection Office.

- Although the PDF-B has completed lots of wildlife research, it is necessary to also look at the forest and plants.
- Should place controls on the border with Thailand between Sesaket and Uboun province, the principal points for wildlife and orchid trade.

Mr. Lic Vuthy, Deputy of Forest and Wildlife Research Institute.

- Stated that there are many wildlife-protection areas along the border to stop wildlife hunting and illegal logging, but outsiders still cause problems.

Mr. Yem Chan, Deputy director Department of Agriculture in PVH.

- Should continue conservation activities.
- CALM should link with local communities because they are reliant on natural resources.
- Should continue efforts to protect forested areas.
- However strong law enforcement activities may have negative impacts for the local community.

Mr.Lim Mao, Director Forestry office in PVH.

- Welcomes CALM project activities in Preah Vihear over the past year.
- He mentions that the population of wildlife has increased following the cessation of logging in the Chendar Plywood concession.
- Wildlife research should include important areas for migration.

At the end of the meeting H.E Uk Sokhunn stated that in the future the project should.

- Report should more clearly.
- Inform about the meeting more than one week before, and attach all relevant documents
- Work harder to achieve lasting results

The meeting finished at 18:00pm at the same day, all agreed to meet again separately to discuss their comment with WCS before the national workshop.

Appendix 2. Consultations and Capacity Assessment of Provincial Department of Agriculture, Forestry and Fisheries, Preah Vihear Province

By Tan Setha, MAFF.

1. Structure of DAFF and Provincial Forestry Office

DAFF in total have 70 people working in the whole of Preah Vihear Province, composed of:

- 65 men
- 5 women

Education:

- 2 Master degrees
- 12 Bachelor degrees
- 6 Diploma level II
- 4 Under diploma level II
- 46 Non graduate

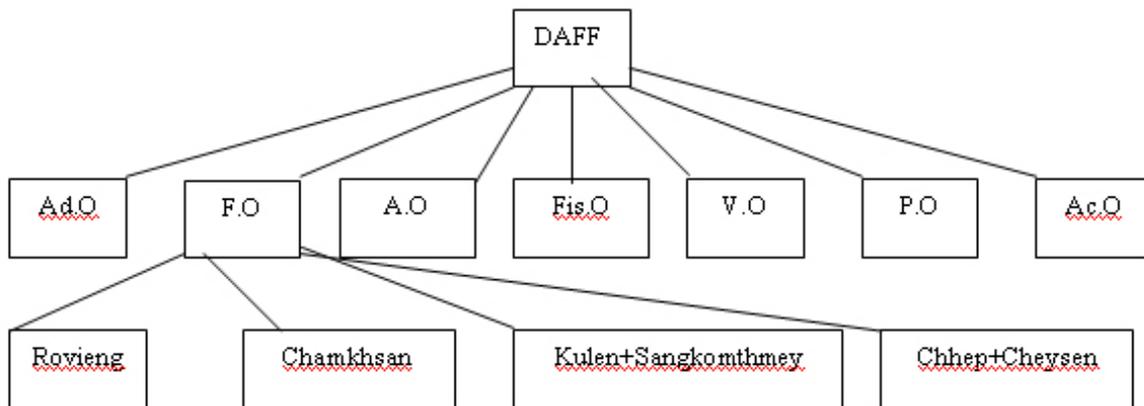
Transportation and Equipment:

- 1 Car
- 4 Motorcycle
- 1 Computer

DAFF is currently working with the following NGOs:

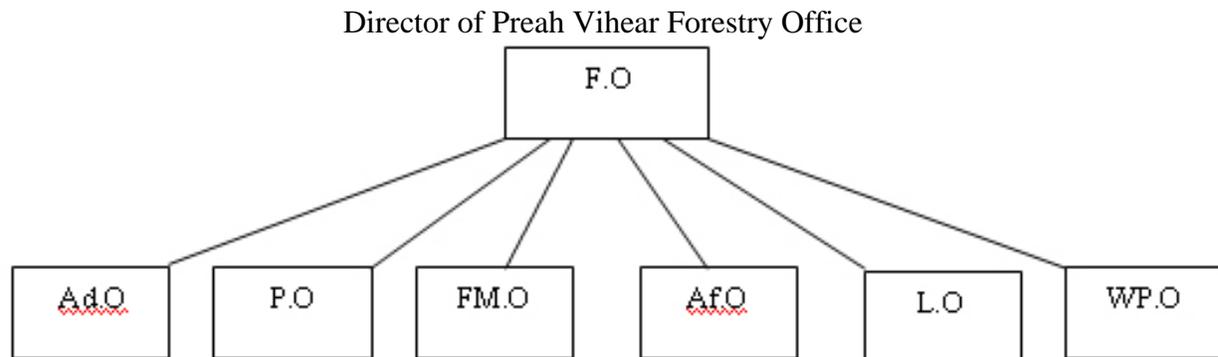
- Rural Aid Development (RAD)
- Action Against Hunger (AAH)
- *Seila* program

Director of Department of Agriculture, Forestry and Fisheries.



DAFF is divided into 7 Offices: Administration Office (Ad.O), Forestry Office (F.O), Agriculture Office (A.O), Fishery Office (Fis.O), Veterinary Office (V.O), Planning Office (P.O), Accounting Office (Ac.O).

The Forestry Office is divided into 5 district offices with a total of 16 staff: Tbengmeanchey Forestry Office, Rovieng District Forestry Office, Chamkhsan District Forestry Office, Kulen and Sangkomthmey District Office, Chhep and Cheysen District Office.



Ad.O - Administration office, P.O -Planning office, FM.O - Forest management office, Af.O - Afforestation office, L.O. - Legislation office and WP.O - Wildlife protection office.

2. DAFF Activities

- Working with NGOs on agriculture education programs to help local people improve vegetable growing.
- Working with NGOs to build roads, schools and wells.
- *Seila* program has provided assistance to:
 - Establish a community forestry area
 - Provide training on the new Forestry Law
 - Establish a tree nursery
 - Create fish ponds
 - Establish an agronomy research station, with additional support from AusAid.

3. Problems faced by DAFF

- Insufficient human resources
- Lack of infrastructure and equipment, including vehicles and radios
- Poor quality roads make transportation difficult
- Problems with drought
- Considerable forest clearance by people

4. Recommendations

- Require office in the province and district buildings
- Provide training to provincial staff
- Require additional staff that have experience in other regions

5. Phnom Tbeng

The Provincial forestry office has proposed to the Ministry that Phnom Tbeng should be removed from the TPP forest concession. Phnom Tbeng is a large (500 metres above sea-level) hill above the provincial town. Logging and land clearance around the base and slopes of the hill is frequent, and if continued might cause erosion.

Appendix 3. Consultations and Capacity Assessment of Provincial Department of Environment and Kulen Promtep Wildlife Sanctuary, Preah Vihear Province

By Kong Kim Sreng, MoE

I. Department of Environment of Preah Vihear.

1. PDoE Responsibilities

The Provincial Department of the Environment (PDoE) is responsible for pollution, waste management, natural resources management and the protected areas including Kulen Promtep Wildlife Sanctuary, Beng Per Wildlife Sanctuary and Preah Vihear temple.

2. PDoE Structure

PDoE in total have 17 people working in the whole of Preah Vihear Province, composed of:

- 15 men
- 2 women

Education:

- 1 Diploma level I
- 2 Graduate from High school
- 13 Non-graduates

All staff were recently nominated from other institutions when PDoE started in the province.

Mr. Khoy Khun Chan Rath
Director of Department of Environment
Acting director of Kulen Promtep WS

Mr. Pheung Phang Sub director.
-Responsible for PVH temple
landscape protected area.

Mr. Oum Soborin, Sub director
- Working with *Seila* project

Wildlife conservation
and environment data
management office.
- Meung Sam Phon (SD).
- Pen Yaok (SD), and
also sub director of Beng
Per.

Administration office.
- Tlang Kim Sy (D).
- Chan Bun tha (SD).
- 2 staffs

Environment Impact
Assessment office
- Yem Montha (SD).

Pollution Monitoring
and Education
office.
- Kong Sambat (D)

Sang Kum Thmey district.
-Mr. Saom Kim Orn (D).

Roveang district.
- Dourng Sunly (D).

Kulen district.
-Mr. Hong Hoeung (D).

Cham Ksan district.
-Mr. Chum Marong (D).
- One staff.

Cheb district.
-Mr. Reth Leng (D).

*Remark: (D)= Director; (SD)= Sub director.

PDoE have 2 buildings - one is made of brick and other one is wood. Both are located in Tbeng Meanchey town, where there is a generator. The department has no cars or motorbikes, no fax machine and no telephone. They do have a single computer and 5 radio sets that are used in Tbeng Meanchey, the Wildlife Sanctuaries and Preah Vihear Temple.

PDoE is currently working the *Seila* program and with LUPU. One staff from the department works with each.

3. *Seila* Program

In 2003, *Seila* approved \$14,200 for PDoE, to fund 5 activities, mostly inside the Wildlife Sanctuaries -

1. Training course about Protected Area Management for 25 rangers.
2. Education awareness and Understanding about Environment. Includes a training course for 30 staff for 14 days, a training course for 147 members of commune councils, environmental awareness courses for 59 villages.
3. Produce a reservoir for water.
4. Support Eco-tourism and natural resource community management, through data collection, capacity-building to the community, community management, boundary demarcation and project assessment.
5. Operational Support to PDoE.

4. Workplan

The PDoE workplan for 2003 aims to:

1. Establish natural resource management in one community in Kulen Promtep wildlife sanctuary.
2. Continue patrolling to control illegal activities in protected areas.
3. Short training course for staff about the environment
4. Short training course for the rangers of Kulen Prumtep wildlife sanctuary.
5. Education awareness program for the villages and communes inside and along the border of the protected areas.

5. Problems faced by PDoE

- Lack of human resources and education
- Lack of training courses
- Insufficient funding, vehicles and equipment for activities
- Problems with military and land mines in protected areas
- Land clearances

6. Recommendations

- Require increased national government support
- Training courses from MoE regarding ministry procedures and enforcement
- Training courses on management and ranger patrolling
- Funding for building ranger stations in wildlife sanctuaries
- Equipment, vehicles and communications devices
- New, experienced staff to assist with provincial work
- Require technical advice in order to assist communities with natural resource management

II. Kulen Promtep wildlife sanctuary

Kulen Prumtep Wildlife Sanctuary is located in three provinces, Preah Vihear, Siem Reap and Odor Meanchey. It currently has no overall director, with each provincial department taking responsibility for their section. The Wildlife Sanctuary contains a total of has eight communes, 35 villages, 3626 houses, 4496 families and 22070 people.

Five ranger stations exist within the wildlife sanctuary:

1 Tukhung	UTM: 0481541E, 1532640N.
2 Yearng	UTM: 0465000E, 1554800N.
3 Kantourt	UTM: 0460200E, 1570200N.
4 Krolar Pears	UTM: 0498000E, 1545000N.
5 Poure	UTM: 0502064E, 1531936N.

There are 25 rangers working in the wildlife sanctuary, recruited from villages inside. They have never been trained. Rangers usually patrol one or sometimes two weeks per month, mainly during the dry season when more people are doing illegal activities. They work without using GPS, map or compass but know about their local area. The salary range is 42,500 - 152,000 riel. Their targets are to reduce illegal activities such as hunting, forest clearance, electric fishing or poison fishing.

No formal workplan or management plan exists. However, in 2003 PDoE plans to create two more ranger stations:

1 Kulen either at:	
a Koh Ke	UTM: 0450200E, 1524200N or
b Prey Veng	UTM: 0451800E, 1539700N.
2 Anteul	UTM: 0455500E, 1558500N.

Particular threats include:

- The soldier base near Tukhung station
- Wildlife hunting, electro fishing, logging and forest clearance
- The road from Thbeng Meanchey to Preah Vihear temple was recently constructed through the wildlife sanctuary, so the land along the road will be the target for encroachment.

Annex 10: Conservation Awareness and Community Participation (CACP) Considerations in Preah Vihear Protected Forest
Troy Hansel, WCS Laos PDR.

Effective wildlife conservation programs must have a balance between public education and participation, ecological research and management, and legislation and enforcement (Figure 1) (Jacobson 1995).

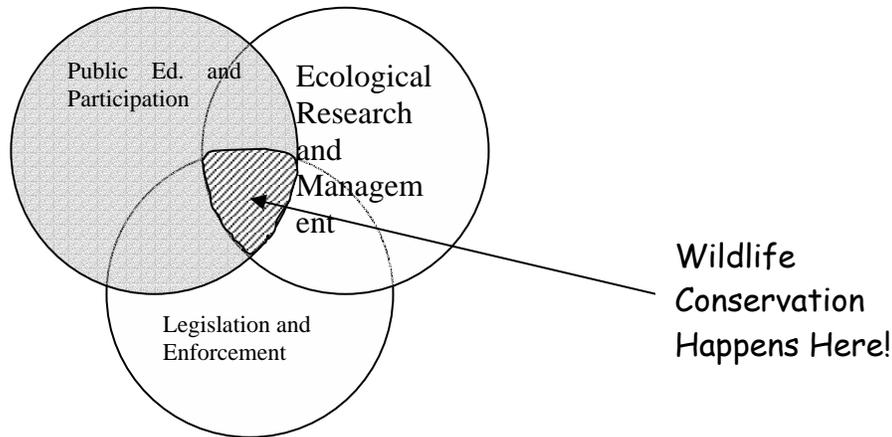


Figure. This report focuses on the circle marked in grey -- Public Education and Community Participation.

As with most other projects, conservation in the Preah Vihear PF can only happen with a good balance between all components in a conservation scheme. No one component can accomplish conservation. Surveys and ecological studies provide the necessary scientific information for managers to make informed decisions. Legislation and enforcement support management plans and decisions by wildlife and protected area managers. Public education and community participation is necessary to establish a positive, respectful, and participatory relationship between local people, protected forest staff, government officials, military, and other outsiders (Ling 2000, Stienmetz 2000).

Community Participation

The communities of Dongphlat, Moluprey and to some degree Robounh are interested in joining the CALM efforts to conserve key species of Preah Vihear PF. All the communities commented on their willingness to cooperate with a conservation scheme that will help them control outside pressures on the village resources. Much of this pressure stems from uncontrolled people with guns (police, military and military police).

Community participation in these areas may take many forms, some of the more common examples are: direct linked ICAD or ICDP (Integrated Conservation and Development Projects), co-management, conservation communities or societies, joint monitoring teams between PA staff and local people, eco-tourism, and direct payments plans. At this time it isn't clear which strategies might best fit for the situation in Preah Vihear PF, but some form of community agreements with the formulation a co-management plans appears to be one way forward (Hout et al. 2003). With only six villages in or near the 1,954 km² protected area, village participation will be much easier than most other protected areas in Cambodia and the rest of Indo-China.

A word of caution - ICAD (integrated conservation and development) projects have been a popular methodology of "doing" conservation for nearly twenty years with very little biodiversity conservation success (Ferraro and Kiss 2002, Wells et al. 1999). CALM must be cautious while designing aspects of community participation for the Preah Vihear PF. Below is a list of specific problems found in many Community-based Conservation (CBC) projects (Kiss 1999):

- The communities obtain economic benefit directly from the project and not from biodiversity. The linkages between project activities and biodiversity conservation are weak. Most projects aim to have strong links but over the life of the project the links dissolve.
- Many CBC projects aim to help communities develop alternatives for livelihood necessities (food, fuel, building materials, income etc.) to reduce their dependency on unsustainable exploitation of biological resources. However, unless this is accompanied by strict restrictions in access to those resources, most people will add resources instead of replace or substitute resources. For example: Building fish ponds to reduce pressure on the electro and chemical fishing of trapeangs. This will likely just add to the available fish resource and not replace the fishing from the trapeangs as it will be impossible to control access to the trapeangs. A better strategy for reducing pressure on the trapeangs maybe to work directly with the people who benefit most from the trapeangs by developing agreements on the methods used in fishing, access by outsiders, or even direct compensation for non use of the trapeangs.
- Usually CBC projects have 2 objectives: biodiversity conservation and improving the livelihoods of local people. Many people claim that they are one in the same, which may be true in the long term but short-term gain usually means the objectives conflict.
 - The projects don't achieve demonstrable biodiversity conservation success in the short term. Therefore project evaluations and local people can't see the benefits from the projects early on. An alternative maybe the co-management of aquatic resources, which can provide quick and visible positive results to management activities (Baird 2000).
 - The projects often don't have a clear vision with direct linkages to biodiversity. For example: what does CALM expect the Preah Vihear PF to look like in 5 or 7 or even 15 years from now. We should ask ourselves, "Do the activities planned for this phase and the next, lead to reducing direct and indirect threats or problems affecting this vision for Preah Vihear PF." If they don't then we should refocus activities until they begin reducing threats to biodiversity.

Even though there are many problems associated with community participation in protected area management, the Preah Vihear PF must consider how to establish this necessary component to biodiversity conservation. A suggested “map” or framework for considering community participation and enforcement is provided in Appendix 1.

Enforcement

Some conservationists would say that without enforcement all conservation is lost.

“Active protection of parks requires a top-down approach because enforcement is invariably in the hands of police and other armed forces that respond only to orders from their commanders. When the commanders happen to be business partners of the local timber company, the idea for protecting nature is undeniably grim.” (Terbourgh 1999).

Several examples around Cambodia show that too much enforcement may cause local conflict between patrol teams, villagers and local authorities that may be irreversible in the near future. Enforcement alone is a short-term fix for long-term problems and creates conflict between local residents, outsiders and PA staff. Successful community participation depends on trust between residents and outside technicians that can be damaged by inappropriate enforcement too early.

Once again the balance between the components of conservation for Preah Vihear PF shown in the Figure (community participation and education, ecological surveys and research, and legislation and enforcement) is critical to making progress in conserving biodiversity. The balance is not only in the quantity of each component in our project but we must consider the temporal and spatial balance of each. Careful consideration must be given to the timing and scope of each component. We need to consider, when and how do we involve communities and create a patrol team for the Preah Vihear PF? If a patrol team is to be created when should this be done? Who should be on the team? What regulations will be enforced by the Preah Vihear PF patrol team? We must consider these questions early on so that the patrol team enforcement does not conflict with community participation activities.

Direct Incentives for Biodiversity Conservation

Even though recent reviews of IDCPs show that there are very few incidences where increasing peoples livelihoods or meeting developmental needs has contributed to conservation of resources (Wells et al. 1999). We include some alternative examples for consideration as tools for community participation for doing conservation in Preah Vihear PF. These should be viewed as options for further exploration and not a prescription for conservation success.

Natural Resource Management Committees or Conservation Committees¹

It maybe desirable to develop conservation committees that will help to formulate agreements, co-management plans, and oversees any ecotourism, direct payment or incentive plans. There should be predetermined criteria for anyone who joins the committee. The development of this committee will be as detailed as the community participation process itself. This committee will be the bases for many other initiatives mentioned below.

Other examples in Cambodia show that this committee is crucial, and there is lots of room to make mistakes (for examples see the Dolphin project in Kratie, Kirirom NP with Mlup Baitong and the work in Prek Toel).

Monitoring Biodiversity -- Joint Monitoring Teams

Biodiversity monitoring has traditionally been a management activity that is conducted by protected area staff with little input or assistance by villagers (Stienmetz 2000). The formation of Joint Monitoring Teams (JMT) that include members of the protected area staff and people or individuals with resource tenure that work together to collect and record monitoring information (Ling 2000). Local people may not initially see great importance in systematically monitoring the biodiversity within the village use zone. However once some of the villagers realize the PA staff and the villager's objectives are largely the same they will begin to see relevance in monitoring. Using JMTs as a tool to conserve wildlife is an important chance to build an excellent relationship between PA staff and villagers, thus creating trust, which generates interest in natural resource management.

Depending on the relationship between local people and the PA staff compensation may have to be given to the people who are collecting the information in the JMTs. Caution - it is often difficult to reverse compensation schemes within a local village context. We must think creatively when approaching compensation. The ideal situation will be when compensation is directly linked to the populations of wildlife or natural resource that is under threat. Compensation might take different forms for different situation. In some areas members of the JMTs might see the importance in the program and voluntarily participate in the JMT. It also might be possible to give clothing and prestige for their efforts, while in other areas JMT members might be given predetermined rice quotas as payment for the efforts in exchange for lost time in the paddy fields or the "Chamkar." This scheme might qualify as food for work under the World Food Program (Emily Hicks, World Food Program, Lao pers. com.). Many villages may want cash payments for specific work conducted, this might best be given as stipends for days spent in the field monitoring or guarding a resource (ie trapeing, nesting site, ect).

¹ Call these communal units whatever works best in Khmer Language. My speculation is that a problem exists with the concept of "conservation" in a western context and the word for conservation in Khmer. This is similar to Thai and Lao where there is great confusion between the concepts of conservation and preservation. Moving towards using words like "Natural Resource Management" may have a closer context to what the western world calls conservation. This may fall easier on Khmer ears than "Wildlife Conservation."

Camera Trapping by “rangers” or members of JMTs.

Automated cameras or “camera traps” are becoming a common tool for surveying and monitoring wildlife. Even though these cameras can produce impressive results in the field they require human resources to maintain them, changing batteries and film. With proper training, rangers or members of the JMTs can run these camera traps for the protected area project. This will increase the available monitoring and survey data for very little extra effort or investment, while providing an opportunity to have a direct incentives intervention (Robichaud 2002). The principle behind this concept is to treat Preah Vihear PF wildlife monitoring data much like an NTFP. The villages are essentially rewarded for having key species in their village use area, this concept has been tested briefly in villagers along the Sai Phou Luang mountain range between Lao and Vietnam and has practical applications for the Preah Vihear PF. The concept is described below:

- JMTs or conservation committees are formed in the villages around Preah Vihear PF.
- The JMT agrees to a list of key species that will be monitored over time using camera traps. WCS agrees to pay into a communal development fund for each individual key species photographed in the camera trap.
- Local people run camera traps for the JMT. The person actually running the cameras receives a stipend or other compensation for their efforts and lost time.
- The village development fund is thus linked directly to key species populations. For example: if the population of giant ibis goes up as shown by the number of ibis photos over time, the village development fund will increase proportionately. This money is monitored by the village committee and can be used for village development issues as they arise, e.g. the school in Dongphlat. It has some characteristics of a typical ICDP but is directly linked to the resource being monitored. It also creates an incentive for people to protect their resource tenure. The mechanism for financial disbursements must be explored with great caution so that the majority of stakeholder’s benefits from the direct linked development activity. Creating a system with village community that has a transparent three party signature system will help to alleviate foul play between the select few.

Ecotourism

There is much talk about the value of biodiversity. Most of these values are difficult to see and somewhat intangible to the average person. However, many key species that make up this biodiversity have a clear economic value, as they are attractive to travelers and tourists. For example: The density of common birds, the prize White-shouldered Ibis which live within Thmatboey village use area, and the proximity to a national highway leading to a national tourist attraction (Wat Preah Vihear), all make this area a potential site for locally generated revenues directly linked to conservation.

Ecotourism is a tool for conservation that has proven successes and failures (Honey 1999). Key species conservation should be possible by creating direct linkages between the resource being conserved and the benefit from tourism (Hansel and Vannlath 2002.) With careful design and stakeholder input locally run ecotourism is possible. There are several examples in Cambodia now that are trying to establish the framework for tourism revenue supporting biodiversity conservation (Bradley 2003, Goes 2003). Developing community-based ecotourism is a complex and human resource dependant conservation strategy but may be one of the only self-sustaining ways forward in conserving biodiversity. There are many examples in Nepal where local people's livelihoods benefit directly from having key species out their back door. The details of ecotourism are outside the scope of this paper, however it is worth mentioning some possibilities. I encourage anyone moving forward with tourism in Preah Vihear PF to talk with Mr Frédéric Goes and Ms. Amanda Bradley. This will save huge amounts of time, effort, headaches, and money.

Direct Payment Plans

Many conservation projects around the world are emphasizing more direct incentives approach or in some cases a direct payment for biodiversity conservation. These might be in the form of land purchase, leases of resources, easements for non-use, and performance payments based conservation outcome. These payment plans are based on a person or group of people producing conservation outcomes in exchange for a payment in cash or exchange (Ferraro and Kiss 2002).

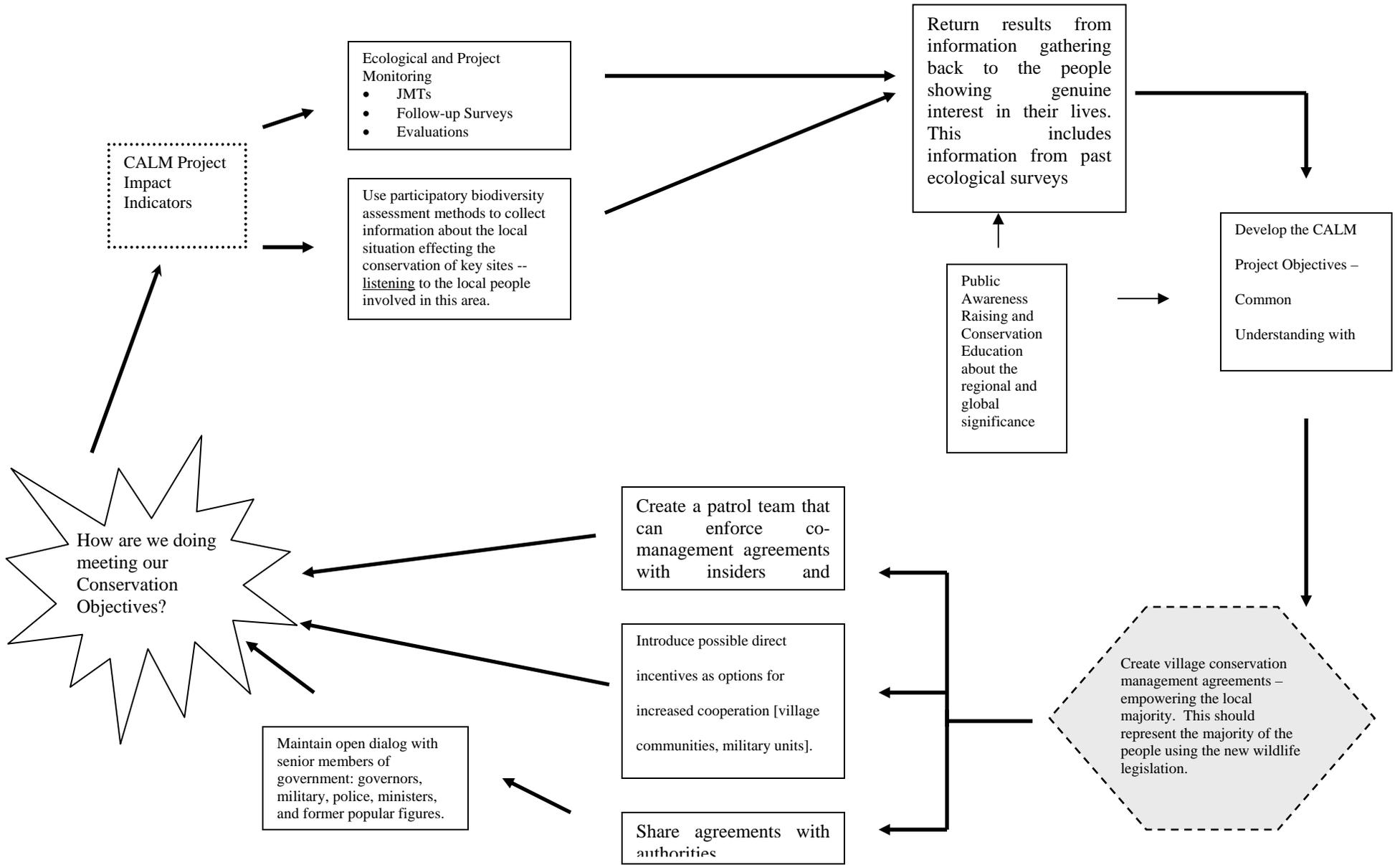
There are potential applications for this in the Preah Vihear PF: leasing trapeangs for non-use, paying for protection of important breeding sites, distract the military from key sites through conservation payments and negotiations, easements for non-logging in important sites within the Chendar logging concession that overlaps with the Preah Vihear PF. Again similar activities such as these have been tried in Cambodia for large water bird conservation in Prek Toal on the Tonle Sap.

References

- Baird, I. 2000. Integrating community-based fisheries co-management and protected areas management in Lao PDR. Pages 1-19.
- Claridge, G. 1998. A Review of Conservation Management in the Lao PDR -Training Needs Assessment Conservation Management Systems Staffing. Pages 1-12. Lao-Swedish Forestry Program/Forest Management and Conservation Program/Ministry of Agriculture and Forestry, Vientiane.
- Ferraro, P. J., and A. Kiss. 2002. Direct Payments to Conserve Biodiversity. Science 298.
- Goes, F. 2003. A Plea for a More Conservation-Sensitive Approach to Birding. Wildlife Conservation Society, Phnom Penh.
- Hansel, T., and S. Vannlath. 2002. Conservation Principles for Protected Area Management and Ecotourism. Pages 1-56. WCS, Vientiane.
- Honey, M. 1999. Ecotourism and Sustainable Development. Island Press, Washington DC.

- Hout, S. K., P. Bunnat, C. poole, A. W. Tordoff, P. Davidson, and E. Delattre. 2003. Directory of Important Bird Areas in Cambodia: Key Sites for Conservation. Department of Forestry and Wildlife Department of Nature Conservation and Protection, BirdLife International, Wildlife Conservation Society.
- Jacobson, S. K., ed. 1995. Conserving Wildlife - International Education and Communications Approaches. Columbia University Press, New York.
- Kiss, A. 1999. Making Community-based Conservation Work. Society for Conservation Biology Annual Meeting. Society for Conservation Biology, College Park, MD.
- Ling, S. 2000. NBCA Biodiversity Monitoring Training Manual. Pages 1-113. WCS/FOMACOP, Vientiane.
- Margolius, R., and N. Salafsky. 1998. Measures of Success. The Centre for Resource Economics, Washington DC.
- Robichaud, W. 2002. Funding Rural Education Through Wildlife Monitoring in Lao PDR. Pages 5.
- Stienmetz, R. 2000. Ecological Surveys, Monitoring, and The Involvement of Local People in Lao PDR. IIED, Bangkok.
- Terbourgh, J. 1999. Requiem for Nature. Island Press, Washington DC.
- Wells, M., S. Guggenheim, A. Khan, W. Wardojo, and P. Jepson. 1999. Investing in Biodiversity. The International Bank for Reconstruction and Development, Washington D.C.

Appendix 1. Community Participation and Enforcement.



Annex 11: Chey Sen & Chhep Districts Socio-Economic Assessment

Isidro Navarro, Action Against Hunger

Note. Chhep district contains the Preah Vihear Protected Forest and O'Scach Key Sites for the CALM project.

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1. Preah Vihear Province.

Preah Vihear is a sparsely populated province in the north of Cambodia, bordering Thailand and Laos, with a total population of around 130,000 people. Until April 1998, it could only be accessed by air as the roads were mined. The province has consequently failed to benefit from the development process experienced elsewhere in Cambodia. Preah Vihear has seven districts, four of which are cut off in the wet season by the Steung Saen River. Large areas of the same four districts were until 1998, too insecure for development projects. In the latter half of 1998, security improved and NGOs gained access to most parts of the province.

In the last few years the province had begun to achieve some semblance of stability in light of the recent absence of the Khmer Rouge in the Northern districts. Despite this, the province is one of the least developed in Cambodia. Road conditions are appalling and so a large number of remote communities are incredibly isolated. The poor road conditions reduce the access for these people to the meager social services, and some villagers must undertake up to a 45km walk to reach the nearest health care. Limited access to markets is also a problem, especially in the rainy season when most access routes become totally impassable.

2. Administrative Structure in the Province

The province is divided in seven districts that in turn are divided in communes and villages. In the 1990s the Government started a strategy of power decentralisation that consists of two parallel structures with executive power for the governance of the province.

Starting from the base, there are the Commune Councils that were democratically elected at the beginning of 2002. These commune councils are the organs that represent the population and decide about the needs in the commune. The District Chief and District Offices of the Ministry Departments work through the commune councils. Village and Commune Development Committees are part of the structure in these commune councils.

3. Action Against Hunger in Preah Vihear

Action Against Hunger has been working in Preah Vihear Province since 1993 assisting residents, Internally Displaced People and returning refugees in the conflict afflicted areas. The integrated approach that Action Against Hunger took looked at meeting the most basic of resettlement needs. These included health and food security programmes as well as providing access to safe water & sanitation and all the appropriate education and training involved in such an operation.

Currently Action Against Hunger is implementing a Food Security/ Water and Sanitation Programme in five communes of Koulén and Chom Khsam Districts in the West of the Province. Besides, safe water supply and sanitation activities are being implemented also in Chhep District.

Action Against Hunger plans a reduction of its presence in the Northwest of the Province following the evolution of the context and focus attention on improving food security and access to safe drinking water for the population living in the most marginalized districts of Chhep and Chey Sen in the East.

The isolation of most villages of these two districts combined with a lack of Government and NGO assistance makes them a priority consideration for an appropriate intervention by Action Against Hunger, as part of its population might be lacking adequate access to sufficient quantities of good quality food for an active and healthy life.

A global analysis of both districts has been conducted. Allowing us to assess the humanitarian situation and its historic, social and economic context. Which will lead to a better understanding of the population as well as the identification of vulnerable/ food insecure households and the design of appropriate interventions to address their needs.

4. Methodology of the assessment

The assessment operated sequentially from a macro-level (district and provincial) with the aim of establishing agricultural and/or socio-economic criteria that was used to define areas of homogeneity and households with similar characteristics. Thus, determining geographical variations in people's livelihoods.

At this first stage information was gathered from available reports and Semi-structured interviews with Line Departments district staff, International Organisations and District chiefs.

From this initial analysis, the following group of representative villages were selected to be visited during the field work :

- Chey Sen District : Teuk Leach, Khyang, Promol Pdom, Cheun Reung, Putrea and Preneak Roleuk.
- Chhep District : Mlou Prey, Preus K'Ok, Kralot, Chhep Keut, Narong and Kampong Po.

Market Surveys at the district centres were also conducted to determine seasonal variation of products in price, origin and availability.

For the second stage ,the micro approach was village-based and involved semi-structured interviews with individuals or groups, field and household visits. The aim was to develop an understanding of livelihoods, within the zone, cross-referenced by a food security analytical framework.

On this second stage the following activities were carried out on each village visited :

3 Participatory Rural Appraisals with small groups of villagers.

Participants in these meetings were a random selection of villagers (5-10 persons) with the only requirement of being household decision makers.

As most villagers that attend and participate in these meetings are male, in every village a separated meeting with a random selection of 5-10 women, household decision makers as well as mothers or pregnant were also organised to consider also women's point of view about the reality and problems in their every day lives.

For the PRA work the following techniques were used: Historical profiles and time trends, seasonal calendars, maps, Flow and Venn diagrams, proportional piling and matrix ranking.

Information collected during the PRA with small groups of villagers:

- Socio-economic groups: Definition of rich, middle and poor, in terms of what they do and what they own.
- Sources of food, income and expenditure.
- Timeline and recent history of the village.
- Activity calendar.
- Illiteracy rate.
- Immediate concerns and priorities.

Information collected during the PRA with small groups of women:

- Activity calendar and gender division of tasks.
- Illiteracy rate.
- Immediate concerns and priorities.

3 Household questionnaires for each wealth group

After the different wealth groups were defined in the PRA meetings, the village chiefs provided the assesment team with a list of three families that belonged to each wealth group.

These households were visited and they were interviewed by the team following a closed questionnaire.

This questionnaire was the same one for all wealth groups and it was made up of the following four main topics :

- Household characteristics
- Agriculture
- Livestock.
- Household food consumption and seasonal variation.
- Knowledge, attitude and practice in child feeding and care.

The questionnaire was initially written in English and translated into Khmer language. The week before going to the field the questionnaire was tested. The assessment team interviewed some households in the Provincial capital of Tbeng Meanchey and corrections to the questionnaire were made where necessary.

3 Direct Observation.

After the PRA work with the villagers, two members of the team had walks around the village to see the living conditions and infrastructures (houses, household items, gardens, water point, school, rice mills, etc.). During these walks, informal interviews with villagers passing by, took place.

- Assessment Team.

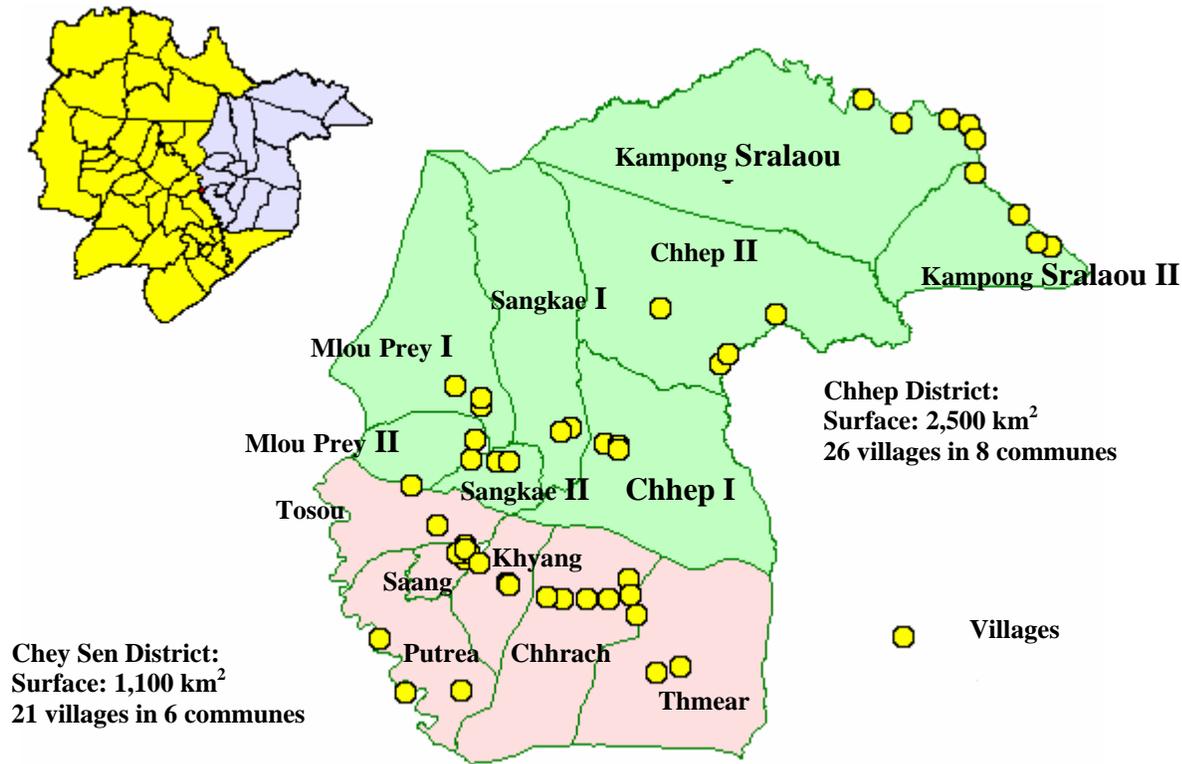
The team was made up of four surveyors and one team leader, as well as the Food Security Officer expatriate. One of the surveyors that participated in the assessment was seconded staff from the Department of Agriculture. Assuring the implication of the MAFF in the assessment as it is stipulated in the MoU between them and Action Against Hunger.

5. Chhep and Chey Sen Districts

Chhep and Chey Sen are two Districts in the North-east of the Province. Chhep has an area of approximately 2,500 km² and it is one of the physically larger districts in Preah Vihear. There are 26 villages in its eight communes which had a total population of 13,848 inhabitants (2,602 families) by July 2002.

On the other hand, Chey Sen is one of the smallest districts with an area of 1,100 km². It has six communes and 21 villages, with a total population of 16,597 inhabitants (3,029 families).

Map of Preah Vihear Province and the target districts of the assessment:



6. History and ethnic groups

From the semi structured interviews with key informants and the field visits, it seems that both districts are historically home to the Kouï ethnic hill-tribe minority, most communes are now made up of Kouï and Lowland Khmers with the exception of Kampong Sralaou communes where most of the population seems to belong, ethnically and culturally, to Laos.

The Kouï are an ethnic hill-tribe minority group of Preah Vihear Province. They apparently number in the thousands and live in the south and east of the province, but accurate figures are lacking. Within the Kouï there are four sub-groups (Chantor, Ook, etc) who speak the same language with some small differences particular to each group. They have been in the area since long before colonial French times, living in small rural villages and following a mixed livelihood of rice production and collection of forest products. As happens with other ethnic minority groups in the country, "Kouï" is a derogatory term that has negative connotations of stupidity and ignorance. As a result, there is a strong inferiority complex among this group and usually they identify themselves as Khmer, "hiding" their Kouï origins.

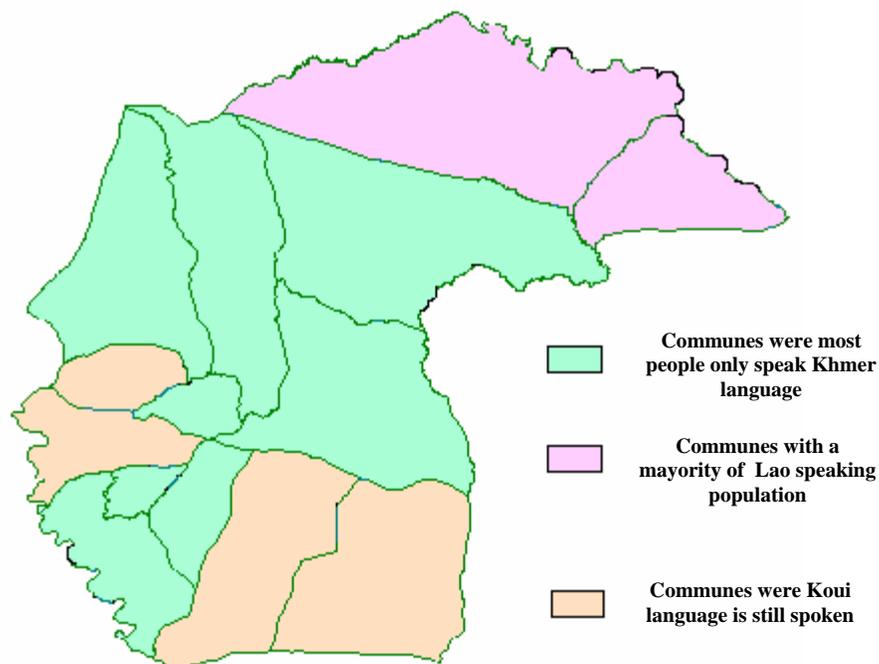
During the last century, the French and later the independent Cambodian Government operated a gradual policy of education and increasing administrative control over the districts, with the long term goal of incorporating them into mainstream society ('Khmerisation'), low-land Khmers began settling in both districts, predominantly around the district capitals as government staff or ordinary families attracted by the potential for rice farming or trade.

The districts fell under Khmer Rouge control since the early 1970s and many families were translocated to other parts of the country while lowland Khmers were forced to settle in villages of these districts. Former residents were only able to return to their homeland after the collapse of the Khmer Rouge regime from the early 1980s onwards.

Also since the Khmer Rouge regime started in 1975, families were forced to practice collectivised paddy farming and share the production. This system continued during the 1980s until 1986 when private ownership of land was re-instored. However, Khmer Rouge soldiers still kept control of some areas of both districts up to 1998. Throughout all these years the local population lived in a constant state of insecurity with looting and burning of villages as well as frequent movements of families to safer areas in the province.

With the arrival of peace to the area, the main issue for the local population in the last four years have been the frequent « armed robberies », especially of cattle and buffaloes. As these animals are important investments for the families and rice production levels rely to a large extent on their availability. The lack of security has brought about small changes in farmers' practices as they do not feel so confident when being far away from their herd.

Map of languages spoken in the area:



During the field visit to communes where Kouï language is spoken most of the population were fluent in Khmer language, especially the younger generations, as Khmer is the language used at school and their parents speak to them in Khmer language and not in Kouï.

However, in Kampong Po village of Kampong Sralaou I commune the situation was quite different as the poor knowledge of Khmer language by an important part of the local population was clearly an issue when organizing and conducting the PRA exercise with a group of villagers.

During the PRA exercise, villagers claimed that 6% of men and 50% of women cannot speak Kmer language at all. The impression of the team is that the percentage of villagers that have serious difficulties in understanding and speaking Khmer language is higher (only two men and one woman participated actively in the PRA exercise while the rest sat around without saying a word which is rather unusual if compared with the rest of 11 villages visited during the assessment).

7. Household Food Economy

7.1 Geographical Analysis

A food economy zone is an area where potentials and constraints exist for the whole population, in terms of access to food and income sources.

Indeed, there is not a clear geographical difference in livelihoods for inhabitants of these two districts. The farm is the main source of food and income for most families in all villages, usually from rice growing and animal raising activities. Therefore, in both districts families are essentially « rice farmers ».

The forest comes in second place as a source of food and income, as its natural resources offer the local population a wide range of possibilities :

- Source of food : fishing, hunting and collecting forest products such as honey, small invertebrates and wild vegetables.
- Source of income : woodcutting, resin tapping and hunting.

Woodcutting : Most farmers cut trees for selling to traders, in the village to neighbours or at least for building their own house. The closer the village is to the forest the more important woodcutting becomes for the household economy like in Chhep II and Thmear communes.

Collecting firewood, wild vegetables, small invertebrates, honey, medicinal plants and grass for handicraft.

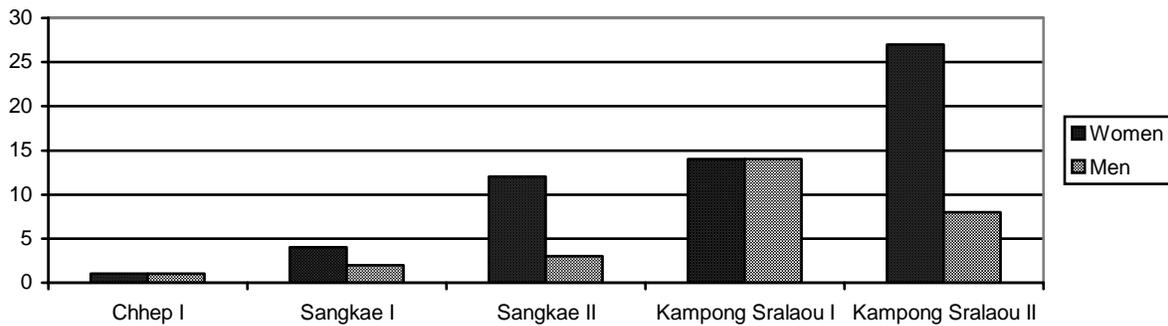
Handicraft: Different types of grass are used for making thatch, mats, small containers for collecting water, etc.

Temporary jobs in the rice fields or in the forest. This may be that poor families work for the rich or an exchange of work among middle and poor families in the village as sometimes families, not necessarily rich ones, have too much work in a short period of time and they need to employ other people if they want to finish on time.

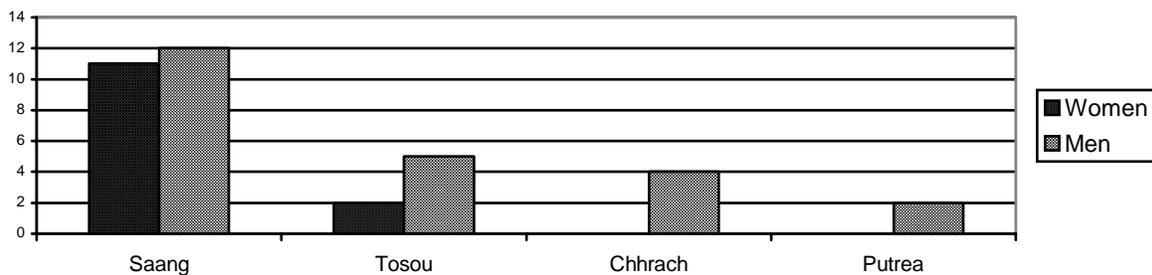
There are no large flows of people from these districts going outside temporarily for a job. In Kampong Sralaou communes some villagers go to Laos or Thailand for working a few weeks in the rice fields but only a few families do this and for a short time. The income they get from this work is not essential for the household economy. The same applies for Saang commune in Chey Sen district, where some persons go to Kampong Thom temporarily.

In the charts below it is represented the number of persons that emigrate per commune in both districts according to the village data-book from the Department of Planning, July 2002 :

Chhep district :



Chey Sen District :



Fishing might constitute the most important source of proteins for the local population. Villagers fish in rivers, streams and in the paddy fields during the wet season. In Putrea and Kampong Sralaou communes fishing is a very important source of food due to the proximity of the river.

Illegal fishing practices, such as the use of explosives or poison as well as electrofishing seems to be widely practiced, at least in Chhep District. Villagers in Chhep II Commune complained about the use of poison for fishing by police or soldiers which is affecting the health of their cattle and buffaloes because they drink water from the river. In Kampong Sralaou I the Director of the Health Post thinks that many people get diarrhea in these two communes due to the poison used for fishing in the Mekong river.

Apart from the direct negative impact on people and domestic animal's health. These illegal practices will eventually cause fish shortages for resident families.

Hunting of small mammals, reptiles and birds is one of the main secondary activities of local families. Farmers regularly go to the forest with their dogs and hunt at the same time that they forage for wild vegetables or collect resin. During the dry season it is not unusual to burn the forest for hunting more easily.

Some villager hunt with firearms, which is illegal, so no precise information on this matter was collected as it was most likely to interfere with the rest of the interview.

Resin tapping: Liquid resins are collected from trees in the forest. A tap is cut in medium or large trees and burnt briefly each week to stimulate fresh resin flow. The resin is used domestically for low-grade lighting (torches) and commercially for waterproofing boats, paints, varnishes and probably also as an ingredient in perfumes.

Tapping by villagers is unrestricted. Resin trees have some legal protection from logging but there are large loopholes and a number of trees have been felled in the area. Traditional ownership is held by the first person to find and tap a tree. The trees can then be given, inherited or sold within and between villages. Other forest resources amongst the trees are not 'owned' in the same way, but young or exhausted resin trees are.

Most of the resin tapped in both districts seems to go to Steung Treng though taking different paths. In Thmeas commune it is local traders the ones that buy the resin to their neighbours and take it to Steung Treng. Whereas in Chhep District, traders from outside the district come to the villages to buy the resin. these traders may come from Tbeng Meanchey, Kampong Thom or even Steung Treng itself. In Chhep II commune the resin is taken to Kampong Sralaou village and exported to Laos. It seems that sometimes the resin goes down to Steung Treng from Laos and others it follows a different route in this neighbouring country.

The presence of traders is a key element for the resin to be an important part of people's sources of income. for instance, in Cham Roeun village of Chhrach commune the local population do not tap resin in large quantities due to the absence of a trader that would buy the production.

Trees suitable for resin-tapping seem to be predominantly in the densely forested areas where the logging concessions are (the north part of Mlou Prey I, Sangkae I and Chhep II communes in Chhep district and the eastern part of Thmear commune in Chey Sen). For most villages, people travel a few kilometres on day trips to tap resin, although for resin tapers from Mlou Prey II the distances are much longer. Usually collecting resin requires overnight stays in the forest as a 30 litre container may need up to five days to fill it up (it is reported that a tree may have an annual yield of 30-40 litres).

In Chhep II, it seems that every village has an area of forest allocated for them and villagers can only tap trees situated within the boundaries of that area. On the other hand, in other communes like Mlou Prey, there is no division of the forest for each village and people from different villages can tap the trees of the same area.

Prices also vary seasonally, in the dry season resin seems to be of higher quality than in the wet season and therefore prices are higher. Dry season prices ranged in the interval between 12,000-16,000 riel for a 30 litre container, falling to 10,000-13,000 riel/30 litre container in the wet season. Prices in this area seem to be much lower than in other parts of the country such as Monduliri province where the farmer can get over 20,000 riel for a 30 l. container.

Logging does not seem to be a problem for the resin tapping activity. According to the villagers, logging companies are not interested in the tree species that produce resin. In Pgneak roleuk villagers said that they had some problems with the logging company in the past for cutting down some resin trees, but nowadays there is a committee that resolves any dispute between them and the logging company. Ever since this committee was set up no more resin trees have been cut down according to the villagers.

7.2 Food Economy Zones

The contribution of the forest to people's livelihoods varies gradually from one village to another and it seems to be the most discriminatory factor for the division of the area in Food Economy Zones. Therefore, from the assessment at field level conducted in the area and after analysing the information collected, it was decided to divide the area in the following two Food Economy Zones :

Food Economy Zone 1:

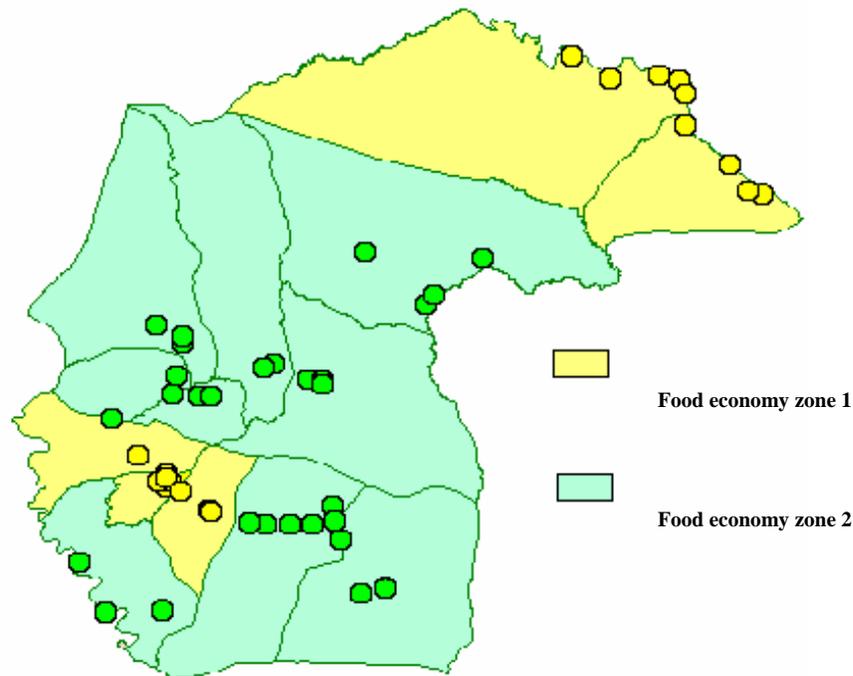
- 3 Livelihoods dependent on rice production and animal raising.
- 3 Reasonable access to markets and health services.

Food Economy Zone 2:

- 3 Livelihood dependent on rice production, animal raising and forest products.
- 3 Limited access to markets and health services.

Apart from these factors, the availability of fish, especially in Putrea and Kampong Sralaou communes, also influences the population food security situation. However, this factor is not considered discriminatory for the division of the area in additional food economy zones.

In the map below both districts are divided in these two Food Economy Zones :



7.3 Wealth ranking per Food Economy Zone:

Wealth Indicators:

Assets that reduce vulnerability or infer wealth include:

- Land : Rice fields with dikes – particularly if situated near the village or water sources.
- Wooden house: The cut of the wood – whether planks or sticks indicates disposable incomes. A metal or tiled roof also implies disposable incomes. A wooden house may indicate ownership of an oxcart unless the village is very near a forest or in areas where large amounts of logging takes place. In areas of commercial logging, resource poor families may have well cut wooden houses. Wooden houses may indicate former prosperous times - it is possible to find such houses void of possessions inside from former distress sales or from the past looting by the different armed groups in the area.

- Livestock: Allows ploughing of fields, renting out during ploughing, use for transportation with an oxcart, available for distress sales in stress periods.
- Oxcart: Indicates that the family may have something to sell (fruits, rice or forest products). Allows collection of far greater amounts of firewood or resin. May be rented out at rates approximately double that of typical daily rural labour. By allowing market access, it increases bargaining power, income opportunities and profitability for the family.
- Motorbike/ Bicycle: Allows families to transfer garden, rice or forest products to market thereby realising higher prices and increases bargaining power for sales and purchases. Allows participation in small trading activities. By decreasing transport costs (in terms of time spent travelling/walking) it increases profitability of forests and rice farm produce.
- Vegetable garden: Vegetables in the garden can indicate improved health, higher education, access to water and market activities.
- Health: Good health; particularly of children, babies, pregnant/lactating/elderly women. Indicates access to food and medicines as well as some level of education.
- Appearance: New or clean clothes, dressed hair, general nice appearance, no skin infections.
- Rice Mill: Or other small businesses such as wood saw, tyre pump, shops, motos.
- Many items and tools under the house such as wooden planks, resin containers, tools, thatch or stored food, indicates activities in the household and prosperity whether the house is large or small, made of thatch or wood.

Assets or circumstances which may indicate household impoverishment:

- Land: Limited rice fields. Chamkar fields are generally some distance away in mountains or forest. Production will involve long treks with families sleeping in the fields for five days a week. Families are vulnerable to illness particularly malaria during harvest times. The size of the chamkar land is proportionate to manpower capacity within the family. Chamkar plots often cannot be ploughed because of the tree trunks and roots.
- House: Reeds and thatch, not wood. A house made of wood implies the family has an oxcart unless the house is near a forest. Roof made of thatch.
- No Livestock: Families will have to rent livestock if they have a rice field. Livestock may have been sold in former stress periods.
- No Oxcart: Cannot collect or transport large amounts of produce (wood, fruits or rice). Dependence on visiting traders for sales and reduced bargaining power

- Few possessions: Low level of activities in the family. Nothing to sell in distress periods.
- Poor health: Babies, children under five and lactating mothers. Untreated medical conditions and skin diseases.
- Appearance: People particularly women take care of their clothes. Ragged clothes and unwashed appearance (unless returning from rice fields etc) generally implies impoverishment and constrained access to water
- Few tools: Food incomes are dependent on access to tools. Families rarely if ever sell them. Production and incomes will be constrained by lack of tools.

Wealth Groups:

Using the « proportional piling » PRA method, these groups of villagers divided the local population in four wealth groups, with the following results:

Food Economy Zone 1:

- *Rich*: 4% of families.

Farmers that own large extensions of paddy rice fields (3-6 Has) and livestock, especially cattle and buffaloes. Apart from the activity at the farm they have a motorbike or oxcarts and are involved in trade or work for the government (local authorities, health worker, etc) as well as giving credit to poor families in cash or rice.

They own large wooden houses with a metallic roof and many household items inside (particularly the electric ones such as radio-cassette and television) and many times they are the owners of the local rice mill.

Rich families are present in villages where there are large extensions of productive paddy rice fields or trade, such as around Chey Sen district capitals and Kampong Sralaou village. For the rest of villages families are usually divided in three wealth groups.

- *Middle*: 32% of families.

Middle families own a reasonable surface of agricultural land (1-2 Has) that assures enough rice production for the year at the same time that growing other crops and raising livestock. Apart from the activity at the farm they may work for the government (lower level than the rich) have bicycles and oxcarts and are involved in petty trade, give credit to poor families or own a small business in the village (shop, rice mill, wood saw, etc.).

In general, these families are very similar to the rich ones but they own less quantity of the same assets and entitlements (less land and livestock, they have a bicycle instead of a motorbike and so on). Their houses are made of wood or thatch with a metallic roof and also with many items inside, electrical ones included.

- *Poor*: 37% of families.

In opposition to rich and middle families, poor families main characteristic is their limited rice production that makes them to face seasonal shortages on a yearly basis. This lack of rice is mostly due to the lack of enough land or livestock. In order to complement this shortfall in rice production, they carry out temporary works for the rich and middle as well as foraging for food in the forest.

They own no more than one hectare of paddy rice fields and a similar surface of chamkar land. Their houses are of medium size and made of thatch. They also own livestock in small quantities, it is not unusual that they take care of female cattle that belongs to rich families in exchange of one of the calves that they might produce.

Very Poor: 27% of families.

Families in this category face the same constraints and problems than poor families but to a larger extent. Families with very limited rice production that suffer from long food shortages on a regular basis (up to 12 months). They live in a small thatch house, have limited manpower, very little or no livestock and cultivate exclusively chamkar rice fields. As the poor do with cattle, they also look after pregnant sows and poultry from the rich and they get paid with 50% of the offsprings.

Female or amputee headed families, unaccompanied elders and orphans, families with large numbers of dependants (especially children under five) and recently arrived families with limited access to land, limited household assets and possible impaired access to community support mechanisms usually fall into this category, as they lack labour power and are therefore unable to participate in certain food, agricultural or employment activities.

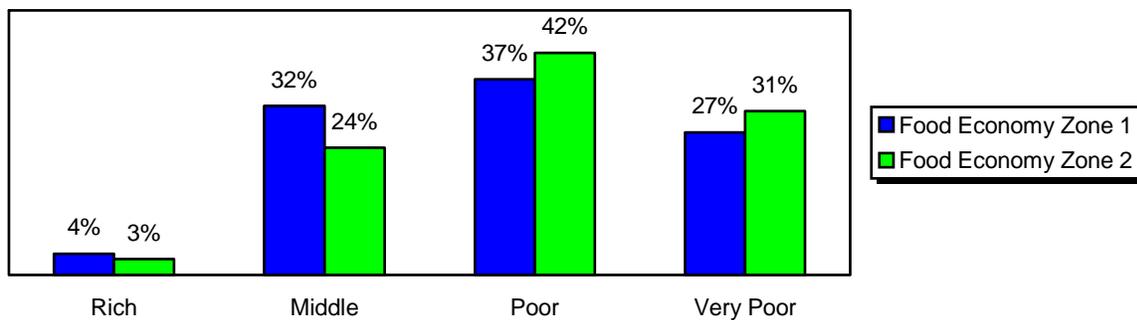
Their limited education and fewer income sources limit opportunities to improve food supply and income. Therefore, the range of possibilities to cope with food or income shortages is severely curtailed. These families engage themselves in the following number of strategies to make up for the extremely low farm production:

- 3 Search in forests for wild vegetables and animals to eat or sale
- 3 Collection and sale of firewood or thatch
- 3 Agricultural labour; clearing land, assisting in rice fields
- 3 Distress sales of livestock.
- 3 Borrowing money or rice from relatives or neighbours
- 3 Consumption reduction (lower number of meals per day).

Food Economy Zone 2:

Population is also divided in four wealth groups in this Food Economy Zone, with each group being very similar to their homologue in the Food Economy Zone 1 (FEZ1). However, they have fewer possessions and livestock numbers than in the FEZ1 as well as a smaller surface of agricultural land (middle families already have chamkar plots in this zone unlike in the FEZ1 that only poor and very poor families have chamkar plots). Main activity is still rice farming but secondary activities are more related to the forest for all wealth groups, in FEZ1 mostly the poor goes to the forest foraging for food. In this zone the forest is an important source of food and income for the poor and the middle as well.

Percentage of families on each wealth group per Food Economy Zone:



In general, the percentage of families on each wealth group is very similar in both Food Economy Zones, although it seems that poverty levels are somewhat higher in FEZ 2 due to the lack of trade.

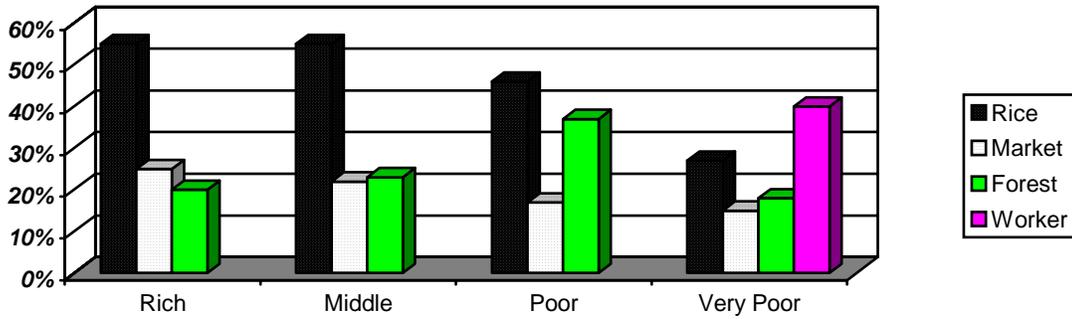
Sources of Food:

Food Economy Zone 1 :

In the chart we see that rich and middle families have more food from the farm as they produce more rice than the rest. Also they have more products for bartering and money to go to the market.

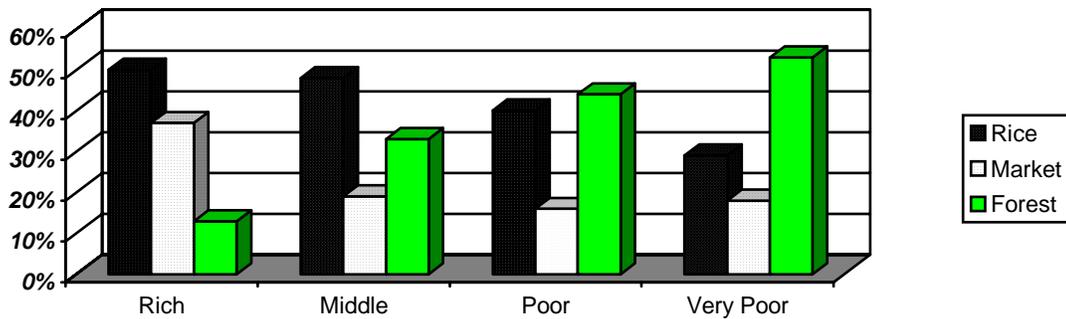
Market here refers to the food that has been bought or bartered and does not come from the farm or the forest. It does not necessarily mean that the families get that food from what is supposed to be a « conventional market ».

Generally, the poorer the families the more they rely on the forest as a source of food. However, this trend does not apply to the very poor families that get most of their food in exchange of labour in the farms of the rich and middle families.

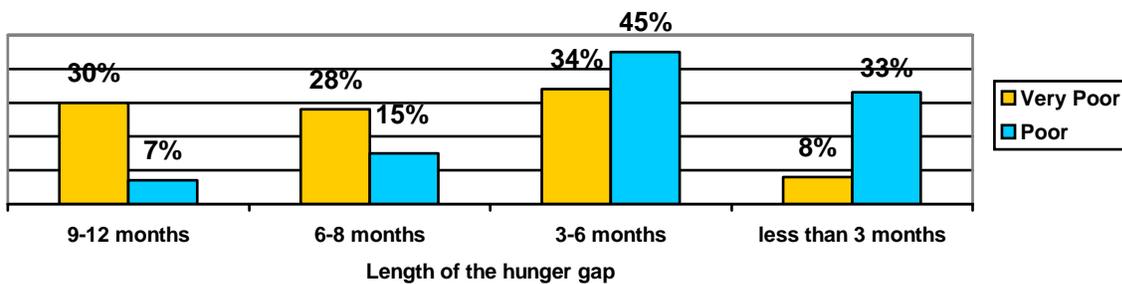


Food Economy Zone 2 :

As it was said before in the description of the two zones, in the FEZ 2 the contribution of the farm as a source of food is lower and higher from the forest. This difference is especially relevant for the very poor families that do not get any food from working for other families.



During the field visit of the assessment team to both districts, 22% of poor families interviewed and 58% of the very poor declared to face yearly rice shortages longer than 6 months, as shown in the following diagram:



In most villages families can borrow rice at low or no interest at all. Only in some communes of Chey Sen dsitric, like Tosou, Khyang, Saang and Chhrach rice loans are given at high interest rates.

The following information about interest rates for rice loans was collected during the field visit:

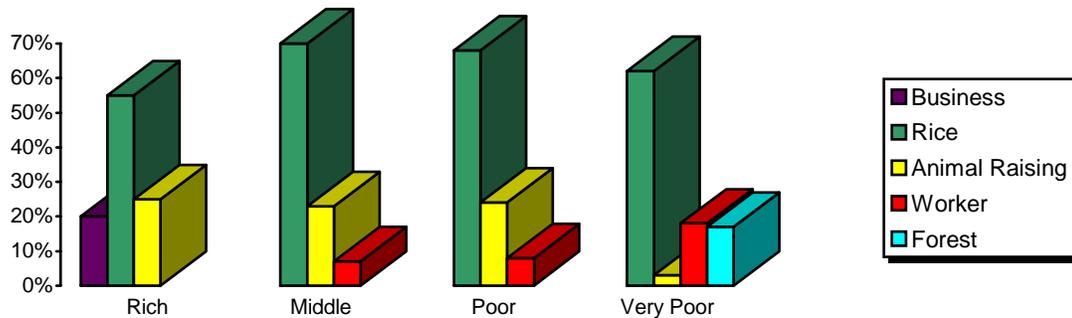
Village	Rice loan interest
Khyang	100%
Promol Pdom	100%
Teuk Lech	70%
Preus K'aok	50%
Kampong Po	50%

In the remaining 7 villages visited, no interest for the rice loan needs to be paid.

Income Sources:

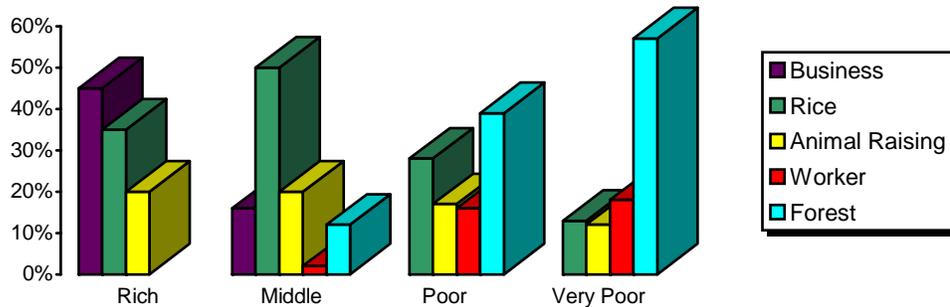
Food Economy Zone 1 :

The same reasoning that has been used for food sources applies to income sources, with most families getting more income from the farm and animal raising. Depending on the yields for every particular season, families market important amounts of rice after the harvest, up to 50%. Rich families also get an important income from trade, whereas the rest complement their income with temporary jobs and some forest products for the very poor such as torches made of resin and sold at the village.



Food Economy Zone 2 :

In this zone poor families go to the forest to collect resin and wood while the middle and rich families, that have got the oxcart, transport and sell them to the trader.



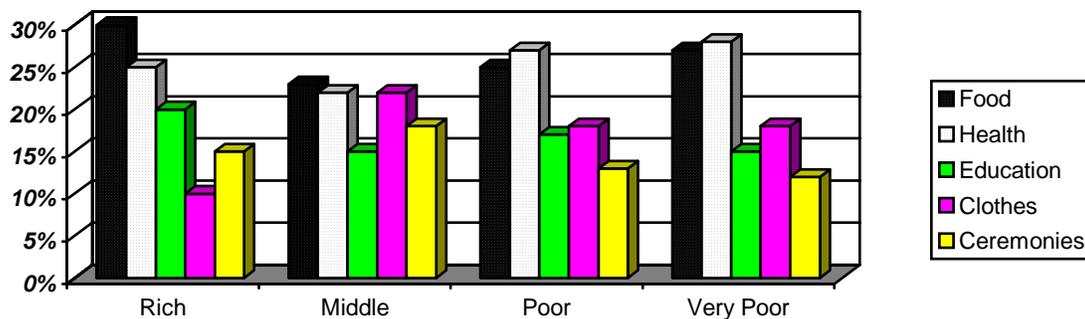
Resin tapping is an important source of income for local families. In Pgneak Roleuk, villagers claimed that every family has an average number of 50 trees for resin tapping. As to Narong and Mlou Prey villages, average ownership of trees according to the wealth group is as follows:

	Middle	Poor	Very Poor
Number of trees	50-100	20-30	5-10

Sources of Expenditure:

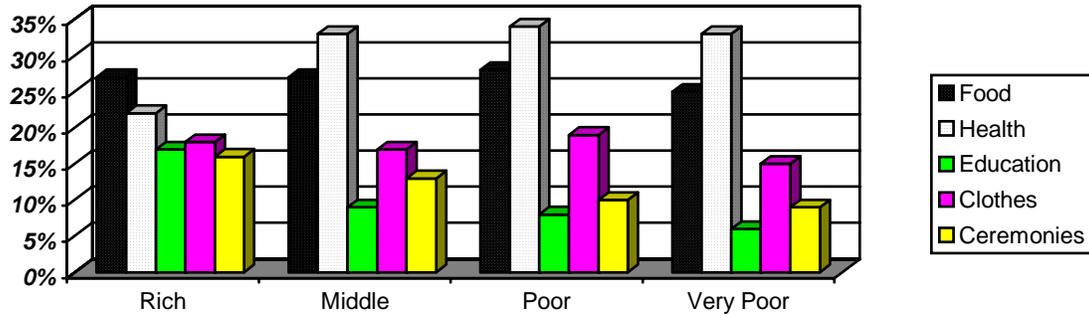
Food Economy Zone 1 :

Almost one quarter of the household's money is spent on food. Medicines, household items, school fees, ceremonies and agricultural inputs are other important expenses for the families.



Food Economy Zone 2 :

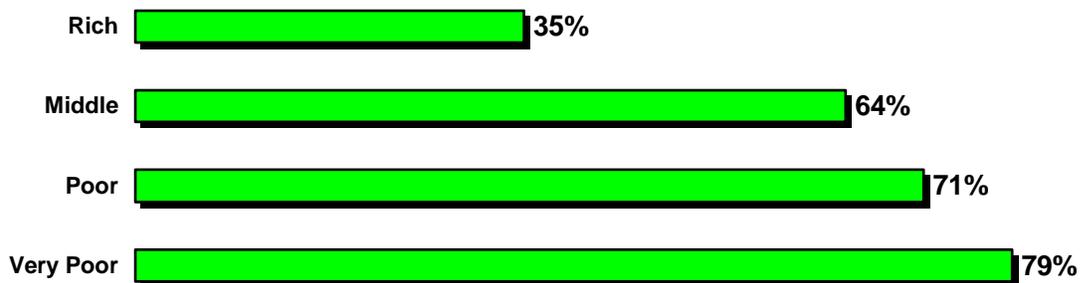
In this zone families expend more on food and health and less in education, clothes and ceremonies, which seems to be directly related to the general higher poverty levels of these communes.



As production is predominantly for home consumption, marketable surpluses are limited thereby producing seasonal price variations. As a major proportion of household income is spent on food, food deficit households are vulnerable during the lean period.

Illiteracy per wealth group

According to the villagers that attended the PRA sessions, illiteracy rates are higher in the poorer wealth groups. Results from the PRA exercise are as follows:



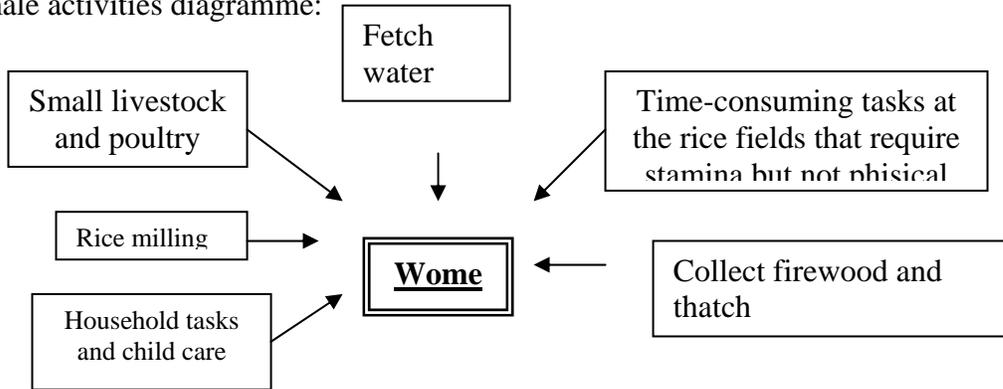
This information is mainly indicative of the direct relation between wealth and illiteracy. More accurate information about the number of people that can read and write are given in the part of this report that deals with education.

8. Calendar of activities and Gender Analysis

In general, male and female members of the household have distinct separate roles in their contribution to the household's economy .

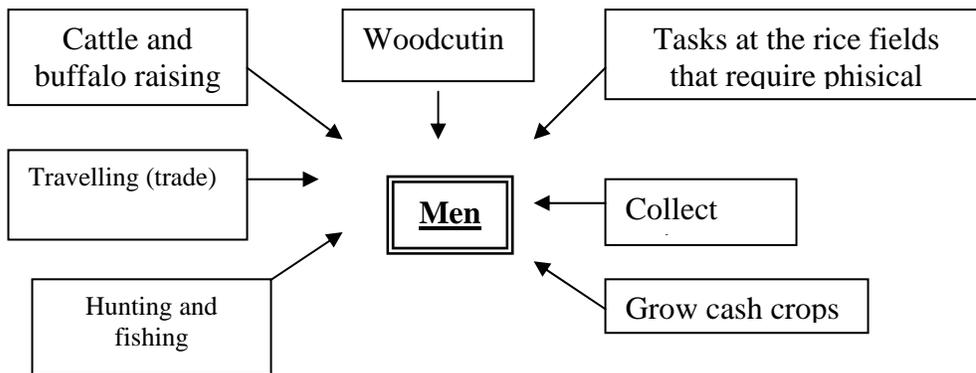
Generally, men are in charge of cash generating activities that need to be done far away from the household. On the other hand, women usually take care of the food producing activities close to the household.

Female activities diagramme:



Some female activities are also undertaken by children in the family such as fetching water.

Male activities diagramme:



This division of tasks within the family has some flexibility, as it is always survival oriented and to optimise the use of labour within the household. For instance, if there is a water source nearby the house, it will be the woman the one that grows vegetables but if there is no water source then vegetables will be grown by the man in the chamkar plots (usually far away from the house).

The distance from the village required to do the activity is usually an important factor that determines if that task will be done by men or women.

- Calendar of activities:

The year round calendar of activities is mostly defined by the different tasks related to rice production. The rest of secondary activities adapt to the requirements of the rice fields and are included into the calendar whenever it is not a peak period of labour demand for the rice fields.

The calendar of activites changes from village to village depending on their particular chracteristics such as distance to the forest or to the water sources, below it is represented the calendar for men in Kralot village that was visited during the field visit of the asesment team:

	J	Fe	M	A	M	Ju	Ju	Au	Se	O	N	D
	an	b	ar	pr	ay	n	l	g	pt	ct	ov	ec
RAIN												
	Khmer New Year					Pchum Beng						
Activities		Land preparation			Sowing	Transplanting			Harvest			
Hunting												
Resin												
Wild veg		Leaves			Tubers							
Woodcutting												
Fishing												

It is usually in the dry season and during the gap periods between tasks in the rice fields when families have time to dedicate to secondary activities. However, for some activities like harvesting wild vegetables or fishing their seasonality also determines their optimum time.

For women :

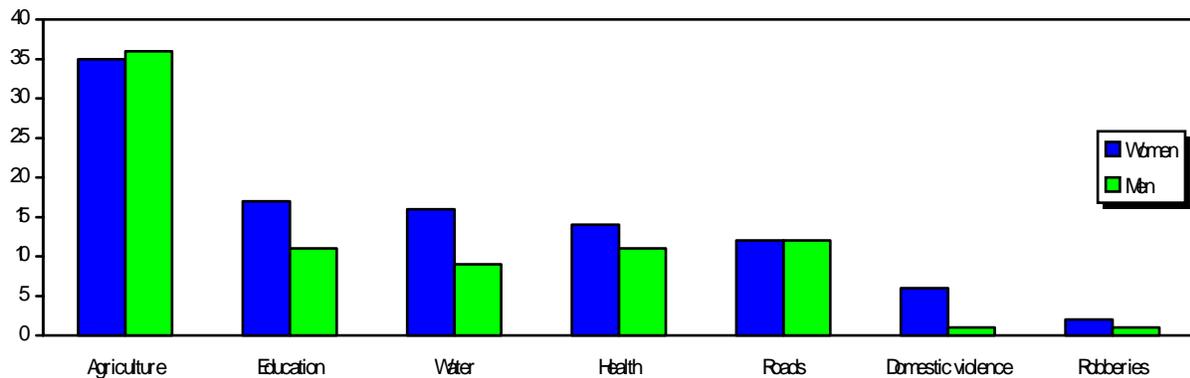
	Ja	Fe	M	A	May	Jun	J	A	Se	O	N	D
	n	b	ar	pr			ul	ug	pt	ct	ov	ec
RAIN												
	Khmer New Year					Pchum Beng						
Activities	Collecting thatch	Collecting firewood	Land preparation		Sowing	Transplanting			Harvest			

Work at the household and child care take most of their time and are conducted throughout the year

9. Main concerns of the local population

In the villages visited, men and women were separated in different groups and the assessment team requested them to enumerate what they consider to be the main problems at the community as well as at the household level.

Results of this activity are presented in the following chart :



Agriculture

Most problems enumerated by both, men and women, were related to agriculture. Main one was the low livestock numbers, especially of draught animals. High mortality and morbidity in domestic animals ; lack of agricultural land, lack of seeds and irrigation facilities.

A shortage of fish was usually mentioned. In some villages families complaint about illegal fishing practices such as the use of poison and explosives that has a negative impact on fish resources and directly affects the health of people and livestock.

Education

Women showed concern about their illiteracy and poor knowledge on issues that directly affect their lives such as health, hygiene, childcare or agriculture.

On the other hand, men considered the lack of school buildings as the main problem in education.

Water

Villagers view the lack of water sources as one of the main constraints to increase agriculture production. The situation is more severe in Chey Sen district than in Chhep.

Dykes and ponds for irrigation of rice fields and to provide water for cattle and buffaloes. Ringwells, boreholes and water jars for the family needs and home stead food production. Women see water more of a priority as they are the ones that have to walk long distances to fetch water for the family.

Health

Scarce and expensive medicines, poor health of the population and high morbidity rates. Lack of knowledge on health related issues such as birth spacing and prevention of diseases.

Roads

Bad roads that degrade every season with no rehabilitation system. This acts as a major hindrance for trade and severely limits income sources for the whole population.

Domestic violence

It is usually associated to alcoholism in male members of the household (usually the head of the family). There seems to be a relation between the wealth status of the family and domestic violence as this problem usually happens in the poor and very poor categories.

More women than men consider domestic violence to be a problem.

Robberies

As mentioned before, for the local population "robberies" has been the main issue since the peace arrived in 1998. Especially cattle and buffaloes.

10. Food insecurity and vulnerability.

Based on the opinion of key informants, local population and assessment team, in Chey Sen and Chhep districts the following factors are considered to contribute towards food insecurity and poor nutritional status of the local population:

- 3 Remote communities with poor infrastructures, lacking market access from wet season cut off, insecurity and geographic distance.

Population in Kampong Sralaou communes have the additional problem of being more economically linked to Laos than to Cambodia. Although they can have access to health and education services in Laos, these services are usually far more expensive than in the rest of communes. Besides their limited knowledge of Khmer language further increases their vulnerability.

- 3 History of conflict and enforced household mobility resulting in impoverishment with fewer household goods, valuables and livestock.
- 3 Insecure areas with frequent robberies, especially of cattle and buffaloes.
- 3 Livelihood dependence on high risk rain fed agriculture. Limited irrigation, chronic problems of pestilence and diseases in crops, droughts and floods. Resource poor farmers act to minimise risk rather than maximise profits, therefore constraining output potential in the long run.

- 3 Limited knowledge of appropriate agricultural production methods.
- 3 Environmental degradation mostly due to deforestation. Affecting soil conservation, water resources and rainfall.
- 3 Variable food production, seasonal incomes and purchasing power from seasonal price fluctuations - variable prices with large proportion of household expenditure spent on food
- 3 Narrow food entitlement and income portfolios.
- 3 Cycles of indebtedness resulting in ever diminishing access to household surplus production. Absence of access to credit
- 3 Absence of veterinary skill and animal health services.
- 3 Limited knowledge on hygiene, limited access to health and education facilities (high illiteracy rate). Nutritional deficiencies, poor housing and sanitation leading to poor health particularly in the wet season.

Almost three quarters of poor families and over 90% of the very poor face seasonal rice shortages and are food insecure. This shortfall in rice production is mostly due to the lack of enough land and livestock.

Chamkar fields dependent families, female or amputee headed families, unaccompanied elders and orphans, families with large numbers of dependants (especially children under five) and recently arrived families with limited access to land, limited household assets and possible impaired access to community support mechanisms are usually food insecure, as they lack labour power and are therefore unable to participate in certain food, agricultural or employment activities. With a high illiteracy rate, their limited education and fewer income sources further inhibits their opportunities to improve food supply and income.

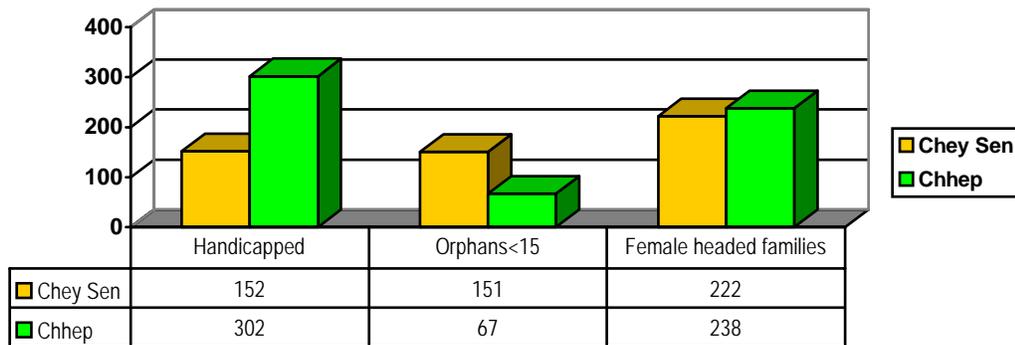
These families face greater barriers in acquiring access to credit because of their known limited opportunities of income generation. Therefore, the range of possibilities to cope with food or income shortages is severely curtailed.

The strategies employed by vulnerable families to cope with food shortages act to further increase long term vulnerability as they directly impact on their resource bases exhausting future production capacity:

- 3 Distress sales reduce or destroy future agricultural, food and income production capacity
- 3 Impaired health and production capacity from consumption reduction and nutrient deficiencies
- 3 Indebtedness with high interest rates. Benefits accrued in good years are spent repaying debts accrued in bad years rather than investing in enhanced production or protection strategies. Families are unable to build savings or reserves for future food stocks.
- 3 Depletion of fish stocks and wild animals and vegetables through over foraging, fishing and hunting
- 3 Deforestation and destruction of woodlands and trees beyond sustainable levels
- 3 Collection of forest products may incorporate staying in high risk malaria areas

Poor families are more dependent upon community assistance, which is necessarily reduced during food shocks. Such families are forced to reduce the quantity and quality of the food they consume, as they are less able to produce more food or access credits of any sort. Their poor access to land and water sources as well as their lower income limit opportunities to improve and diversify their diet. Therefore, it is difficult to ensure food security for such groups in the event of food shocks.

Number of handicapped, orphans and female headed families in these districts:



Source: Village data book-Department of Planning.

Female and handicapped headed families as well as the elderly and orphans are considered particularly vulnerable as they lack labour power and are therefore unable to participate in certain food, agricultural or employment activities. Income portfolios are more limited and livelihoods more readily destroyed. Some of the elderly allow other families to work their land and they are given some of the harvest or they assist the families in transplanting.

11. Recommendations.

Despite the relative stability that both districts have enjoyed since the civil strife came to an end in 1998, large parts of the local population are still food insecure.

Although the droughts that seriously affected provinces in lowland Cambodia also reduced rice production in this area (still to be assessed when data from the last harvest is available), the natural resources available in the forest act as an essential source of food and income that counteracts the immediate negative effects of food shocks for the most vulnerable households and there does not seem to be an immediate need for short term food assistance.

However, the nature of food insecurity in these districts is deeply rooted in several interlinked factors that traps the local population in endemic cycles of poverty, ignorance and malnutrition. In such a situation a long term approach is needed to strengthen food security in a sustainable and equitable way.

Interventions need to be designed considering the social and ethnic diversity of these two districts as well as the important role that women play in assuring food security at the household level.

Proposed interventions:

Transport infrastructure

- Rehabilitation of roads to improve access to services and trade.
- Construction of bridges, culverts and drainage systems in roads.

Water infrastructure:

- Providing access to safe drinking water, particularly in communes of Chey Sen district.
- Create or rehabilitate irrigation structures such as wells, ponds and dykes.

Health Services:

- Improve access of the local population to medical treatment and medicines.
- Capacity building and training of health workers, private clinics, traditional healers and birth attendants.
- Child growth monitoring.
- Regular distribution of vitamin A tablets and iron capsules for children under five and pregnant/lactating women.
- Village-based health promotion activities.

Livestock:

- Restocking of livestock applying the same traditional systems of caring for the animal in exchange of a part of the offsprings.
- Provide animal health services at village level (VLA) and vaccination campaigns.

Homestead food production:

- Promotion of Vegetable growing at the home garden through the distribution of vegetables seeds and tools with the appropriate technical training.
- Promotion of household ponds for fish raising. Ponds can be dug through a cash for work system that would increase income during the lean period and reduce pressure on the forest's natural resources.

Community development

Interventions design to develop the capacity of communities to adress food insecurity in their villages and provide systems to cope with food shortages and build up household entitlements.

- Community rice banks that allows food insecure families to borrow rice at low interest rates during the lean period.
- Community forest management projects for a sustainable use of the forest's natural resources, as livelihoods are heavily dependent on them.
- Capacity building of village development committees for identification of needs and design of village development action plans.

Annex 12: Potential for Eco-tourism

Considerable potential exists in the Northern Plains to develop eco-tourism, both as a short excursion for visitors to the Preah Vihear temple, and for bird-watcher enthusiasts wanting to visit more remote locations.

Eco-tourism is a newly developing concept in Cambodia, and there are several initiatives to develop community-based Eco-tourism. WCS is a member of Cambodia Community-based Eco-tourism network. The Northern Plains being one of the first such sites within Cambodia, the Eco-tourism component in this project will be able to contribute to development of Eco-tourism in the country.

Preah Vihear Temple

The recent development of new roads to the Angkorian-era Preah Vihear temple is encouraging local tourism. Substantial increases in the number of visitors to the temple are expected in the next few years, and development of tourism is an objective of provincial and national authorities. The road linking the temple to the provincial capital of Preah Vihear (and the national road network) was built through the Kulen Promtep Wildlife Sanctuary key site for conservation.

The two villages of Tukhung and Thmatboey are found inside the wildlife sanctuary near the Stoeng Sen River. Nearby both villages are sites of particular importance for several rare bird species. In the wet season a large area around the Stoeng Sen floods, and is under 1-3 metres of water. A colony of darters, adjutants and black-necked storks breeds in the flooded forest at this time. Outside of the Tonle Sap this is the only known darter colony in Cambodia. Sarus Crane and Ibis also breed in the flooded grasslands and forests; this is one of the most important breeding sites for the species (ICF data).

Both villages would be suitable candidates for establishing an eco-tourism project. Tukhung is located on the main road from the provincial capital to Preah Vihear temple (an extension of the national road to the province), and Thmatboey is 4km off this road. A new road is currently being built linking the temple with Siem Reap - this road will also pass through Tukhung, but not the provincial capital. The bird colonies can be visited during the wet season, by a short boat ride from Tukhung. The whole 'visit' might take only 2 hours, as a stop-of on the way to the temple. Thmatboey is easy to visit during the dry season, when villagers/rangers could guide tourists to see the ibises, which are easily found near the village.

Bird-Watchers to Preah Vihear Protected Forest

The Preah Vihear Protected Forest has become known amongst birdwatchers since the re-discovery of the Giant Ibis in 2000/2001. WCS now receives >10 requests a year from groups interested to travel to the region, despite a complete lack of advertising. In 2003, project staff encountered a foreign Bird-watching tourist who had traveled solo to the Preah Vihear Protected Forest key site. The same area was also visited by the first-ever organized bird tour to Cambodia, Birdquest, in 2003 and a proposal from a Singapore-based group has just been received for 2004.

Given that the interest exists the challenge is how to develop a structure for eco-tourism to manage this in a manner that provides benefits to the wildlife and local communities. The attached appendix gives the perspectives from one of the guides of the Birdquest tour. It was after this tour visited the project site that the district and commune chiefs approached WCS staff to request information about who the foreigners were who arrived by their own transport, stayed 3 days, and then departed without informing or acknowledging local authorities.

Appendix. A Plea for a more Conservation-sensitive approach to Birding Tourism

Frédéric Goes, oSmoSe, Siem Reap, Cambodia

Background

From 9th to 22nd of March 2003, I participated to the first-ever organised bird tour to Cambodia, as group co-leader for UK-based Birdquest, a leading birding tour company. The expedition visited Kompong Thom grassland area (Bengal Florican), camped 3 days in Preah Vihear savanna-forest (Giant Ibis) and traveled to Siem Pang district, Stung Treng province (Mekong Wagtail, White-shouldered Ibis) before ending up in Siem Reap for day-trip to the Tonle Sap (Greater Adjutant, Milky Stork) and the Ang Tropeang Thmor Reserve (Sarus Crane).

From a twitching point of view, the trip was a full success – all expected bird highlights being at the rendezvous. Travel and logistic went smoothly and no health or safety problems impaired the journey, despite the age of the participants ('former athletes' in their 60s to 70s) and a 40 Co overwhelming heat. However, having being involved in bird conservation in-country for several years, I realized during the trip that this type of "consumerist birding" does by no way contribute neither to long-term conservation objectives nor to local awareness and development. More disturbingly, it may even be, involuntary conservation antagonist due to its UFO's effect – a strange, fast-speed and puzzling phenomenon observed by villagers of remote Cambodian forests.

Local conservation and development issues generated by birding tourism

Three main issues were identified during the trip. They were all involuntary provoked and resulted basically from lack of awareness and precautions both from the groups of visitors and from local communities. They essentially reveal how premature this kind of trip is for Cambodia and for unprepared, remote communities. The issues all appeared very conspicuously in Siem Pang, a district village used as our base during 3 days.

1. Conservation paradoxes

This was observed in two instances. In the first case, we came back from our bird search to give back the pickup (the only available in the whole district) to its owner when we found out his wife about to fry several Thick-billed Green Pigeons. She happily showed me a full basket of c. 20 life birds for future meals (see photo). The owner belongs to the family of the retired district governor; not exactly an example of abiding by the Cambodian wildlife protection laws, as expected (?) from high government officials. There was no attempt to hide this practice to me, as the lady didn't see any antagonism between 'renting her truck for bird watching' and 'eating bird'. Probably also her understanding of exactly what was the exact purpose of our group was close to zero.

The next morning, as we came back from our walk to our parking spot, I heard tiny squawking coming from the bag of the motorbike driver. During his hours of waiting, he managed to buy Parakeet nestlings from a passing buy villager who had just collected them. Again, he didn't see any wrongdoing or antagonism between driving us for birding and buying these nestlings "by pity for the birds". Other members of the group realized the problem and showed their indignation. The driver was then sincerely sorry and vowed to give the nestlings back to the collector and to ask him to put them back on the nest! This highlights how fast-food birders have to face crude realities of bird conservation issues in poor countries, whether they wanted to ignore it or not.

2. Sideline incentive for wildlife collection

Many households in Siem Pang town were seen having wildlife pets such as Pig-tailed Macaques and Lesser Adjutants fledglings (see photos), reflecting the widespread habit of hunting, trapping and harvesting of wildlife in these Lao-ethnic riverine communities. I visited some of those and inquired briefly to the pet's owners and relatives about the provenance and history of the animals. At several instances, people proposed me to find the ibises so that we could see them and buy them. This clearly showed how the purpose of our visit was largely distorted. Such biased, reduced understanding of the nature of our interest for birds may result in creating a perceived market for rare species and therefore act as indirect incentive for locals to collect species which were not particularly targeted by hunters-trappers previously.

3. Local economy disruption

As there was only one four-wheel truck available and suitable enough for our group, we readily accepted the proposed price, probably well above the usual market prices. Motorbikes were also rented. Local NGO workers having to rent vehicles to travel the next day to a village for their work reported me they had problems finding motorbikes at usual rates because of our group's impact.

Recommendations and mitigation measures

It is advisable that all stakeholders involved are aware of the above issues and take steps to avoid they are repeated, or at least to minimize them, were such trips to be renewed in the future. Here are a few recommendations I feel would be appropriate and realistic in order to address them.

1. To restrict the dissemination of survey results regarding 'highly priced' species

Details on localities and practical information about newly found populations of much looked after species should not be freely and readily communicated outside the scientific world. Conservation bodies should impose themselves a 'birding quarantine period' in such cases. The restriction would end when a system is put in place to ensure the visit of birding groups will not have detrimental impact to conservation objectives and local development issues. This amounts to set up a targeted local awareness program and to establish a 'ecotourism committee'. It may require 2 to 3 years of community-based work, depending on funds available, the type of conservation issues and the size of the population in the target area.

2. To hold meetings with the community

Formal or informal evening meetings between the community where the birders stay and themselves will greatly improve local awareness and foster appropriate attitude, at least in contact with the group. This should avoid the surrealistic situations described in issue 1 above (conservation paradoxes). The meeting should be attended by local leaders, service providers (accommodation, food sellers, vehicles' owner), NGO's and other interested villagers. Birders should explain the purpose of their visit, what species they come to see and why, and discuss with the villagers about conservation issues as well as development issues.

3. To contribute financially to a local development project

A donation to a community support project should be officially handed over at the meeting*. This will significantly enhance the strength and impact of the conservation message the meeting should send. This however requires preliminary work with the community to identify the most appropriate project to be supported. Best is a concrete, visible public works like a water pumps, a building (even toilets), a bridge or road ... Otherwise, an envelop to support a local NGO's project component is an alternative. Important is here to have reliable people overseeing its implementation, ensuring feedback of the aid results (photo, brief report), plus having a visual label recalling the donor and the key bird s to protect so as to remind people the conservation message linked with the donation.

* *Birdquest donated \$600 to the Sam Veasna Fund. It is recommended that it is used for a local conservation awareness project in Siem Pang.*

4. To set up ecotourism committees

Remote and small communities seeing the new but limited arrival of 'nature tourists' could set up a local committee to oversee this new activity. This idea was suggested to me by the women working for YWAM in Siem Pang. The committee should organise services, fees and rules so that it benefit the largest possible number of families, and also contribute to raise local awareness about ecotourism and its conservation message.

Annex 13: Maps

See separate file