CHAPTER VI

CONTESTED DEVELOPMENT AND THE ARTICULATION OF LOCAL PRACTICES

This chapter discusses how ethnic practices are articulated by local people as strategies of resistance and link with culture, nature and the development process. The ways that ethnic minority communities interpret and interact with government development agencies and non-government organization workers are also addressed, specifically with an exploration of how the villagers in Yak Kaol community have utilized their cultural values and experiences to help secure the rights to manage and control their local resources in Northeastern Cambodia.

There are three sections in this chapter. The first focuses on the social interactions and contestations between powerful actors and the local community, and the ways that power is contested in order to gain access over the control of natural resources. The second section focuses on Kreung in Yak Kaol representations and knowledge used to negotiate, adapt and transfer resource-related cultural meanings and values. In particular, the ways that Kreung form social networks and social structures in response to changing socio-economic and political contexts are explored. The last section focuses on the claiming of local rights and the reconstruction traditional practices, strategic capacity building and the strengthening of local security for community participation in the control, management and use of local community resources.

6.1 Contested Development Space

6.1.1 Eliminating Shifting Cultivation

> Who needs to cut the forest? The ethnic minority farmers or commercial loggers?".
>
> (Jarai people interviewed on May 24, 2003)

> From the state's point of view, ethnic minorities are considered shifting cultivators who destroy the forest, but ethnic minority people have only small knife how they cut the big tree like Companies.
>
> (Chayan told audiences during my thesis defend July 2, 2004)

Since the eighteenth and nineteenth centuries, land and forest resources in Northeastern Cambodia have been critically and highly contested (see Chapter III). In many instances, the Cambodian governments tended to exclude local people from access to natural resource through granting land and forest concessions for national and international entrepreneurs to extract natural resources in ethnic minority communities. From 1994, such concessions were granted without ethnic minority community's acknowledgement or participation. Land and forest resources were subject to land and logging concessions, and the establishment of wildlife sanctuaries, tourism sites, and hydropower projects. During this time, ethnic minority people faced difficulties practicing traditional methods of agriculture, with much competition for resources utilization, and encroachments of ethnic community land. Examples of the government authorizing land and forest concessions to private companies in Northeastern Cambodia includes the following: in 1994, zoning was carried out for wildlife sanctuaries and 11 protected areas; in 1995, there was a land concession of 20,000 hectares for an oil palm plantation in O'Yadao and a forest concession of 350,000 hectares covering two provinces (Ratanakiri and Stung Treng); in 1996, there was zoning for *Virachey* National Park; in 1997, there were land concessions ranging from 100 to 2,000 hectares for cash crop productions; in 1998, forest concessions of 60,115 hectares covered three districts (O'Chum, Veunsai, and Taveng); and in 2003 there were land concessions of 10,000 hectares in the Andong Meas District and gem mining concessions of 1,600 hectares in Lumphat District (see section 3.7) (Colm 2000 and McAndrew 2001). In response, ethnic minority communities had commented during the seminar proceeding on 'Sustainable Development in Northeast Cambodia' in 1996:

> We use the forest for housing to collect firewood. We go into the forest to look for all means that can support our lives. We never cut big trees, but there are now logging companies and companies that buy land that are bringing disaster to the people.
>
> (Kreung man commented during seminar 1996)

Alongside these changes, ethnic minority groups in Ratanakiri have changed their ways of life. Some members of ethnic minority communities have been employed by the oil palm plantations in O'Yadao District and on the rubber plantations in O'Chum and Banlung Districts. Many villagers working for oil palm companies commented that:

> We cleared the land for the company because they paid us 90, 000 Riel per hectare. We did not know all the problems /clearing the land/ this would cause.... We are worried that when we lose our *Chamkar* we can't move to make farms in the big forest area because that is prohibited by the government. So we don't know how we will grow our food.
>
> (Sarom and Vanthon 1996:11)

Others have been hired by wealthy families within their communities to clear new land for cultivation or work on cashew nut farms, mainly in the Borkeo, O'Chum and Banlung Districts. When out of seasonal works, some ethnic minority people had increasingly encroached forestland, harvested plants, and overexploited certain species of plants like malva tree, rumbuttan, *plai komping reach*, and bamboo shoots. Some younger men have hunted wild animals to sell in Banlung town or along the provincial road to Banlung. These kinds of employment led villagers to give up farming and agreed to work on the plantation, because they lacked information from company and government to consult with them.

In 1995, provincial authorities imposed restrictions to clear new shifting cultivation plots, with the aim of protecting and conserving forest resources. To implement this conservation program, the government moved ethnic minority communities out of the designated protected areas. For instance, villagers in Kok Lak were stopped from practicing shifting cultivation, and relocated from the *Virachey* National Park to an area along the Sesan River in Veunsai District. In compensation, the Seila Program provided villagers with funds to purchase buffaloes and agricultural equipments. However, many of these villagers continue to travel to their traditional swidden plots and harvest local resources from areas they used previously. In several cases, the resettled families lost their buffaloes due to death or theft, and so returned to live in their traditional community areas.

In other examples, villagers in Koun Mom commune, Koun Mom District were relocated to live along the national road, and in 1996 villagers in O'Chum District were also displaced by hydropower projects. During this time, the Seila Program and

the CIDSE supported villagers with schools, health posts, wells, and credit services. In contrast, in the Yak Kaol community, the government did not relocate villagers, to avoid the further clearing of new shifting cultivation plots. Thus, the Seila Program and CIDSE promoted development projects by providing rural infrastructure facilities and encouraging villagers to maintain a permanent, restricted settlement.

Villagers view their shifting cultivation system as a traditional practice. As one member of the Krola villager said during interview on April 20, 2003, "Shifting cultivation practices are the most important, this is our tradition inherited from our ancestors. We need to cultivate and harvest plants for our livelihood." Shifting cultivation not only supports villager subsistence but is also an important part of Kreung social life. During the annual period of practicing shifting cultivation, villagers often communicate with members of their extended families living nearby. Villagers do not indiscriminately clear forest areas for cultivation, but use certain criteria for site selection. For instance, they do not clear forest areas with large trees, rich in a distinctive deep red soil, with certain wildlife living there, especially white monitor lizards, white squirrels or tigers. The combination of these characteristics is considered to represent powerful spirits, which villagers protect by not disturbing the local ecosystem.

Ironically, government agencies generally regard villagers as destructive forces, destroying forest resources. Villagers view their environmental relations differently from government point. As several ethnic minority groups perceived during seminar proceedings on Sustainable Development in Northeast Cambodia that their lives, cultural values, environmental wisdom are associated to forest and land:

> We live because of the forest. Trees are our grandfathers, our sisters and brothers. The trees have value since the time they are small. Some of them even yield fruit for us to eat. The forest is useful for the climate because it can make rain. If all trees are cut, the rain would disappear. Without trees strong winds will be destroyed our crops and the weather will very hot.
>
> (Jarai woman commented during the seminar proceedings 1996:7)

> We consider the forest as equal to our lives. If there's no forest, we will die. We want to keep the forest but we cannot avoid cutting it. If we don't cut it, we have no Chamkar to farm. This has been our traditional since the old time.
>
> (Tampuon woman commented during the seminar proceedings 1996:7)

6.1.2 Dam Construction as Development Practice

In 1996, the 720 Mega Watt (MW) Yali Falls dam in Vietnam had major impacts on ethnic minority groups living downstream in Cambodia. The construction of the dam caused more then 30 deaths in the villages of Andogn Meas and O'Yadao in Cambodian territory, as well as loss of 612 buffaloes, 322 cows, 2,389 pigs, 3,559 ducks and 40,962 chickens and dozen of houses. Moreover, 629 hectares of shifting cultivation land has been flooded in recent years, with 1,830 hectares of wetland rice fields completely inundated in 1999. Additionally, 9,563 gillnets, 129 castnets, 300,594 hooks, 24,192 small basket traps, 5,606 large basket traps were washed away, as well as 1,191 boats and 8 motor-boats when water levels rose quickly due to water releases from Yali reservoir (Fisheries Office 2000). The Yali Falls dam has severely impacted ethnic minority communities in the upland areas of Cambodia, affecting their agricultural lands, domestic animals, lives and livelihoods. Additionally, there are various kinds of aquatic and riverine vegetables, however, that supply ethnic minorities who live along the Sesan River with important nutritional sources. Some villagers who live along the Sesan River have increased their harvests of plants and vegetables from the forest for their daily needs, and also sell some plants and wild animals to buy rice. Recently, many species of wildlife, such as, monitor lizards, turtles and snakes have become scarce in upland areas. In addition, villagers have had to establish shifting cultivation plots in upland areas far from their village. Some women in the Malic commune were forced to sell valuable items, such as, earrings, cattle and buffalos to buy rice and other necessities.

6.1.3 Logging and Land Concession as Development Practice

In early 1998, the Hero Taiwan Company began logging in O'Chum District in accordance with their 25-year logging concession over 60,000 hectares of forest. The company indiscriminately cleared the forest, in contradiction of the terms of the contract to fell an average of 5 trees per hectare and to respect the customary laws and taboos of local communities. In response to the company's actions, in March 1999 the Kreung people in Yak Kaol community opposed the logging by commandeering tractors and trucks belonging to the Hero Taiwan Company and preventing workers from entering the forest. The company's logging concession covered the community forest in *Romal Khal*, which villagers depend upon to harvest plants and to gather the

materials used to make their houses and communal halls. Large trees also fell into the streams and blocked the migration of fish (Figure 6.1).

Figure 6.1: Timber Blocking Streams in the *Romak Khal* Forest
Photographed by author, December 9, 2003

Further, the logging company hired members of the village at the very high wage of 10,000 Riel per day, which created disparity in income levels and tension. In this way, the company tried to create support from the community for their logging within restricted areas, where valuable trees existed. The logging has thus led to the destruction of wildlife habitat and water resources, and affected community solidarity. Recently, a member of the Krola said during the field visit for this research.

> We have lived for centuries in close harmony in this wilderness, sustaining our livelihoods with these forest resources. We have learned ways to manage these resources through experience. It is depressing to see the government granting logging concessions and land concessions where the large trees and small trees, which we consider to be inhabited by tree spirits (Arak Long) have disappeared. Forest areas have declined and our cultivable lands have been turned into commercial cash crop areas. These made our resources scare and competition among community members were emerged.
>
> (Krola Villager of Yak Kaol community, December 18, 2003)

The economic growth of the 1990s attracted lowland people to migrate into Ratanakiri and has led to competition and conflict with ethnic minority people for living space and resources. Lowland people with close relationships with commune chiefs have requested parcels of land in the Banlung, Borkeo and Koun Mom

Districts. Some lowlanders have also purchased small pieces of land from ethnic minority communities and then expanded them through illegal encroachment of forest areas. For instance, one civil servant who was granted three hectares of land by the district authority and commune chief in Teun commune, now possesses 20 hectares of cashew nut plantations from illegal expansion. Moreover, lowland people often take advantage of ethnic minority groups by legitimizing their ownership of contested land by acquiring 'land certificates' from the local authorities. . Ethnic minority communities are generally unaware of the acts and procedures of legitimizing their assets. As Kreung villager in Yak Kaol commented that:

> I don't want them/government/ to sell land to companies because I am afraid that there won't be land and forest for the people to use anymore. I want development but I don't understand much about it. I am very concerned about those companies. Whenever, they came, the trees go. They always come with a paper/land title/. I think it is very difficult to prevent them/companies from taking away land/ because they are not minor like we are. They have guns, power, car and 'big bellies'. If they intend to bring progress to the village, I should thank them and persuade local people to participate with a clearer understanding about development. But there are a lot of signboards of land ownership/ and they are spreading. They keep moving close to other people's land and one day they may reach mine.
>
> (Kreung man commented during the seminar proceedings 1996)

Generally, lowlanders have acquired land situated near accessible roads. There have been cases of forceful land-grabbing by high-ranking military officials (see Chapter 3) that has posed a dilemma for local people. As villagers in Borkeo District explained, "It is better to sell our land and receive some money instead of losing it to someone for nothing, as happened in 1997." Additionally, McAndrew (2001:14-16) reported in 2001 that 35 of 67 households in Kameng village, Borkeo District had sold their land to lowland people. There are also some government officers in Borkeo District who claimed ownership of land along the national road and then sold their land to lowland people or land speculators in 1998 and 1999 before they resigned from military service.

6.1.4 Mapping and Conflicting in Local Community

Due to increasing land conflicts and depletion of forest resources, the Seila Program has expended their project of Community-Based Natural Resources Management (CBNR) . In 1999, the Seila Program developed new rules and

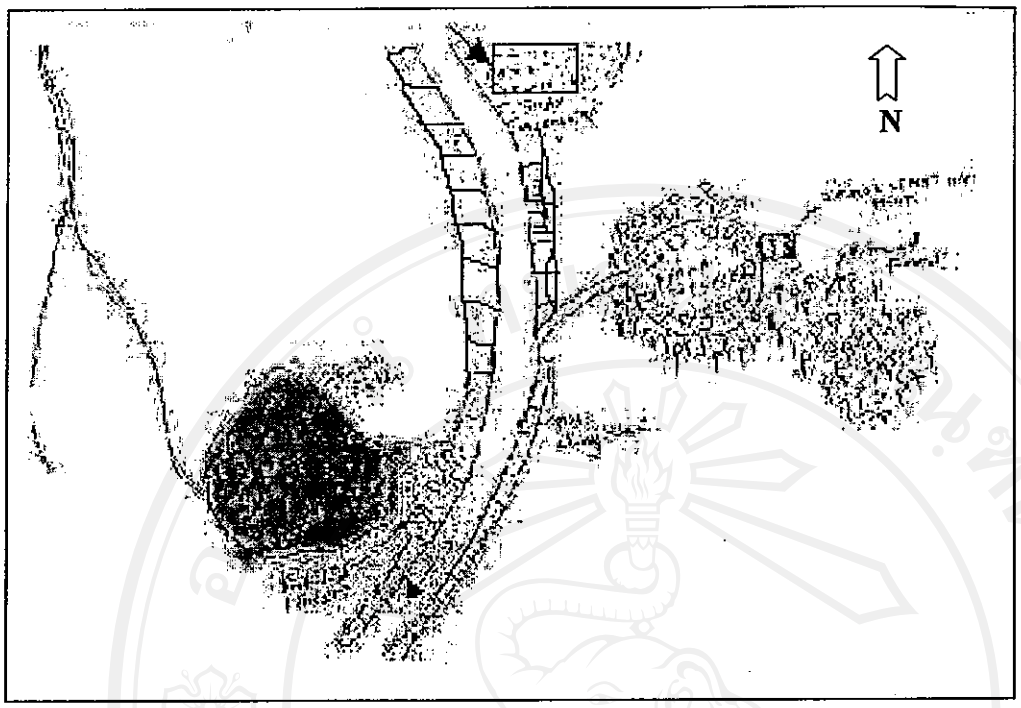
regulations for CBNRM including the demarcation and mapping of land, which villagers do not understand about this project. The local community apparently saw these new rules and regulations as contradicting their traditional customary practices. An elderly man in Krola stated that:

> In late 2003 I cut down a tree in forest areas in La'ak village for the construction of my house. At that time, a member of the Land Use Committee from La'ak community fined me 50,000 Riel and did not allow me to use the timber. I always used to hunt small animals, collect plants and vines and cut wood, and there were no problems.
>
> (Traditional leader in Krola of Yak Kaol community, January 15, 2004)

This incident clearly indicates the inefficiency of the program and also the contradiction between traditional and new rules. It also exemplifies the lack of awareness by some local people about changing policies regarding resources use, and the continued adherence to traditional and customary rights.

New regulations in the Seila Program restrict community members to fixed plots for agriculture, making them sedentary, and negated their communal rights. In reality, the land-use systems of ethnic minority communities are complex, with land classified as communal, as belonging to a kinship group, or as household land. For example, each Kreung household occupies both shifting cultivation plots and wetland rice fields. They have rights to transfer land to their relatives or community members, but these areas are considered to be communal land. The cashew nut farm and fruit tree gardens are considered as individually-owned property.

In 1996, residents from Svay village cleared swidden cultivation plots within the boundaries of Krola village (Figure 6.1), in an area that had not been previously cultivated. The village chief allowed them to use the area temporarily, with the agreement that expanding shifting cultivation plots beyond this area was prohibited. In violation of this agreement, people from Svay grew crops, such as, cashew and then claimed user rights over the plots and now they are included within the community boundary of Svay.



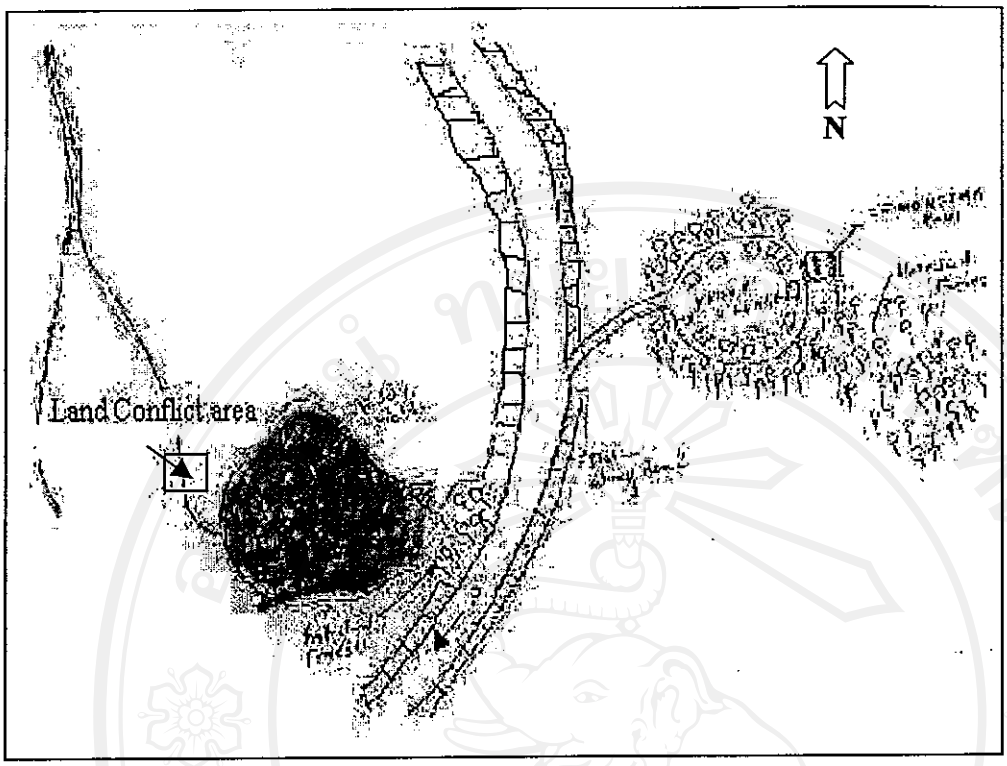
Map 6.1: Land Conflict between Svay Village and Krola Village

Land conflicts in Yak Kaol community are indeed complicated issues. For instance, the members of Kreh village moved far from their existing settlement to an area close to the provincial road and upon returning claimed land back from Krola village, which the Krola community agreed to. Such an agreement was made on the basis that Kreh villagers originally migrated under the government program to locate ethnic minorities to live close to main road. Kreh villagers claimed that many of Krola's shifting cultivation plots belonged to their ancestors. However, Krola villagers argue that Kreh has been relocated several times, and only moved back to this area in 1992. In the 1980s Kreh villagers had moved from the area and then Krola villagers had extended their village boundaries. Krola villagers then abandoned the Southern part of Krola territory, because it was far from their village base and claimed former Kreh lands. Krola villagers therefore consider the Kreh to be located on their traditional territory now. Over a period of several years in the 1990s, members of both villages tried to avoid conflicts and land encroachments by strictly respecting customary boundaries. The villages used the O'Tong stream as a demarcation boundary; with Krola shifting cultivation plots on one side and Kreh plots on the other.

In attempts to resolve the issues, the Kreh and Krola villages agreed that shifting cultivation plots be kept under swidden cultivation, without planting fruit trees or perennial crops. In addition, they agreed to prohibit the selling of land. However, in 1996, Kreh villagers planted cashew nut trees in the contested area, leading Krola villagers to bring the case to the commune office to resolve. The commune chief invited the elders of both parties to discuss the case and find a solution. During this discussion, the commune chief found that the Krola village boundary was not clear because the village was still using old community boundaries as well as a new boundary. The commune chief proposed that both villages should recognize the newer village boundaries.

There have been many such contestations of community boundaries in Yak Kaol and across other communities in Ratanakiri in recent years. Recently, a La'ak villager seized a piece of land, approximately 1,500 m^2 from Krola village. That family is now growing corn in the plot. When Krola villagers complained the La'ak family agreed not to try to sell this land or plant permanent crops there, the La'ak family also agreed to use a different path and water source from those used by Krola villagers. In another case of land conflict, between Vorng and Krola, Vorng villagers cleared a wetland rice field approximately 2,100 m^2 at O'Tang, within the Krola boundary. A Vorng villager stated, "I grow rice there because it is adjacent to my cashew nut plantation and also it is easy to use water. This area is our ancestral land, we want to use it again" (Map 6.2) (Vorng villager, May 29, 2003). Vorng villagers had been forced to live along the Sesan River in Veunsai District during the Pol Pot regime. After the Sesan River greatly effected by the Yali Fall dam in 1996, villagers began returning to the site of their original settlement, to overcome the livelihood difficulties, caused by flood and food insecurity.

In each of these cases, villages have attempted to claim their ancestral domains and not respected existing agreements between communities. There has been increasing land conflict with the demarcation of village boundaries aiming to secure land use. These conflicts among the Kreung community are complicated by historical perspective, as villagers have been relocated several times in different periods due to the political instability and spiritual beliefs, especially in the 1970s and 1990s (see Chapter V).



Map 6.2: Land Conflict between Vorng Village and Krola Village

Even so, according to the Yak Poey commune chief, the contestation between communities is not a major problem, and can be settled through customary law. He comments, "I can facilitate a resolution of the conflict between two villages, through tradition and taboo. Problems can be solved by reminding the people of traditional beliefs. If one village violates the land of others, then, the spirit will get upset and cause illness or misfortune" (Commune chief, April 2, 2003).

The traditional leaders in Krola previously settled disputes in the community through the rules and regulations of traditional systems, without any outside enforcement. The influence of the traditional leaders and the village chief is now vital in solving conflicts through traditional system, and coordinating and facilitating recognition with local authorities. The current procedure for conflict resolution requires that Krola villagers first inform the Land Use Committee, traditional leaders and the village chief about any land disputes. The traditional leaders, the village chief and the aggrieved party then negotiate with the accused party. The preferred solution is for the new user to agree not to increase the swidden plot, to sell the land, or to plant fruit trees, and to use a different source of water and pathway to their farms. If Kreung villagers again observed customary law, it could minimize conflict and

competition between community members, since customary law guides and restricts land use and involves collective decision making rather than an independent committee solving the conflict.

Development in Northeastern Cambodia has involved multiple actors, such as, government agencies, national and international investors, elites, lowland migrants and ethnic minority communities. In the 1990s, contestations between these actors for the utilization and exploitation of resources have included:

i) Conflicts resulting from the granting of logging and land concession to various companies and hydropower projects in several dam sites both of which have severely affected local communities.

ii) Local people contesting their representation as forest destroyers and promoting an understanding of local communities as wise resources users in traditional systems of agricultural production; and

iii) Local contestation of government control of natural resources through the promotion of self-empowerment, participation, and alternative development.

In the context of the contradictory development programs and regulations applied in ethnic minority communities in Northeastern Cambodia, such incidences will continue to occur, with potentially serious consequences for local communities. Conflicts have often been fuelled by the excess depletion of natural resources and the fragmentation of local communities. Yak Kaol communities have faced many challenges related to land including land encroachment, land grabbing, and land speculation. Krola villagers have expanded livelihood strategies to include wetland rice farming, cash crop production and the growing of fruit trees, in addition to the practice of shifting cultivation.

Poorer villagers in Yak Kaol have a continuous shortage of land for shifting cultivation and must work as wage laborers. One of the major concerns of ethnic communities is to provide opportunities for development that secures the access to resources such as land and forest and avoid further marginalizing local communities or granting lowland elites even broader access to natural resources. However, the 'contested development space' of ethnic minority communities often failed due to lack of recognition of local community rights, and also they are unaware of national laws or procedures of legislations. They often lost their rights over land and suffered

from food security. Thus, the government development programs had no teeth available to chew what it had bitten off, and this affected local people. In the following section I attempt to illustrate the traditional values and knowledge of ethnic practices to cope with the 'technology power' of state implemented economic development in ethnic communities.

6.2 Local Practices as Articulations of Resistance

This section focuses on how ethnic minority peoples negotiate, adapt and participate in the processes of transformation: agricultural practices, livelihood strategies, money independency and use of intensive labor within and outside local community. In the meantime, they also strengthened their social network to politically link with their ethnic community society. The development of ethnic minority communities in Northeastern Cambodia during the last decade has changed livelihood strategies as well as the social relations and interactions of communal systems. In this process of transformation, local people have developed strategies to gain the rights to control, manage and utilize natural resources to meet their subsistence and economic needs. These strategies include negotiating with the government, participating in development projects as well as strengthening local social networks. These social networks involve communal relations and family kinship systems that have established social norms and ties, which support local people with a diversity of living conditions, wealth categories, and livelihood strategies, and that accommodate different levels of power and perceptions of development.

6.2.1 Everyday Practice

These local strategies can be seen as means by which ethnic minority people can reconceptualize the terms of their existence, their social linkages, and culture. Communities have different ways to articulate these conceptions, for example, through stories, songs, and ceremonies. Ethnic minority groups refer to both animate and inanimate objects in their tradition and livelihood practices, with spiritual belief systems associated with the forests, mountains, rivers, and agricultural land. As

commented by a Jarai during the seminar proceedings on 'Sustainable Development in Northeast Cambodia in February 27, 1996:

> The forest, the land around us is our life, cultural values. We are nothing without our land, our forest, and our streams.

At the same day, the former provincial governor of Ratanakiri described that:

> The ethnic minorities are the original people of this land. They live with the environment and use the natural resources sustainably. The natural resources they live with provide everything for their culture and for their livelihoods. They know how to manage the environment and understand why natural resources are important. The environment in which they live defines the identity of each minority groups.
>
> (H.E Kep Chuktema 1996:14)

From above view local people constructed their development space link to land, forest and environment as identity associated with living space. The ritual performance formed antithetical cultural practice. The practice, in turn served as a boundary maintaining mechanism by interpreting the meanings of ancestral domain. In everyday practice thus spiritual ceremony created a ritual space, which implied a sense of 'community' through the linkage between community members.

It can be seen the ritual space performed opposition to the French rulers. During the French colonial period, all Khmer, including ethnic minorities, had to pay taxes to their colonial masters. However, the Kreung in *Kagn Cheung* village in the Yak Poey community could not afford to pay taxes, and hid themselves from the French who came to collect taxes. Villagers often performed illness rituals or village ceremonies within their communities. During the conduct of such rituals, entry or exit from the village is prohibited until at least seven days after the ritual has ended. Sometimes, villagers stayed on their farms for the whole day and came back late in the evening. These strategies helped villagers to avoid paying taxes to silently resist.

In other cases, villagers could not oppose to the French rulers, when they came to Northeastern Cambodia to promote agro-industrial production and to establish the rubber plantations. French authorities initiated projects that displaced many villagers and established a requirement to serve 15 days per year in public works. The Jarai, Tampuan and Brao in Ratanakiri opposed these displacements. They formed small groups to revolt against suppression by French rulers and even attacked small outposts

in 1885 and 1886 (Ironside et al., 2003). Later, the Kreung and Tampuon who lived near a military post in Labansiek were able to escape deep into forest near the Cambodia-Laos border to avoid enslavement by French rulers. In this context, villagers fled to withdraw from the rulers. Many elders in the Yeak Loam commune still recall their experiences running away from French rulers to live along the Cambodia-Laos border:

> We were angry that the French rulers came to take our land, and told us that they would only take land equal to the size of the buffalo skin (*Sbek Krobey*), but they forced us far from the ancestral domain. We could not fight with the French, because they had guns. We were moved away from our ancestral community to live in the jungle. During that time, we had shortages of food; we had only yams, ferns and a little rice. Some of our friends died of starvation, illness, and also from tiger attacks. We could not see our relatives and friends for a long time because we feared the French would arrest us.
>
> (Elders in Yeak Loam Community, January 05, 2004)

In the late 1960s, ethnic minority groups, including the Kreung in Yak Kaol, protested commercialization programs by encroaching onto the land of rubber plantations. The government, however, did not accept the legitimacy of their protest. Some ethnic minority people joined the *Neak Torsur* to protest the payment of taxes and also to reject employment in rubber plantations. In the 1970s, General Lon Nol's army exploited natural resources in Ratanakiri and terrorized local populations. Some ethnic minority people escaped to hide in the jungle to avoid confrontation with the state power. The most overt forms of opposition to the Lon Nol government took place in connection with the Khmer Rouge rebellion.

/ As part of these realignments of power between the state and local people in Northeastern Cambodia, in 1996, Kreung villagers in Krola formed a Land Use Committee to play a key role in land-use planning, and help to secure the rights and survival of their ancestral community. Recognition of village boundaries had been officially established in 1980, but due to the movement of villagers and settlement, the boundaries have become unclear. Traditional leaders in Krola and the Land Use Committee collaborated with the NTFP in 1997 to redefine village boundaries according to customary law. They identified several land types for communal and individual use, including burial forests, spirit forests, shifting cultivation plots, protected areas, water catchments areas, bamboo forests, and wetland rice fields.

The traditional leaders and the Land Use Committee in Krola have developed rules and regulations to protect and conserve many of these areas, including burial forests, spirit forests and objects of spiritual relevance, as well as water bodies. Beyond this, villagers also protect and preserve forest areas surrounding their village to serve as windbreaks and fences. These conserved forest areas provide useful sources of food, materials, and refuge, and an important part of livelihood and traditional practices.

These rules and regulations have been combined with the principles of customary law to serve as a mechanism for conflict management at the community level (see Section 5.3). Customary laws and taboos restrict certain activities in Kreung society such as collecting plants, hunting wild animals, and cutting trees. There are also taboos on agricultural practice, which forbids the crossing of village boundaries and the use of the same water sources as other villages. The recognition of customary law can minimize conflicts between members of the community if these principles of conflict resolution are respected. As the Yak Poey commune chief argues, "Only customary practices can remind villagers to avoid conflict" (Commune chief of Yak Poey April 2, 2003). In most situations, villagers respect customary laws and taboos as it is based on their social values that one passed down through generations. Customary practices and laws provide not only the material meaning for daily living, but also cultural meaning in terms of morality, power relations, and explanations of the legends and origins of ancestral lands.

The Kreung myth of origin explains that forests are not only areas with trees, but also the home of spiritual guardians, sacred wildlife habitats, places of worship for conducting rituals, a site of burial, and the setting for traditional life-styles. Customary law guides both material and spiritual life associated with forests, mountains and streams. Within this context, bamboo forests are called '*Bree Arak Krola*', which is related to the legend of Kreung ancestor, and the spirit forest where villagers pay respect and worship, is called '*Bree Arak*'. Additionally, the *Roka* trees and banana trees planted within the village are a sacred symbol related to wealth and prosperity. These sacred forests and trees are considered protected areas for plants, herbal medicine and wildlife, providing a framework for environmental preservation. Cutting trees and clearing land for shifting cultivation plots is forbidden in the spirit forests. Also, if villagers want to collect plants and herbal medicine, they have to pay

respect to *Arak* and act responsibly, by collecting only enough for consumption needs, speaking softly in the forest and not hunting large animals. If someone breaks these taboos, the traditional leaders and spirit mediums would impose fines.

In severe cases of marginalization in ethnic minority communities, for example, when the Hero Taiwan Company disregarded contractual restrictions and communal sentiments (see below), local people resorted to silent opposition. Villagers sang songs to express their opposition to the government granted logging concessions. For example, this song written during the time of protest deals with community care of land and forest:

Natural Resource Management

> Oh! Fathers, Mothers, pay attention to the protection of our environment and the pristine forest. We must go straight to the pristine forest - we must tell everyone to focus on conservation. We are joining the discussion - let's fully participate in the protection of our forest. We share resources - we share responsibility equally in our society.
>
> Hero Taiwan came with chain saws - cutting our timber, cutting our Arak. Small trees, big trees, animals are gone - we all came to rescue our forest - the wild animals and our Arak. We join together with all our hearts to stop anarchists like Hero Taiwan.
>
> (Song of the Kachoun community, translated by the author, December 29, 2003)

Additionally, villagers during their conflict with Hero Taiwan Company expressed many issues related to their daily lives, including the unequal distribution of resources among villages and the overexploitation of resources. In 1999, confrontations over logging concessions occurred between the Hero Taiwan Company and the Kreung community living in the logging concession areas. Many villagers in Yak Kaol often complained that logging concessions destroyed their spirit forest, where they used to collect plants and vegetables, and worship. The logging disturbed the spirits who protect wildlife, the environment and people; the commercial logging angered the spirits and caused illness, misfortune, and natural disasters. In response, villagers have promoted the protection of their forests and preservation of their sacred sites.

The resistance of villagers can emerge anywhere and anytime. For the Kreung resistance has surfaced during ritual ceremonies, while working in the fields, going to the forest, or traveling back and forth between the village and *Chamkar*. Villagers in Yak Kaol stated recently that:

> The Company cut all the trees, which have fallen over the path. It is difficult to walk through to collect plants and vegetables. Our cattle also

> have difficulty grazing. Timber litter destroyed aquatic resources and blocked fish migration because the streams and rivers clogged. The wildlife living in our community forests were scared away.
>
> (Villagers in Yak Kaol community, December 9, 2003)

Villagers have also performed spiritual ceremonies, which involves sharing food to supplement their diet and the strengthening of kinship and other community bonds. Further, ritual performances effectively construct a cultural space that also functions as a political linkage between community members. Interaction within this cultural space influences the economic, political, knowledge and social life (see Sections 4.2 and 4.5.3). During the planting and harvesting periods, villagers traditionally prepare spiritual ceremonies offering food to spirit for good health and high yields in the following year. During these times, community members help each other, for example, with rice harvesting by contributing labor and sharing food. They also rely upon elders to negotiate local knowledge related to customary laws and taboo to manage their local community resources (see Section 5.3). Additionally, young people discuss employment opportunities outside the community when they have free time during the harvesting season.

With this context, ritual performance can strengthen cultural and economic values, as well as relationships among community members. For other events, such as, funerals, which include sacrificing pig, a cow or a buffalo, community members are obligated to contribute labor and financial resources. Relatives from other communities also come to support the members of death family. During the night, traditional leaders perform traditional dances, and young people might later watch karaoke. This karaoke place helps to attract young people from neighboring communities mobilizing to attend the funerals. Once at the funeral gathering, there is an opportunity to engage in different discussions and share experiences. Thus, funeral can also been as creating cultural spaces that strengthen cultural values, networks and processes of social learning.

6.2.2 Community Networks for Local Development

In 1999, the Land Use Committee in Krola persuaded government agencies, such as, the Department of Rural Development, the Department of Environment, the Department of Agriculture, Forestry and Fishery, provincial authorities, and NGOs such as the NTFP, the NNRM and ADHOC to further investigate Kreung grievances.

These organizations conducted a combined study of Kreung cultural resources and found that: (i) the physical environment of the Kreung was fundamentally connected to their religion and culture; (ii) the spiritual landscape comprised of spirit forests, spirit mountains, and scared groves; (iii) spirits also reside in areas where forest products such as bamboo, vines and rattan are collected along streams and in agricultural fields; (iv) and that logging concessions have had negative impacts not only on the physical environment but also on the spiritual landscape (PRDC 2000:4). The Land Use Committee and traditional leaders very proudly presented these findings to local and provincial authorities and the royal palace. They also presented the report to international development workers, researchers, and newspapers. In this way, local organizations have helped to bridge the gap between the power of the state and the influence of NGOs to work together to reestablish local communities. In this perception, local people communicated with both government development agencies and NGOs to support and recognize their community rights and cultural values.

Local people protect their ways of life through the strengthening of social networks. For instance, villagers in Yak Kaol have established relationships throughout the province including the Khmer Leu Association, the NNRM, the NTFP, ADHOH and CIDSE, preparing workshops for voicing and addressing their concerns with international organizations and government development agencies. In this way, the Kreung and other ethnic minority groups have used social networks as a mechanism to express their concerns regarding the depletion of resources by people outside their community.

Villagers often perceive their daily lives and traditional practices as reliant upon land and forest resources. Now with natural resources depleted in Ratanakiri, and places of worship destroyed, livelihoods have changed and local people have experienced in many challenges, including food insecurity. Villagers have expressed a desire for development, but for a kind of development that maintains their religion and culture. Government plans engage with the global market economy have created a new situation where society is increasingly dependent on support from foreign-investment projects. Both domestic and international investors are considered by the government to be very important in assisting with the country's redevelopment (Nee 2000:179). Investors, such as, Hero Taiwan, rubber plantation companies, holders of oil palm concessions, and the Seoul Digem Company from Korea have sought to gain

financial benefits by seeking special concessions over land, logging and mining. Within the processes of development, the government has favored investors, and at the same time marginalized people on the remote frontier communities.

Protests against this marginalization occur in the everyday lives of ethnic minorities in Ratanakiri, in their expression of opinion, in contestation, or condemnation, as they attempt to minimize the risks of development, and recreate it to benefit their communities. As Krola villagers in Yak Kaol community have argued:

> Many people have come here speaking of development, and what do we see? Nothing! The big delegations came from Phnom Penh asking questions and talking of development, poverty reduction, sustainable development, but what have they done? Nothing! Instead, we saw the trucks carrying timber and we heard the chainsaw.
>
> (Krola villagers of Yak Kaol community, December 9,2003)

Villagers in general are differently able to benefit from development and have therefore responded with a diversity of livelihood strategies. Such responses have often included individual and collective activities as articulation of resistance, constructed on the basis of social relations internal and external community networks and through association with tradition. Within the community, social relations can be understood as having two dimensions political and economic and the diversification of villagers' livelihood strategies has led to economic and political stratification between local community members.

In the process of development, poorer families and female-headed households have sought help from wealthy households, local authorities and other powerful villagers for livelihood support. Another villager in Krola, for instance, lived in Banlung town for 10 years, but in 2002 the family moved to Krola village, where his wife comes from. She is in the family clan of the village chief, and requested a plot for settlement. The village chief in Krola discussed the request with the traditional leaders and the Land Use Committee and decided to provide them with a piece of land in the Kay Yak Mountain area near the village chief's farms. In 2003, Mr. Maove's wife also borrowed money (50,000 Riel) from the village credit union with the village chief guaranteeing her request for access to credit.

Relations between political leaders and powerful villagers can be seen as a form of patronage, to secure control over financial resources and dominate village markets.

During my research, I observed that members of poorer households in Krola came to work for the family of the village chief's son in exchange for salt, MSG and kerosene. The village chief's son runs a small grocery shop and trade in cashew and sesame. He exchanges groceries for cashew nuts and buys cashew nuts and sesame products from the villagers. Before this collection of agricultural produce, he lends money or products including salt, tobacco and storage containers to ensure that farmers sell their products to him.

Such associations and reciprocity between rich and poor have helped to create strong, mutually-beneficial though not always equitable social networks. Within these networks, poorer households provide labor for the rich families, who pay them either in cash or in goods. Most of the time, traders from outside village find it difficult to buy products from villagers, as villagers have commitments to local customers for the money that they have borrowed.

Increasingly, economic activities are changing these social relations and interactions at the local and community levels. Changes are caused by the increase in monetary demand, with the poor strengthening their ties with powerful villagers through wage labor to gain such benefits as the right to borrow rice or salt. Sometimes poorer villagers also borrow motorcycles from village employers to drive to Banlung town to buy goods and medicine. In return, their employers benefit from increased wage labor as payment.

For many ethnic minority groups, the kinship systems are determined by blood relations and by marriage, and create a strong sense of connection among community members. These relationships can cross community and ethnic boundaries. The Kreung people have a marriage system based on a bilineal kinship network, meaning that newly-married couples provide mobile labor support for their brothers or sisters and both sets of parents. This system is mutually beneficial, with couples relying on their parents to compensate their labor with household support and allowing them to gain valuable experience and knowledge. The newly-married couples often move between the communities of both their parents. This movement strengthens the social networks between those communities and also supports strong feeling of solidarity among community members.

There have also been cases where social networks have been established with the business-people outside the Yak Kaol community. Mr. San often communicated with people outside the village and led a life similar to many Khmer. Mr. San is a trader and has relations with entrepreneurs in Banlung town, such as, cashew and wildlife buyers and butchers (primarily Cham people). These business-people supported Mr. San in the past when he needed to make cash investment by lending him cash without interest. He used their cash for trading in the village during the cashew and sesame-harvesting season. Within the community, Mr. San also buys and trades livestock. Mr. San then sells them to the butchers, and gets commission from the purchase. He also drives villagers to Banlung town for a fee. Meanwhile, Mr. San's wife helps to manage wage laborers on the farm. All of these activities help to generate household income.

In the changing social landscapes of the ethnic minority communities, partnerships between different groups of villagers have been formed or strengthened by social and economic exchanges or support. Many people in Yak Kaol have developed close relationships with the people who returned to their homelands in 1998 from the Chayu Mountain camp of the Khmer Rouge near the Cambodia-Laos border through the process of government reconciliation with the Khmer Rouge rebels. Returning villagers brought a new way of life for their survival within their ancestral domain, where they intensively grew rice, vegetables and fruit trees. They are also raising pigs and chickens, as well as possibilities for the exchange of capital assets. Within this context, Hasselskog (2000) illustrated that ethnic minority women returning from the border have become skilled in the use of rice cutters and their behavior and life-style is similar to Khmer people. For example, Mr. Ha Yeun Tang's family returned to Krola in 1998. The family has much experience in agricultural production. For the first few years after their return, they remained quite isolated in the village. As time passed, other villagers saw that the Tang family produced high yields on their farm every year. In particular, sweet potato, corn, sesame, and wetland rice were grown better than other households in the local community, and gradually other villagers formed close relationships with the Tang family. Through these relations, long-time residents learned the way to manage the farm and the Tang family expanded their social support system, with everyone sharing experiences, knowledge and ideas.

Since 2000, the villagers of Yak Kaol community have increasingly faced scarcity of local resources, while there has been great emphasize on creating new strategies to earn a living. This has included various economic activities, such as, working as wage laborers within and outside their community. Some young people have developed good relationships with agricultural entrepreneurs who own large farms in Banlung, Borkeo, O'Yadao, and Koun Mom Districts. At the same time, they often work with their friends and relatives in the village. In this way, young people have linked their workplaces to their communities, and secured their livelihoods. Such young people often view their life-style principally in terms of economic activities rather than cultural values, because they have less occasion to attend ritual events. A few young men have also become motorcycle-taxi drivers, transporting agricultural products or villagers to the market, or take people suffering from illness to health-care centers. These motorcycle-taxi drivers play a vital role within their community, promoting both social welfare and economic activities. Moreover, even though there have been shortages of land and food insecurity, villagers have adopted new livelihood strategies to generate income through the raising of chicken and livestock as well as selling handicrafts. This latter kind of work is usually undertaken by women and girls, and allows them more opportunity to participate in spiritual ceremonies. Although, these economic activities have increased monetary dependency and not always secured livelihood bases, villagers have changed and adapted livelihood strategies to struggle for securing of their families and community in a rapidly changing environment.

In other cases, Krola villagers have strengthened their social networks and knowledge with the support of NGOs and their participating in local community development. Mr. Bang Ngan, for example, studied at O'Chum College from 1986 to 1989 and was active in mobilizing villagers and communicating with local authorities to oppose illegal seizures of community land in 1993. On a daily basis, he had consulted with traditional leaders and community members to find a way to secure local community resources from these encroachments by outsiders. He encouraged villagers to establish farms on vulnerable land near the provincial road in order to secure the area. At the same time, he was also in contact with CIDSE staff about planning the development of the local community. In 1995, Mr. Bang Ngan became a volunteer of VDC, supported by CIDSE and he worked to strengthen local

development infrastructure and community rights awareness. He encouraged villagers to participate in various development activities, including cleaning the village and building a village fence to keep cattle from entering the village. He was gradually recognized as a skilled representative of the community, both from the view of NGOs and community groups, and also had the support of his kinship group. His family members include a father-in-law who is the village chief, and another relative who is district governor. He has thus been able to participate in many network meetings with NGOs, particularly, CIDSE, Health Unlimited and ADHOC, working to enhance the process of local community development.

Due to villagers concern for land security, in 1996 Mr. Bang Ngan was elected as head of the Land Use Committee in Krola. This allowed him to develop increasingly wider social network with the NTFP, as well as participating at the local level in negotiations with individual outsider who had encroached on community land, with logging companies and with local authorities. In the process, he strengthened networks within his community, and with other communities, gained knowledge on community resources management and gained experiences in the collective management of development projects through the consultation with traditional leaders and also among community members. These social networks, knowledge and experiences in turn enhanced community power to struggle for the rights to manage local resources.

Mr. Bang Ngan's advocacy and networking experience has thus been helpful for local community development, and in 2000 he also became a volunteer to work for NTFP at the provincial level. NTFP appointed him to be a team facilitator of natural resource management in Kachoun commune in Veunsai District. This opportunity gain allowed him to expand critical connections between NGOs and community networks as an important basis for addressing inequitable or inappropriate development. In 2003, he was acknowledged for his work by NTFP as a membership and continues to enact a development vision that aims to support marginalized people at the grassroots.

Mr. Bang Ngan was able to advance the struggle for community rights regarding land, forest and cultural preservation with the support of NGOs networks and resources. Since joining NTFP, he has primarily lived in the at Banlung or Kachoun communities; however he often participates in important events held in Krola. Also,

every weekend, he spends time in Krola meeting with traditional leaders and other villagers to discuss priorities and strategies for developing local community, and thereby helps to relationships between community members. He also encourages villagers to grow not only cashews but also multiple crops to promote greater food and material security. This includes the planting of bamboo, which is important for house construction, handicrafts and other uses. Mr. Bang Ngan has also encouraged villagers to send their children to school. Such work creates a contested development arena on which promotes on understanding of community needs, concerns, and capabilities in negotiating the terms and nature of development. Therefore, Mr. Bang Ngan has played a vital role in negotiating community development issues and gaining decision-making power for local people.

Over the last the decade, development in Northeastern Cambodia has produced a power imbalance in the social interactions between local communities and the government development agencies that have formally initiated development, and led to competition between local community members. In this process of transformation, many ethnic minority groups have lost control of their land and forest resources. They have also had to adapt to economic development planning and create new strategies for subsistence and economy. Traditional leaders and Land Use Committee members have developed new local rules and regulations for the control, management and use of local natural resources. Generally, through processes of transformation, villagers have adapted and changed living strategies in various ways, including political and economic linkage among community members and with outside entrepreneurs. The following section details how villagers and traditional leaders revitalized their local community and communicated with local authorities and NGOs.

6.3 Revitalizing Local Community

Broadly speaking, one of the factors, which influence the contestation of development initiatives, is whether the targeted community has the ability to negotiate and manage conflict (Van Veen 1996). The collective knowledge, skills, and networks of community members can be considered as for developing vital social capital that mainly enable groups to resolve or avoid competing interests in a community (ibid.). Thus, collective knowledge can be considered as a critical component of social capital that can be used to promote unity and develop the local

community in appropriate ways. Both the knowledge and social resources of ethnic minority communities have helped to shape traditional practices and belief systems. However, the influence of these traditional resources has weakened and dispersed. It is that ethnic minority communities have opportunities to revitalize or recreate knowledge and social organization through joint learning processes with government development agencies and non-government organizations.

6.3.1 Strengthening the Local Community Power

As part of the contestation of upland development in the 1990s, Kreung villagers in Yak Kaol revitalized their knowledge and images. They have also strengthened social structures and networks between local communities and development agencies in order to obtain the community rights bargaining and negotiating power with the government. CIDSE's Integrated Community Development (ICD) project, implemented in Ratanakiri in 1993, aimed at developing the capacity of the community to manage its own development and to share experiences and ideas among community members. In 1994, Krola villagers, mostly young people were volunteers with the CIDSE to strengthen the VDC and consolidate development activities such as irrigation projects, the buffalo bank, the rice bank, and informal education initiatives. CIDSE have also supported the development of fruit tree nurseries and agricultural demonstration plots. The VDC has collaborated with traditional leaders to determine community priorities for development, links the local community to government development agencies, and works to gain legal recognition for community rights to secure local resources and livelihoods.

In 1995, the Seila Program was established to promote the concept of 'bottom-up' planning processes for sustainable development (see Chapter IV). This means that the VDC, as the local-level government institution, has to promote and support broad community involvement in local planning processes. To ensure effective local planning processes, the VDC was strengthened by the Seila Program and CIDSE through training, workshops and study tour procedures. VDC activities revolved around attending meetings regularly, mobilizing men and women to participate in projects, informing the commune councils regarding the village's priorities for development and coordinating with local associations and interest groups including the Women Association, the Credit Union and the Agriculture Extension Unit. Thus,

government development agencies and NGOs pursued villagers to participate in development programs and change the community landscapes.

Apart from the VDC, village social structure empowers traditional leaders to collectively govern the community, resolve conflicts, facilitate development processes, and consult with village members on any issues related to development. This structure has evolved over generations in a way that incorporates the various leadership roles of knowledgeable people within the local community to implement the process of social development. However, the traditional leaders are now often constrained by language barriers in their communication with development workers, and lack a comprehensive understanding of government plans, laws, and the workings of the provincial and national courts. These are major difficulties faced by the traditional leaders and so they have sought younger Khmer-educated people, who are intelligent and have the ability to express their ideas, to represent the needs of local people in these changing conditions.

In 1996, local people in Krola established the Land Use Committee comprising of young people and elders. These committee members aim to revitalize traditional structures, maintain the role of elders, and manage land use and forest resources. In particular, the traditional leaders have used their power and influence to link the committee with government development agencies and NGOs. Traditional leaders have used this setting to transfer their traditional knowledge and shared experiences to the younger men within the community.

Historically, traditional knowledge was passed by narrating life histories, and myths and legends of taboo, based on the ways which Kreung people have learned through observation and experience to manage their environments (see Section 5.3). Moreover, Kreung people have used their ecological setting to symbolize their livelihood strategies. In the process of living in a fragile and dynamic ecological setting, the Kreung have learned through generations to survive by adapting to changing conditions and integrating their livelihoods and traditional practices with their natural surroundings. For instance, practicing traditional shifting cultivation is not just a form of expanding land holding for their community, but is also a key strategy for the protection and conservation of biodiversity that also benefits the country as a whole.

As mentioned previously, customary laws and taboos limit the abuse, misuse or overexploitation of resources. For instance, taboos prevent the setting of animal or fish traps at the same time on the same path, as well as the hunting of large animals like male wild pigs, or hunting near the spirit forest, which would require hunters to make an offering to *Arak*. Each community has their own religious practices, system of kinship and social obligations, patterns of authority, customary laws, taboos, conflict resolution mechanisms, and collective decision-making processes, creating a highly adaptable society. Local practices, rights and norms to use and manage resources have also emerged through collective and individual experience. Kreung people have organized and collaborated with different community, local and national NGOs to develop their local communities. An example of this collaboration can be seen in the young people of Krola communicating with the NFTP and extending their networks with the Khmer Leu (Highland) Association, the NNRM and the ADHOC to strengthen their knowledge regarding Land and Forest legislation and community rights, through workshops, seminars, training courses, and study tours within and outside of Cambodia.

As can be seen in the first two sections of this chapter, images of community are very important to the issues of resource access at the local level. Processes of development usually involve contestation and revisions of meaning and reinterpreting the value of local practices as a way to restore both morality and local power in resource management (see also Murray Li 1996, Moore 1996, Komatra 1998). In this sense, villagers continually reinvent their communities, and development, in diverse ways by creating new stories, adapting ceremonies, and building networks within and the outside community to advocate for community rights to resources. It can be seen that the Kreung in Yak Kaol community have constructed development spaces by employing ethnic symbols in various forms of ritual, and reinterpreted them to articulate their rights relating to land and forest. Villagers also use the idea of cultural landscape to claim that the Hero Taiwan Company had cut their spirit trees and disturbed sacred wildlife habitat. These ideas were summed up well by a Krola spirit medium that:

> Since 1979, villagers have become stronger in their belief of the spirit in Kampung Mountain, since our children were affected by illness and accidents in this area. We dreamt that illness was caused by the *Arak*. After that we prepared spiritual ceremonies to appease the *Arak*. We identified this forest area as '*Arak* Chendu' (spirit mountain), and we often came to

> worship. Also we used to raise cattle in this area, but since we now believe that the area is occupied by the '*Arak* Chendu, we stopped this and sometimes when we lose our cattle we come here to pray.
>
> (A spirit medium in Yak Kaol, May 1, 2003)

In this context of development, then, Krola villagers have been able to reconstruct 'community rights' in which they formed social network with NGOs. In the meantime, they mobilized human and labor resources to manage local community development, aiming to construct their cultural values and experiences of land and forest in their community boundaries. For example, Kreung villagers have recalled past experiences and cultural symbols such as the rituals related to *Bree Arak* (spirit forest) and *Bree Krola* (bamboo forest spirit) during their long process of negotiation for community rights against logging concessions. Rituals are also continually reconstructed in response to incidents within the village. Then, these areas became rich in pasture, wild fruit trees and animals since our ancestor Yak Kaol found them (Yak Blek in Krola village interviewed on April 20, 2003). Yak Blek further complained, "Now for the new generations, it is their duty and obligation to protect the area, our culture and society" (Yak Blek in Krola village interviewed on April 20, 2003). This Krola elder observed that they had preserved the forests, the spirit forest and the mountain areas before Hero Taiwan Company came for the timber. Yak Kouk the village chief and Yak Beut a traditional leader claimed that the Hero Taiwan Company violated their customary law and their ancestral symbols in their use and degradation of the Romal Khal forest.

Since 1999, ethnic minority communities, living surrounding the logging concession areas (Kachoun and Koh Peak commune in Veunsai District, Taven Leu commune in Taveng District, and the Kalay, La'ak, O'Chum, and Poey communes in O'Chum District), have gathered in the hundreds at Poey commune to discuss and share their opinions on how to control and manage the natural resources. At the same time, they conducted spiritual ceremony for their ancestral domain to look after the natural resources. In particular, communities have aimed to maintain *Bree Arak*, *Bree Krola* and also protect local wildlife. Therefore, these discussions and sharing of experiences has led to a strengthening of social networks between communities.

In support of these efforts, local community members instituted an informal network of local social organizations with the support of the NFTP. Many

representatives from the provincial municipality, the Department of Rural Development, the Department of Agriculture, Forestry and Fishery, the Department of the Environment, the Seila Program and several other NGOs attended and participated in a spiritual performance commemorating the anniversary of the Community Forest Program. This annual ceremony now represents the platform for interactions between these various development workers and villagers. In meantime, villagers put an effort to negotiate with government development agencies and also listen to their comments related to the legal recognition of local natural resource management.

During one of the spiritual performances on December 29, 2003, the Vice-Governor stated that he and other attendees, on behalf of the Provincial Governor, were very proud to see and hear from all communities about their ability to manage the land and forest (Figure 6.2).

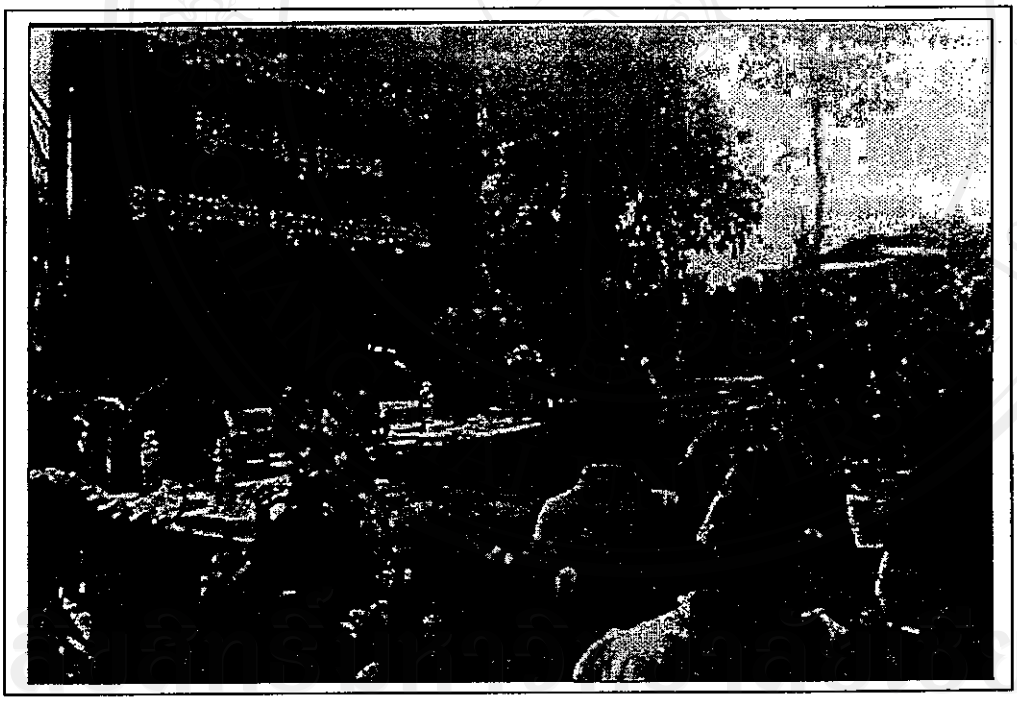


Figure 6.2: Vice-Governor Speech Opened Community Forest Ceremony in Yak Poey Commune December 29, 2003
Photographed by author December 29, 2003

The Vice-Governor thanked all villagers for gathering and said that he realized such an activity could reduce the burden of the government, particularly in the sense of poverty reduction. At the same time, he said that local people and the government could work together to protect the environment. He also encouraged villagers to

generate household income through tourism activities, and encouraged children to attend school

6.3.2 Reconstruction of Community Rules and Regulations

In 1997, at a meeting of local and national development agencies, Mr. Rae Kati, as a representative of Krola village presented an example of what local communities can do to protect themselves from land encroachment. This was the first time that ethnic minorities were represented in this way in a public forum (NTFP 2000:18). Participants included representatives of the Ministry of the Environment, the Inter-Ministerial Committee for Ethnic Minority Development Program (IMC), the Provincial Land Titles Department, the NTPF, ADHOC, CIDSE, UNDP/CARERE and the ILO. During the workshop, these different groups stated their commitment to supporting local communities in development projects, particularly in terms of local awareness raising regarding ways to protect local land and forest rights (ibid.).

Also in 1997, villagers in Krola created a network with the NTFP for strengthening the local capacity for managing development, mobilizing human resources and facilitating the development of local rules and regulations for land and forest utilization. The NTFP organized a series of study tours for villagers and elders to exchange experiences with other communities in Ratanakiri, including those in the O'Yadao, Borkeo and Koun Mom Districts. The study tours provided an overview of community social organization, customary practices and traditional agricultural systems, which has been threatened by state power imposed transformation of local communities. Following such visits, Krola villagers established networks with villagers in other provinces such as Stung Treng, Kratie, Kompon Thom, Mondolkiri, Komport and Siem Reap. They also participated in study tours to Northern Thailand in 1996 and 1997 through the support of NGOs to share experiences, express their opinions to wider audiences, and also strengthen their ethnic networks.

In 1998, the Land Use Committee conducted a workshop in Krola to explain current land rights and land tenure policies. One outcome of the workshop was that villagers agreed to implement a communal model, based on their existing customary land use system, to promote the sustainable use of resources. Through this process, the local community attempted to mobilize their collective power and advocate local

rights to the provincial authority, particularly the Land Working Group (composed of government agencies and NGOs). Subsequently, the Land Use Committee agreed to support collective decision making among local community members and neighboring villages. This committee has agreed to (i) control the use of land and natural resources in line with customary practices, community statutes and national laws, (ii) strengthen and increase land security, community stability and the protection of natural resources in order to support sustainable community development, and (iii) to persuade government authorities to accept the land-use planning models of the local community. In summary, the rules and regulations regarding land and resource tenure in Krola village are as follows:

- The hunting of rare and endangered species such as tigers, deer, rhinoceros, elephants, deer, and wild pigs is prohibited.
- Cutting the forest for Chamkar or logging is completely prohibited. If anyone cuts trees, he/she will be brought to court and the materials shall be confiscated.
- Burning the forest is prohibited; those who intentionally or unintentionally burn the forest shall be fined 100,000 Riel.
- Tree clearing in the water reserve forest shall be fined from 10,000 Riel to 500,000 Riel. Villagers can, however, collect fruit, vegetables and other food in these areas.
- Gem mining in the forest is restricted; villagers who mine for gems or minerals must pay 2,000 Riel per day.
- Community members can collect bamboo, rattan and vines in the community forest, but outsiders must ask permission from the Land Use Committee or the traditional leaders. Outsiders should take just enough for household consumption and be careful about not wasting forest resources. It is forbidden for villagers to cut rattan and bamboo for sale to outsiders.

(Rules and Regulations of Land Use Planning in Krola Village 20002)

6.3.3 Adaptation to National Legislations

Throughout the long process of development and contestation over the last decade, local people have gained experience in negotiating with holders of land and logging concessions. They have also advocated for new Land and Forest legislation through direct communication with government and international development workers. For instance, in 1996 the traditional leaders and the Land Use Committee from Krola established a network with national agencies, primarily the Inter-

Ministerial Committee for Ethnic Minority Development Program (IMC). The IMC had initially drafted an ethnic minority policy with technical and financial support from the Social Research Institute at Chiang Mai University and the ILO. This policy aims to protect local community rights to maintain traditional cultures and community control and management of local natural resources. In 1997 and 1999, the IMC presented the draft policy to government and international development agencies, including the Council of Ministers, a legal advisory board of the government. Until the present time, the Council of Ministers has not responded to this policy proposal. However, if this legislation is successful, it could prove that the broader concept of ethnic minority rights can play a significant role in promoting the incorporation of local customary practices into national laws.

During many of these processes of negotiation, local people have linked themselves to government institutions, a move that was supported by King Norodom Sihanouk. As His Majesty the King stated to the royal palace staff:

> If we wish our highland compatriots to be able to survive with their own values, beliefs, morals, customs, traditions, and with their own age-old natural resources, ancestral land, forest, and water sources, we must halt the galloping deforestation.
>
> (The Cambodia Daily, December 17, 1997 cited in NTFP 2002).

In addition, His Majesty the King called on the government to protect ethnic minorities from environmental and cultural erosion by granting community rights over the areas they inhabit (ibid.).

In July 2000, the Prime Minister requested that the Council of Ministers ensure that the section in the Land Law on Community Land Tenure would be maintained to protect the customary land rights of ethnic minority people (NTFP 2002:23). This recognition at the highest level of government led to the passage of a new Land Law. This presents a powerful opportunity to gain legal legitimacy and protection for the rights of local communities. The section of the Land Law on the Immovable Property of Indigenous Community (Royal Government of Cambodia 2001:10-12) contains the following points (translated by the author):

- **Article 25** of the Land Law declares that the communal land of indigenous people is the land that communities can manage for household needs and the practice of traditional agriculture. In addition, the communal land of

indigenous people is not only land actually cultivated but also that reserved for rotation plots, from which they traditionally draw benefit.

- **Article 26** of the Land Law declares that the immovable property in Article 25 is provided by the state to indigenous communities as communal property. Communal property or co-ownership has rights that are protected the same as individual rights. However, the community has no right to transfer the management of a proportion of communal property, being the property of the state, to individuals or other groups outside the community.
- **Article 28** states that no authority outside of the community holds rights over the immovable property of indigenous peoples.

Kreung community representatives have argued that development practitioners and policy makers must assist ethnic minorities in the preservation of their land rights. In 2002, the provincial authority recognized the rules and regulations set down by Krola village. The Kreung community has a system of land use and management that is uniquely adapted to these upland areas and has developed over many generations as part of their traditional ways of life until the present day. Understanding the cultures, traditions, and unique situations of local villagers is therefore an essential basis for development and resource management that is responsive to local needs, will protect the interests of local people, and the integrity of local environments.

6.4 Summary

Ethnic minority communities in Northeastern Cambodia have state contested the development process in many different ways, challenging the unequal distribution or confiscation of land and forest resources. In particular, contestation has occurred between state and ethnic minority communities. Newly-restricted access to local resources has villagers to compete with each other, with other communities, and engage in major confrontations with outsiders over resources utilization and control. Historically, each regime that ruled Cambodia has tended to exclude ethnic minorities from access to and control natural resources. This has included the relocation and displacement of villagers from their ancestral community lands, as well prohibiting the practice of traditional shifting cultivation and other customary practices.

In response, ethnic minorities have changed their livelihood strategies as well as social relations and interactions within their community based systems. Local community members have developed their own strategies to gain rights to the control, use and manage natural resources. These strategies can be seen as part of the everyday life activities of local people that incorporate methods of negotiation, protest, resistance and participation. Further, villagers have utilized both newly-created and traditional methods of social organizations to resolve conflicts or contestations within the local community.

The development encounter in the Northeastern Cambodia has brought changes in local community systems and community rights to utilize land and forest resources. However, local people have revitalized their local structures and customary practices to guide this transformation of their local communities in appropriate ways. The process of transformation has thus been contested by local communities, as multiple actors have competed for control and use of land and forest resources. Ethnic minorities have been able to establish their own networks and alliances with NGOs, and even local authorities, in order to minimize, solve or prevent future conflicts. Ethnic minorities have strengthened and revitalized their local communities and advocated for the customary practices to be legally recognized by the state, promoting respect for local customs as community rights. The upholding of such rights for communities, may lead to a more sustainable and equitable development in a democratic Cambodian society.