Land Rights:

The Challenge for 'Ratanakiri's Indigenous Communities

By Sara Colm

The northeast of Cambodia is opened up for development, the lands, forests and livelihoods of its indigenous peoples are coming under increasing pressure. Land rights is becoming a key issue in determining the future of communities and forests in Ratanakiri province.

The ancestral lands and traditional livelihoods of indigenous groups in Ratanakiri province in the northeast-corner of Cambodia are coming under increasing pressures from foreign agribusiness, logging concessions and lowland Khmer business speculators.

Until recently Ratanakiri's eight indigenous groups lived fairly autonomously because of the province's physical isolation from Phnom Penh. Much of the country’s attention was focused on the northwestern provinces bordering Thailand, the site of ongoing civil war with the Khmer Rouge. But after the defection of thousands of former Khmer Rouge fighters and many of their key leaders, the nation is shifting its focus to economic development and exploitation of its natural resources. Ratanakiri, with its rich, red, volcanic soil, pristine rivers, abundant hardwood forests, and relatively low population, has become the new frontier for proposed industrial plantations, hydroelectric projects, and logging concessions. The needs, customs, and traditional livelihoods of province's 50,000 indigenous inhabitants are being overlooked in this business boom, as highland farms and "collection forests" are threatened by commercial interests.

Ratanakiri province covers an area of 1.16 million hectares (ha) and includes four main agro-ecological zones: the Central Plateau, the Hilly Region, the Mountainous Region and the Lowland Plains Region. [See Box: Geographical zones in Ratanakiri.] The province has a population of 72,000 people of which 75 per cent belong to eight indigenous groups. In addition the province is inhabited by ethnic Lao, Khmer, Vietnamese, and Chinese. The cultural complexity and diversity are illustrated in the range of linguistic types found in the province. [See Table: Language groups of Ratanakiri.]

Geographical zones in Ratanakiri

Central Plateau: Elevation from 500 metres (m) near Banlung, to 200m near Vietnamese border. Rich, red basaltic soils support dense semi-evergreen forests. Indigenous swidden cultivation and three to five years fallow cycles are made possible by the richness of the soils.

Hilly Region: Average elevation 300m. The region includes dense forests and the watersheds of tributaries of both the SE San and Srepok rivers. Red and gray forest soils support shifting cultivation with cycles averaging two years cultivation and eight to 10 years fallow. Gritty of rocky soils in older-growth forest areas are unproductive for cultivation.

Mountainous Region: Elevation 1,000m on the divide between Se San and Srepok watersheds which forms the Cambodian-Lao border. Some of the densest forests in Cambodia are found here, with abundant wildlife. Low population density with upland swidden on less fertile soils support a typical cycle of one to three years cultivation and seven to 30 years fallow.

Lowland Plains: Elevation between 60-100m. The fertile alluvial soils of Se San and Srepok valleys support lowland rice cultivation. Other areas contain older, poorer soils and support large areas of dry, deciduous forests.

Colonization and war
The northeastern part of present-day Cambodia has long been a strategic region, with its waterways serving as key links for trade and transport of armies. From the 13th until the 19th century, Cham, Khmer, Lao, and Thai all competed for control of the area. In the 18th century slave merchants raided digenous villages for slaves to sell in the markets of the main urban areas of Thailand, Laos and lowland Cambodia.

French traders in the 1850s describe a tributary relationship that had been going on for at least several hundred years between the Cambodian royalty based in the lowlands and the Jarai Kings of Fire and Water, who possessed a saber with magical qualities. Tribute to these guardians of the highlands north of the Cambodian Kingdom — which included elephants, brass wire, iron, glassware and silk — was seen as ensuring protection of areas vulnerable to foreign invasion.

Afraid of "forest fever" and the lack of roads and transportation, few Cambodians ventured into Jarai territory, so the gifts were sent upriver to highland emissaries in Kratie who passed them on to the Jarai kings.

In the late 18th and 19th centuries, as the Thai conquered parts of northern Cambodia, the indigenous populations responded with numerous small uprisings to heavy gold taxation and increasing slave trade by their new rulers. When the French began to colonize the region in 1849, they annexed much of the Se San and Srepok basins. The Thais then established themselves in 1887 at the site of present-day Vonsai in Ratanakiri. Unable to compete in these struggles between the French and the Thai, the Khmer abandoned the Srepok valley.

After Cambodia became a French colony in 1884, highlanders — particularly the Jarai — resisted French rule and attacked colonial outposts. Arbitrarily drawn national boundaries cut through indigenous homelands, with the border between Cambodia and Vietnam splitting Jarai territory and the Cambodia-Lao frontier separating Brou and Kavet in Stung Treng from their relatives across the border.

In 1953 under Prince Norodom Sihanouk, Cambodia obtained independence from France. In the early 1960s the Sihanouk regime began to force highland villages in Vonsai and Taveng districts in Ratanakiri to move from the bamboo forests in the mountains near the Lao border to more "orderly" concentrations among the main highways or the Se San River. The government's agenda was to rein in the indigenous people and cut off contacts with Lao, Vietnamese and Khmer insurgents, while "modernizing" the minorities at the same time. Sihanouk's development programmes included creation of rubber plantations, construction of roads and schools, and settlement in Ratanakiri of lowland Khmer.

After Sihanouk began to crack down on leftists in Phnom Penh in the early sixties, Pol Pot, Yeng Sary, and other top Khmer Rouge leaders left Phnom Penh and established themselves in the forests of Cambodia's northeast. They recruited core members from among the indigenous groups, many of whom were disgruntled with the central government, and gradually built a strong revolutionary base in Ratanakiri.

By 1966, 2,200 ha of the planned 8,000 ha Preah Sihanouk State Rubber Plantation had been cleared and planted near the military post of Labansiek in Ratanakiri. The development of the plantation did not go smoothly, noted Jacqueline Matras-Troubetzkoy, an anthropologist who worked in Ratanakiri at the time:

"The new colonists collided with the former occupants of the land, accustomed to utilizing vast territories [from] which they drew their subsistence by methods of swidden cultivation. The latter poorly understood being deprived of lands which they had until then alone cultivated by ancestral methods. Incidents broke out, primarily in Brou villages affected by the first expansion of the plantation. Several of these villages were displaced and rebuilt."

The situation flared up again in early 1968, this time among Tampuen and Kreung villages resisting the plantation's encroachment, in addition to Brou. When they were also brutally suppressed by government forces — who looted and destroyed their villages — many highlanders fled to the forests, where they joined the Khmer Rouge rebels. Other parts of the province were simmering with discontent as well. In Vonsai District, the Khmer Rouge organized the people to demonstrate against local authorities taking taxes on boats, fish and livestock. Further east in present-day O Yadao District, Jarai villagers were recruited to join the "forest troops" (Khmer Rouge), who blocked people from entering the rubber plantations to work.

Popular resentment against the government erupted among the Kreung in Poey commune in 1968 in present-day O Chum district. Government soldiers, charging that the Kreung were Khmer Rouge supporters, burned down several of the houses in Prieng village. After 200 stick-wielding Kreung launched a demonstration at the commune headquarters, government soldiers arrested the village chief and fired into a crowd of people, "slaughtering 20 or 30 people like pigs," according to former Ratanakiri Judge Choung Pheav, who lived in Poey at the time. "The villagers were very afraid and ran into the jungle, joining the 'forest soldiers'" [Khmer
Rouge," he said. "They encouraged us to make crossbows, traps and punji sticks [sharpened bamboo stakes] to defend the village."

Sihanouk made a press statement in February 1968 acknowledging the highlanders' unhappiness with forced resettlement by the government. However Ratanakiri's main problem was under-population, he asserted, the answer was development of roads and resettlement of "numerous colonists."

In the late 1960s the American War in Vietnam began to spill over the borders to Cambodia. Beginning in 1970, US bombing in Ratanakiri forced the highlanders out of their villages and into the forests, where they lived with the rebels. By undergoing the rigorous early days of "the struggle" together with the Khmer Rouge, the indigenous populations — who were perceived as already practising a kind of "primitive communism" — measured up to the rebels' revolutionary standards. The Khmer Rouge classified the high-land minorities as "base people," a status that granted them some measure of trust and generally less punitive treatment than other classes.

Many of the indigenous groups were receptive to Khmer Rouge rhetoric in the early days as an alternative to the policies of the central government. The rebels arrived at a time when the highlanders were unhappy with Sihanouk's assimilation programmes and displacement from their traditional lands by development of rubber plantations. The Khmer Rouge were able to exploit growing resentment of the Central Government, and then step in as a replacement after the 1970 coup d'état. General Lon Not, who ousted Sihanouk in the coup, never gained a foothold in Cambodia's four northeastern provinces, which became Khmer Rouge "liberated zones" in 1970.

Undoubtedly in many instances there was an element of coercion and fear in enlisting the support of the indigenous groups. And the early "marriage of convenience" with the rebels soon soured after the US bombing ended in 1973, when the Khmer Rouge began to implement radical cooperatization schemes, forced labour and communal eating programs in Ratanakiri. Thousands of highlanders fled to Vietnam and Laos in 1974 and 1975. Many of those who remained behind were executed for not following the party programme, or died from starvation, disease and overwork.

In 1979, Vietnamese troops forced the Khmer Rouge to the Thai border and established a socialist government in Phnom Penh under Heng Samrin, which waged war with the Khmer Rouge throughout the 1980s. Security problems, poor roads, and lack of regular air service left Ratanakiri cut off from lowland Cambodia during this time. After United Nations-brokered peace accords in 1991 and national elections in 1993 — plus the launching of regular flights from Phnom Penh — Ratanakiri began to open up to tourism, business, and the work of non-governmental organizations (NGOs).

**Linguistic groups in Ratanakiri.**

<table>
<thead>
<tr>
<th>Ethno-linguistic group</th>
<th>Population in Ratanakiri</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. AUSTROASIATIC: Western Bahnaric branch of Mon-Khmer Brou sub-group</strong></td>
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<td></td>
</tr>
<tr>
<td>Brou</td>
<td>5,500</td>
<td>Traditionally lived in Northeast of Ratanakiri -- now live primarily along the Se San River because of government relocation programmes in the 1960s and 1980s</td>
</tr>
<tr>
<td>Kreung</td>
<td>14,000</td>
<td>Live in the western part of the Central Plateau, and towards the Se San River in the north</td>
</tr>
<tr>
<td>Kavet</td>
<td>2,000</td>
<td>Live in the forested area north of the Se San River. Different governmental regimes have attempted to relocate them along the Se San River over the last 30 years, although since 1993 many have started gradually migrate back towards their old settlement areas closer to the Lao border.</td>
</tr>
<tr>
<td>Lun</td>
<td>150</td>
<td>Live in Vonsai and Taveng districts.</td>
</tr>
<tr>
<td><strong>Central Bahnaric branch of Mon-Khmer</strong></td>
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<tr>
<td>Tampuuen</td>
<td>18,000</td>
<td>Live in central Ratanakiri on the Central Plateau around Banlung and throughout much of Lumphat and Bokeo districts. Previously extended to Vietnamese border but were pushed westward by Jarai from Pleiku province in Vietnam in the 18th century.</td>
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Highland religion and livelihood

Except for the Pnong, some of whom practise Christianity, most of the highlanders, follow animistic belief systems, holding that spirits reside in the surrounding forests, lakes, and the villages themselves. Sacrifices and ceremonies are performed at different points in the agricultural cycle — before burning a field, planting and harvesting — as well as during a time of individual illness, epidemic or natural disaster in the village.

A particular indigenous group or village may believe that certain natural areas — a nearby mountain, forest, or lake — hold spiritual power and need to be treated with respect. Villagers will perform ceremonies before entering or using resources in such areas, or declare them completely off-limits to loggers and travellers.

While some of the indigenous groups have village shamans or mediums (arak) who perform spiritual rituals, in many villages the mey kontreanh, or chief elder, is the one who officiates at ceremonies along with other elders: overseeing the animal sacrifice, leading the chanting, and testing the wine. Village chiefs who are elected or appointed by the government may have a role in these ceremonies, but they usually defer to the authority of the mey kontreanh and other elders.

"Before the colonial period the highlanders believed in the mey kontreanh who was the one who organized spiritual ceremonies for the forest spirits," said Choung Pheay, a Kreung who was president of the Ratanakiri Provincial Tribunal until his death earlier this year. "Decisions like land management were made in a broadly democratic context. It was the mey kontreanh who prayed to Neak Ta [Spirit] for access to the land, or who decided where the village was going to settle."

Most of the highlanders subsist on swidden agriculture, supplemented by hunting, fishing and gathering of forest products such as wild fruits and vegetables, bamboo and rattan. In the dry season villagers clear swidden plots (chamkar), dring and burning the timber and underbrush. Areas cleared are usually secondary forest or forest fallows that are eight to 20 years old. Old-growth forest is usually not cut for swidden plots except when quality secondary forest is lacking.

Swidden plots are planted at the beginning of the rainy season and the same plot may be used for a period ranging from one to five years, depending on the quality of the soil. The plots are then left fallow in order to regain their fertility before being cultivated again. Villagers subsequently shift their farming sites to other fields that have regained their fertility or have never been cut at all. Fallow rejuvenation varies widely according to soil evolution, length of cultivation period and susceptibility to invasion by grasses and weeds.

The highlanders grow a variety of crops in their chamkars, including upland (dry) rice, cassava, taro, sugarcane, maize, sweet potatoes, yams, gourds, beans, peppers, sesame, tobacco, pineapples, egg-plants, tomatoes, pumpkins and cucumbers. Fruit trees are grown in the villages and chamkars, bearing bananas, jack fruit, cashews, papaya, and mangoes.

In addition, several of the indigenous groups cultivate wet rice in permanent inundated fields. Some of these paddy areas are extensive and have played a major role in sustaining indigenous, non-swidden agriculture. In
certain cases paddy farming began during the Pol Pot regime, with many of the dams and weirs constructed then still standing today. In other cases — among some of the Jarai and Kachok in particular — paddy farming has been practised since before the 1970s, particularly in shallow valleys at the bottom of basins which are rain-fed but also derive runoff from the surrounding hills.

Depending on soil quality, on average highlanders who farm exclusively chamkar have one to two hectares per family under active cultivation plus another five or six hectares of fallow chamkar. For those highlanders who practise mixed paddy and chamkar farming, they require a total of between six and eight hectares of land (cultivated, fallow and/or paddy land) to ensure food security.

The average chamkar size stays relatively the same — if too much land is cut and cleared, it becomes unwieldy to clear and farm, and if too little land is farmed, there’s the possibility of food shortages. Generally this delicate equilibrium serves to moderate the amount of land cleared unless other factors take precedence.

Most of the highland groups follow taboos or spiritual beliefs against clearing swidden plots within another village's cultivation boundaries. If a farmer from one village clears chamkar on the far side of a different village's chamkar, it is believed that the first farmer and his family — and perhaps the whole village - will fall victim to sickness, death or other misfortune caused by displeasing the spirits.

Some of the indigenous groups also follow strict regulations in regard to re-cultivating fallow chamkars. If someone wants to reuse another person's old chamkar, they must first ask that person's permission. A Jarai villager explained the system:

"You have to ask for land that's been fallow for five years, 10 years also. If it's been more than 15 years, we still need to ask the former cultivator because the forest has grown large now and the spirits have returned to take over. It's become a wild place again so humans take some risk in trying to reclaim it. We establish a claim by clearing the land, but if we abandon it a long time we lose the right because the trees are big and the spirits have returned. The person wanting to farm the plot may do a ceremony before opening such an old fallow."

The system of setting aside forest fallows rejuvenates soil fertility without use of chemical fertilizers. At the same time, the swidden system protects watersheds and helps conserve biodiversity by creating a patchwork of forests at different stages of regeneration within village lands.

**Forest conservation areas and spirit forests**

As part of the village subsistence economy, the forest ecosystem is second only in importance to the swidden system. Village forest conservation areas tend to be old-growth forests that are used for hunting wildlife and collection of forest products such as resin, honey, firewood, rattan, bamboo, and herbs. Often the soil is rocky or infertile and thus not useful for cultivation.

In other forests, resident spirits forbid cutting and other activities. Different forests are ruled by different spirits, each with their own taboos or spiritual regulations that effectively provide for forest and wildlife conservation.

For example, a section of Tabearr forest in Chum District contains a sacred grove of bora bamboo, from which villagers keep a healthy distance. Breaking off a piece of the bamboo or talking and joking loudly in the vicinity of the grove can result in illness or death.

The collection forests are integral to the village economy. Therefore, secure access to these forests and conservation of their resources are essential in land use planning for each village. This requires a perspective on land security which goes beyond the boundaries of village and agricultural land, but focuses equally on the old-growth forests on which villagers depend for their livelihood. As one Kreung villager put it:

"Our [village] boundaries extend only to our chamkars — that's one hour's walk — but we support our living in an area much further than that, in the forest beyond our village boundaries. These forests are like our market place — they are where we find wildlife, malva nuts, rattan and so on. If a company takes those forests, we'll be dead."

**Customary resource management and designation of cultivation land**

Most highlanders have a clear sense of the physical extent of village land used for cultivation, usually defined by streams, mountains, or other geographical features. Village sites do not move as much as is commonly
thought, and the highlanders of Cambodia cannot be considered as “nomadic. When villages do move, it tends
to be within the village's ancestral cultivation area — often within a matter of only a few kilometres — and for
specific reasons such as political upheaval, government relocation bad omens, excessive illness, or other
hardships at the current site. If part of a village decides to separate from the original group because of
population increase or conflicts between elders, the breakaway group looks for new available land. Such
occurrences usually only happen once in two or three generations.

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Cultivation land is distributed according to decisions by village elders and spiritual
beliefs, but often the result is that the land is distributed equitably. For example,
among different villages in Poey Commune in Chum district, the average number
of people per square kilometre is roughly 30 — regardless of village population
size.’

Specific boundaries between villages are not required unless the cultivation areas
from one village meet another. Thus borders are set up communally and only if
they are deemed necessary, to address real needs. When chamkar from one
village meets chamkar from another, elders from the two villages may meet to
decide on the boundaries. Inter-village negotiations over borders are not always
necessary when village cultivation lands meet, however, because the physical
location of chamkars and taboos against farming in another village’s cultivation area define the cultivation
limits.

Variations do take place within the different highland communities in regard to traditional resource allocation
and village movement and exceptions occur, even within the same commune. The Kreung village of Kralah in
Chum District has stayed in the same location for most of the last 100 years, while neighboring Kres village has
moved 10 times in the last 40 years. Groups such as the Kavet in Vonsai district, whose village and agricultural
sites have been disrupted numerous times by warfare and government relocation schemes, do not strictly
adhere to traditional cultivation boundaries. Kavet from one village will farm on the other side of another
village’s chamkar — something that is forbidden among most other indigenous groups in Ratanakiri.

The Kreung in Kralah have a very clear internal policy banning the sale of village swidden lands. Violators are
to be fined the price of the land sale, with the proceeds going into a communal village fund, or banished
outright from the village.

The only condition under which one can sell land is if there is agreement from the village elders and the village
committee — one person alone cannot make the decision to sell a piece of the community’s land.

Kralah’s no land sales policy was reinforced by the unrest over land rights in the 1960s, as Kralah chief Ya
Kuoch explained:

“From the time of our ancestors we never sold our land. In the past, a French company wanted to
plant rubber here. They had us serve them and work in their rubber plantation. Our land was sold
to the company. We worked for them but we stayed poor — there was no development for us. So
we decided not to sell to companies — where would our grandchildren farm in the future?”

Issues affecting land security

As conventional economic development in Ratanakiri proceeds, dwindling access to land and natural
resources is affecting the ability of indigenous populations to maintain se-
cure livelihoods. All of the province’s
land area except for the national park and wildlife sanctuary has been approved by Cambodia’s two Prime
Ministers for a 30-year concession by Macro-Panin, an Indonesian company. At the same time, provincial
authorities, who say the central government has not contacted them in regard to Panin, are proceeding with
their own development plans.

In December 1996, three logging companies were granted rights to transport 29,000 cubic metres (m³)
of already felled timber from Ratanakiri to Vietnam in exchange for public infrastructure improvements in
Ratanakiri. Two of the concessions, Kikimex Company (11,711 m³) and Reaksmey Angkor (12,500 m³), were
special concessions approved from Cambodia’s two Prime Ministers. The third concession, an economic
exchange agreement between Ratmalun and Gia Lai Province in Vietnam, authorized transport of 4,740 m³ by
a Vietnamese company, Lam San Mot.

Transport occurred from 2-31 December, ending with Phnom Penh’s 31 December log export deadline.
Villagers in logged areas said that most of the exported timber consisted of recently-cut trees felled between August and December 1996. In addition, they said that logs illegally left the province via new roads bulldozed in the forest, so that more than the officially reported amount of timber could have been exported.

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Jarai living near the Vietnamese border were very bitter about this latest logging operation because they depend on the forests for collection of non-timber forest products, particularly resin which they use for fuel.

"No one dared to protest — they had soldiers, people from the province, the big delegation," said one villager. "The company said they had approval from the district and province. There was no consultation with the people. 'Me dog doesn't dare to bite the elephant — who can dare protest?'" Kreung villagers in O Chum said: "The government says we are the ones destroying the forest but actually it's them. The big people are cutting the forest and making us poor. They should follow their own laws."

Land speculation and allocation of commercial agricultural concessions are increasing because of the seemingly limitless availability of land with fertile soil. The Ratanakiri Land Titles Office has records of more than a dozen pending concession projects in the province, ranging from 100 to 20,000 ha. One of the largest concessions — a 20,000 ha palm oil plantation slated for O Yadao District — is a joint venture between Cambodian and Malaysian companies, which has been approved by both Prime Ministers.

Increasing numbers of lowland Khmer are migrating to the province, and often they are obtaining title to parcels of land, particularly near market centres such as Banlung and Bokeo, as well as the southern part of O Chum and O Yadao districts. Land is being cleared and industrial crops planted on some of these sites, while other sites remain unplanted as speculators wait for an opportunity to resell the land at a higher price.

In areas close to Banlung, highlanders are becoming more accustomed to a cash economy and showing a growing openness to selling village land — a rare occurrence in the past because they completely relied on their chamkars to make their living. A number of villagers near the provincial town have now started to sell small plots, in some cases causing jealousy among other villagers. Some people said they were initially reluctant to sell, but eventually acquiesced to continual pressure from potential buyers, who claimed if villagers did not sell, their land would be confiscated by the government anyway.

Another factor affecting indigenous lands are proposed hydropower projects on the Se San and Srepok rivers and their tributaries, which will displace highlanders who have already been relocated by the government from their ancestral lands near the Lao border to new villages along the riverbanks. Six dam sites have been identified in Ratanakiri alone, with one — the "Lower Se San no. 3" — projected to flood an area extending from Vonsai town all the way to the Vietnamese border.

Half of the province's land area has been set aside for royally-decreed protected areas and provincial protected areas and tourist sites. Viracliey National Park in Vonsai and Taenv districts covers 332,500 ha, while a Wildlife Sanctuary in Lumhat District covers 250,000 ha. These areas may protect wildlife, forests, and tourist sites but could ultimately hem in indigenous populations. Squeezed by concessions and other development projects, villagers may feel they have no option but to encroach into officially protected areas.

In the past, highland land conflicts tended to occur only between adjacent villages, and the solution worked out between village elders was often to split the disputed parcel of land and expand the village boundary. But now, because of outside encroachment, the extension of village land is not always feasible.

Some provincial authorities attribute Ratanakiri's development and environmental problems to the highlanders themselves, asserting that the swidden system is highly destructive of the environment and that investors should be allowed to use fallow chamkars. One high-ranking provincial official explained:

"We need proper guidelines to solve the poverty problems in Ratanakiri. We need to organize clear principles of development to use fallow chamkar for investment. Sixty to 70 percent of forest destruction is due to swidden cultivation. All ethnic minorities are doing this destructive swidden. If we don't receive investment companies in Ratanakiri, in ten years there will be no good forest left. After repeating the swidden cycle many times, the mountains become barren. So we need to call for investment to grow crops on the fallow chamkars. If we are always thinking about the impact on the ethnic minorities, we will never get any investment — if we preserve the traditional
Some officials suggest that highlanders could attain a better standard of living if they switched from swidden agriculture to paddy rice cultivation or found employment with industrial plantations. But both of these options need to be examined carefully. Is there sufficient land for all of Ratanakiri's highlanders to practise paddy, and enough jobs on the proposed industrial plantations? The proposed palm oil plantation, which will affect more than 4,500 Jarai, will provide 400 jobs at best. And most of those jobs will not go to local highlanders, according to oil palm company representative Men Vuthny. "According to their customs the tribal people have to stop working at certain times and make [religious] ceremonies," Vuthny said. "They work two or three days and then once they get money they stop working and drink the whole week."

Current paddy land being used in Ratanakiri is primarily located in the lowland plains of the province and amounts to about 5,000 ha. The total available paddy area in the province is estimated at 11,000 ha. In the lowland plains, three quarters of the land is farmed by lowlanders, with only small numbers of highlanders practising paddy rice cultivation even though they live in paddy-growing areas. In the upland agro-ecological zones of Ratanakiri where the highlander population is concentrated, there is not enough paddy land available to allow all of the current residents to practice mixed lowland/upland farming.

Even in a best case scenario — if the paddy land was evenly distributed throughout the province and all highlanders switched exclusively to paddy farming — at one to two hectares per family this would only account for 5,000 to 11,000 families out of a total of 14,000. Ongoing land speculation further complicates the problem, as groups of business people form associations to buy up hundreds of hectares of paddy land for agribusiness, for example in Lumphat District. This removes potential paddy land from use by highlanders. Aside from the fact that many highlanders traditionally have a strong resistance to farming paddy, the conversion of highland groups to wet rice agriculture is not technically feasible.

Choung Pheav summed up the problem in an interview in 1995:

"There are many disadvantages at present for the indigenous people. The price of land is increasing, the population is increasing, investors are coming. Meanwhile the indigenous people need a lot of land to sustain their lifestyle. Lowlanders may take over the land because the ethnic minorities have no land title certificates. The minorities are very worried about Ns. Unless international organizations think about this problem and how to intervene, the whole traditional land stewardship will collapse. As far as the government is concerned, unless they see [land title] certificates, it is government land. But according to traditional rights it is the indigenous people's land because that's the way it's always been."

**Opportunities for land security**

Consensus among highlanders, NGO workers and some government officials in Ratanakiri is building that one of the solutions to the land crisis is for highlanders to obtain legal title to their land, to which — through occupation and use — they have already established occupancy rights.

"We need to distribute the land clearly now, whether it's individual or communal title," said El Djurado, representative of the Inter-Ministerial Committee on Highland People's Development, which is developing national policy for indigenous rights. "If we don't plan clearly now, there will be conflicts in the future."

While existing laws contain provisions for obtaining individual and communal land title, in Ratanakiri most of the indigenous people lack knowledge of land laws, and cannot afford the standard fees for obtaining land title. For many, language is a problem, as they are only semi-fluent in Khmer and cannot read and write. The remoteness of the ethnic minority communities from administrative centres, coupled with the complexities of existing laws and procedures, effectively bars many highlanders from obtaining land title.

To date, only a tiny fraction of the population of Ratanakiri have received certificates granting occupancy and possession rights to land, with the vast majority of these going to lowland Khmer and ethnic Lao residents. As of March 1997, the Ratanakiri Land Titles Office reported that 1,301 land certificates had been granted in the province, with none exceeding five hectares. Finalizing land title for applicants from Ratanakiri, which is one of the most remote provinces, requires land title employees to make a plane trip to Phnom Penh to obtain final authorization, which bogs the process down even more and adds to the expense.

At a provincial seminar on land rights convened in Ratanakiri in March 1997, participants identified several options for villagers to obtain land security under current laws.
One possibility would be for individual farmers to apply for private title to their agricultural plots (up to five hectares maximum). A second option would be for entire villages to register as an association with the government and apply as a group for title to communal agricultural land, continuing to practise shifting cultivation within their traditional village boundaries.

Provision of individual land title is easier for the Land Titles Department to accept because it follows standard land titling procedures, and some government officials assert that this approach is more compatible with national goals of economic development and modernization. However, providing every family with individual title would require the costly and time-consuming creation of thousands of cadastral maps and land title certificates. [A cadastral map shows the extent value and ownership of land, for the purpose of payment of taxes to government.]

While provision of communal title is unprecedented at the village level, it may be more compatible with the highlanders’ approach to customary resource allocation. Traditional village boundaries could be used, identified and quickly mapped, starting with participatory sketch mapping exercises with villagers. Cadastral maps could then be fine-tuned, using topographic maps and aerial photographs.

Preliminary interviews in O Yadao with Jarai show that they would prefer individual title to their land, while Kreung in O Chum and Tampuen in Banlung district say they prefer communal title.

"We don't just want one patch per individual family because next year it might not be used. It's better to have one [title] for the whole village," said a Tampuen villager. "If individual plots are titled," he said, "one family might get hilly land, another would get rice field, and a third would get good red soil which would eventually be depleted. It makes more sense to obtain title for village lands as a whole and then decide communally who is going to farm where and when."

Jarai, Tampuen and Kreung interviewed by the author say they worry that if individual title is parcelled out for islands of cultivation land, surrounding forests will be open for speculators, concessions, and timber companies, leaving no collection forests, no biodiversity, and no seeds for planting.

"If we develop in the so-called development way — each family up to five hectares — all the land and forests will be gone," said one villager. "If we develop in the traditional way, there will be forests and land remaining."

One compromise between the different approaches would be for government to grant long-term user rights (preferably a concession without a time limit) for villages to farm and manage communal lands as swidden commons as well as user rights to nearby collection forests. The ministries of Environment and Agriculture are currently drafting a sub-decree authorizing village associations to access and utilize forest areas for specified time periods by making contractual arrangements with the government.

Gordon Paterson, coordinator of the Non-Timber Forest Products Project, an NGO working in Ratanakiri, explained that the approaches need not be mutually exclusive. "Traditional communal approaches towards sustainable land stewardship can be integrated with governmental economic objectives," he said.

Industrial plantations could still take place on communal village lands, Paterson said, as long as such concessions were not only approved at the national level but through local community consensus. Villagers could be encouraged to grow their own cash crops on communal lands as well; enhancing their own economic development and self-sufficiency while avoiding mono-cropping strategies that erode biodiversity. Similar community concession arrangements could be made for villagers to access and protect nearby old-growth forests they rely on for non-timber forest products.

"Protecting and maintaining the traditional swidden system is not just a form of extravagant land rights for ethnic minorities," said Paterson. "It can be a key strategy for watershed protection and biodiversity conservation which are of benefit to the Cambodian nation as a whole. This is not to say that the traditional system is flawless. However, trying to make people be more productive on less land and/or moving them from ancestral lands may well have disastrous environmental consequences."