

**Directive 01BB in Ratanakiri Province, Cambodia**  
**Issues and impacts of private land titling in indigenous communities**

**April 2013**

**By: Alison Rabe<sup>1</sup>**

**In collaboration with the Ratanakiri Communal Land Titling Working Group**



**Save Vulnerable  
Cambodians**



**SVC—NTFP—HA—CLEC—WHH**

**Funding for translation provided by Welthungerhilfe**



**Published by Asia Indigenous Peoples Pact**

---

<sup>1</sup> Alison Rabe is an independent researcher associated with the Boren Fellowship. The report reflects the comprehensive assessment of the author regarding research findings from the indigenous peoples of Ratanakiri Province.

## **Acknowledgements**

This report is dedicated to the people of the following 79 villages:

Loum, Peng, Nhang, Ket, Ka Nat, Tan Bo Kam, Tang Chi, In, Malik, Katae, Ta Lav, Ka Nong, Ya Sam, Sueng, Su, Chrung, Sala, Tien, Pa Ar, Sa Kreung, Yem, Ka Chak, Ta Ong, Teun, Ta Heuy, Khmeng, Kam Bak, Chang Rea, Sayos, Ka Laeng, Ka Lang, Ka Tieng, Ka Tieng, Ka Chanh, Sakmotr Leu, Sakmotr Kraom, Thmei, Pa Tat, Pa Tang, Ten Ngol, Pa Dal, Phi, Peak, Plang, Kong Thom, Kong Yu, Pak Touch, Ta Kok Chray, Pralae, Kan Saeung, Kreh, Kang Kuy, Ta Ngach, Krala, L'ak, Phum Pir, Kralong, Kam, L'eun Chong, Tang Kamal, Thuoy Tum, Svay, Chan, Tun, Sieng Say, Pha Yang, Ke Kuong, Tumpuon Roeung Touch, Kalai Tavang, Tiem Kraom, Kalai Sapun, Phnum Kok Prov, Kaoh Peak, Khun, Phak Nam, Rak, La Lai, Dal

The people from these villages were extremely helpful in providing information for this report. We hope that releasing it will help them succeed in their continued efforts to protect their communal lands.

## Table of Contents

Acknowledgements .....	2
Abbreviations and Acronyms .....	4
Foreword .....	5
I. Executive Summary .....	6
II. Background .....	9
1. Indigenous people of Ratanakiri .....	9
Natural resource management.....	9
Socio-economic situation.....	10
2. Communal Land Titling and Directive 01BB.....	11
III. Methodology .....	13
IV. Research Findings .....	14
1. Land loss .....	17
2. Pressured process .....	19
3. Misinformation and lack of transparency .....	20
4. Threats and coercion .....	22
V. Impacts of Directive 01BB .....	23
1. Privatization leading to loss of land and livelihoods.....	23
A. Pressured land sales .....	23
B. Loss of livelihoods.....	24
2. Divided communities .....	24
3. Increased legal complications .....	25
4. Ongoing land disputes .....	25
VI. Recommendations.....	26
References.....	28
Appendix I: Directive 01BB, Instruction 015, Instruction 018, Instruction 020, Instruction 666 ...	32
Appendix II: Letter on 01BB .....	39
Appendix III: List of companies.....	44

## **Abbreviations and Acronyms**

01BB	Used to reference the private land titling project that evolved from Directive 01BB and the accompanying instructions that followed.
AIPP	Asia Indigenous Peoples Pact
CLEC	Community Legal Education Center
CLT	Communal Land Title
CLT-WG	Ratanakiri Communal Land Titling Working Group
ELC	Economic Land Concession
HA	Highlanders Association
NTFP	Non-Timber Forest Products
RGC	Royal Government of Cambodia
SVC	Save Vulnerable Cambodians
WHH	Welthungerhilfe

## Foreword

Asia has more than 200 million indigenous people who have maintained their lands, territories and resources sustainably for centuries. Land grabbing in the name of 'development' however, is taking place at an alarming rate, further increasing indigenous peoples' marginalization, denying them of the material base for their distinct cultures and identities, and threatening their collective survival.

The situation in Cambodia exemplifies this issue. It deserves public attention and urgent government action. The current state of affairs needs to be addressed with a sense of urgency as indigenous peoples are being coerced to acquire private titles and sell them to make way for economic land concessions. Private titles are not consistent with the customary land tenure arrangements of indigenous peoples. They do not recognize the collective nature of indigenous communities, are limited to an area that is insufficient for traditional agricultural practices, and include other conditions that make them inappropriate.

Policies in practice have resulted in greater loss of land rather than secured the collective land tenure of indigenous peoples. While Cambodia has a law that recognizes the land rights of indigenous peoples, implementation has been weak and selective. In particular, the Cambodian government's issue of economic land concessions on indigenous peoples' lands has often been conducted in a manner that directly violates indigenous rights.

At the global level, indigenous peoples' customary right to traditional land ownership has been formalized in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the Cambodian government in 2007, which sets out the minimum standards for the recognition of the collective rights of indigenous peoples as the basis for social justice and achieving equality. This international human rights instrument affirms the rights of indigenous peoples to their lands, territories, and resources, as well as to their self-determined development. The legal and full recognition of these rights at the local and national levels remains imperative for indigenous peoples' survival and dignity.

***–Asia Indigenous Peoples Pact (AIPP)***

*AIPP is a regional organization founded by indigenous peoples movement in 1988. By strengthening the solidarity and cooperation of indigenous peoples, it is committed to the cause of promoting and defending the rights and wellbeing of indigenous peoples, as well as the protection of the environment and for sustainable development. At present AIPP has 47 members in 14 countries in Asia. AIPP is an NGO in special consultative status with the UN Economic and Social Council.*

## **I. Executive Summary**

Indigenous communities depend on land for their livelihoods and make up a majority of Ratanakiri's population. They inhabit some of the most natural-resource rich areas of the province. Ratanakiri Province is well known for its productive soil, making it attractive for agro-industrial land development projects in the form of economic land concessions (ELCs). ELCs over land cultivated by indigenous peoples have become common in Ratanakiri, but there are a growing number of disputes over land rights related to these large-scale land acquisitions. Land issues have come to a point of crisis.

Since 2001 Indigenous peoples have been able to formalize their customary land ownership by obtaining Communal Land Titles (CLTs) under Cambodia's Land Law, which allows indigenous villages to use and manage their land with a single title. To date, only five communal titles have been granted to indigenous communities, but the Royal Government of Cambodia (RGC) has claimed that three more will be granted in May. Forty-nine more villages have completed the process and are waiting on the last step.

In July 2012 the RGC halted all CLT processes when it launched Directive 01BB: Measures Reinforcing and Increasing the Efficiency of the Management of Economic Land Concessions. The Directive aimed to expedite the systematic issuance of private land titles and used thousands of student volunteers deployed throughout Cambodia in order to demarcate lands in conflict within ELCs. The directive and its subsequent instructions could have increased indigenous peoples' land tenure security.

To assess the impact of this new directive and its effects on the relationship between communal land titling and ELCs in Ratanakiri, seven NGOs collected information from January to February 2013 from 79 villages; 26 of the villages affected by Directive 01BB. Village chiefs and elders were asked about village demographics, conflicts with companies, and their current stage of CLT process (if applicable).

Seventy-one of 79 villages were working on communal land titling before Directive 01BB was implemented and were in varying stages of the process. Eighteen of the villages had started the communal titling process in 2012, 17 in 2011, three in 2010, three in 2008, 29 in 2007, and one in 1998. None of these villages have yet received a communal title. Forty of the villages have problems with 26 companies, including ELCs, small-scale concessions, and mining concessions.

Twenty-six villages comprising a total population of 3053 families were affected by Directive 01BB. Additional information was collected from these 26 villages through consultation meetings and questionnaires. Village elders, village chiefs, and community members were asked

about the impacts of Directive 01BB on their communities and whether they were satisfied with the project.

According to information compiled from interviewed villagers, nearly all of the families in ten villages had land demarcated for private titles. Land in twelve of the villages was partially demarcated. Four villages refused to allow the students to demarcate, unless they agreed to measure and register their community lands. In total, 1586 of the 3053 families from the 26 villages (52 percent) had land demarcated for private land plots under Directive 01BB.

In 25 out of 26 villages affected by Directive 01BB, interviewed villagers stated that their village was unsatisfied with the private titling process and outcome. One of their most common reasons for dissatisfaction was because the policy did not secure their communal land, and in fact caused them to lose more land. Villagers stated that they preferred communal titles but felt pressured to accept the readily-available private titles. Villages targeted by the policy were living near companies and wanted to formalize their land ownership immediately. They had been working to obtain communal titles but processes were long and expensive, as recognized by the RGC's Instruction 020. Privatization resulting from 01BB may have also caused increased land loss—in villages where a majority of land was registered for private titles during 01BB, companies had already taken possession of more communal lands.

The 01BB process created pressure on villagers in addition to the stress they were already experiencing from companies. The students only stayed in villages for around one month, which was not enough time for villagers to make unified decisions regarding their land registration or resolve disputes with companies. This created divisions in communities and perpetuated ongoing land disputes.

Misinformation and lack of transparency about Directive 01BB, private titles, and communal titles during the 01BB process also caused villagers to be unsatisfied with the policy. The Directive's purpose was not clear from its initial stages as the RGC issued numerous policy changes. The non-transparent, complicated policy modifications left villagers uninformed about how 01BB would affect their land tenure security and conflicts with companies.

The research found that villagers were not fully informed that the 01BB demarcation would not include communal lands. Villagers were also told that the private titles could easily convert to communal titles later, and the Minister of Land recently said in a speech this would be possible, although the law and procedures are still unclear on how this will work. Results of the demarcation were only posted for one month, and unsatisfied villagers were not sure whether to accept or reject the titles if they wanted to continue their efforts to get communal titles. In many

cases, villagers were not aware of where or when the preliminary titles were posted, or they could not read the postings, which were in the Khmer language.

Villagers also said they were unsatisfied because the student volunteers and local government authorities threatened and coerced them during the 01BB process. Villagers were told that all of their land would go to the government or companies if they did not accept the private titles. Local government officials said they would not resolve future disputes for villagers if they chose not to participate in 01BB.

As the research findings demonstrate, Directive 01BB has created numerous issues that affect indigenous people and their lands in Ratanakiri Province. Indigenous people, NGOs, and local government officials predicted that the impact of this policy, as implemented, would be loss of indigenous land, livelihoods, identity, and culture. Stakeholders during the research process noted that where indigenous families had private titles, companies could more easily clear communal land and pressure villagers to sell. It was also said that loss of indigenous communal land could lead to loss of livelihoods, and a maximum five-hectare limit per individual title was not enough even for non-indigenous agricultural methods. Many families received much less than the maximum.

The Directive was apparently increasing legal complications and confusion regarding indigenous land rights. From the inception of Directive 01BB, numerous non-transparent, conflicting changes caused misunderstandings for indigenous people and other stakeholders. The Directive's lack of harmonization with existing legal frameworks was said to undermine indigenous peoples' rights under the law, favoring company's claims to land leases over indigenous peoples' customary land rights.

After the students left villages, land disputes between companies and indigenous peoples continued, and in some instances even worsened. Many villages were targeted for private titles according to companies' ELC maps even though villagers had pending complaints against companies regarding the accuracy of borders in the map. With only basic training and the ELC maps, the students lacked experience and resources to resolve complicated disputes. Villagers with private titles said that they would continue to use their communal lands, while their complaints in the court against the companies remained pending. Exacerbating the conflicts, some companies had already cleared even more communal land after the 01BB titling process was completed.



## II. Background

### 1. Indigenous people of Ratanakiri<sup>2</sup>

Two-thirds of indigenous people in Cambodia reside in the Northeast. Although they are known as a “minority,” they make up the majority of the population of Ratanakiri. Many different indigenous groups are concentrated in the Northeast. Groups in Ratanakiri include but are not limited to Bruv, Charai, Ka Chak, Kreung, Tompuon, Lun, and Kavet. There are approximately 240 indigenous villages in Ratanakiri Province, usually made up of a few hundred people and governed by a council of local elders and a village chief.

#### Natural resource management

Nearly all indigenous peoples rely on land to support their livelihood, culture, traditions, and spiritual beliefs. Land is the foundation of their livelihoods, social organization, and identity. Although new conditions are changing the indigenous way of life, land has traditionally been used in five main ways: family land plots, swidden agriculture (individual or shared), the collection of non-timber forest products, spirit forests, burial forests—as well as other various social, spiritual and cultural uses.

The spirit forest is the religious foundation of the community. Rules of land management and access are partially decided by forest spirits, called *neakta*, along with the local knowledge of indigenous people. The *neakta* reside in the spirit forest and other areas throughout the village, and will retaliate if someone breaks borders or enters their territory without permission. Sickness or bad luck that befalls a community are attributed to the *neakta*. Sacrifices and ceremonies are performed for the *neakta* at all stages of the agriculture cycle—before burning a field, during planting, and at harvest. Sacred burial forests are used to entomb the dead. These spiritual lands also serve a purpose as a physical, localized history of the community’s ancestors and traditional ways of life.

Indigenous communities’ agricultural cycles are often organized around the use of swidden, or rotational slash and burn agriculture. In the dry season, communities clear fallowed, reserve swidden land by burning the timber and underbrush. Plots are cultivated and left fallow until they are fertile again, after deep tree roots and leguminous plants have brought nutrients to the surface of the soil. These shifting agricultural lands are owned by families or shared by the

---

<sup>2</sup> Unless otherwise indicated, this section is based on information from indigenous peoples and NGOs. *See also* RGC National Policy on the Development of Indigenous Peoples 2009; Indigenous People and Human Rights Report 2006; Colm 1997; OHCHR 2012; OHCHR 2004.

community. Each family usually has three to five plots for rotation, which are around one to two hectares each. Shared fallowing areas can be up to six hectares per family.

Villagers traditionally used these lands to plant rice, cassava, taro, sugarcane, corn, sweet potatoes, yams, gourds, beans, peppers, sesame, tobacco, pineapples, eggplant, tomatoes, pumpkin, cucumbers, and fruit trees. Forested areas were also traditionally used for collecting non-timber forest products, although this practice has been largely reduced due to forest depletion. Non-timber forest products included traditional medicines, cattle feed, seeds for planting, and meal supplements such as mushrooms, resin, honey, firewood, rattan, bamboo, herbs, exotic fruit, and other plants. The forest also provided water sources and wildlife for fishing and hunting to supplement diets or income.

A lot has changed in indigenous communities in recent years. The traditional practices of fallowing land and family user rights have decreased—along with forest cover—and have been replaced by commercial agricultural practices. Indigenous peoples have planted cash crops such as cashews over traditional fallowing areas to increase their incomes, and in part to stake a claim to that land and prevent it from being taken by outsiders. The exact amount of cash crops being grown by indigenous people is unknown, but their widespread use has led Ratanakiri Province to become the highest cashew producer in the country.<sup>3</sup> Although the influx of cash crops has increasingly provided indigenous communities with their main source of income, they still continue to practice traditional swidden agriculture as well.

### **Socio-economic situation**

Alongside the increasing commercial pressures for cash-crop cultivation, indigenous peoples have also experienced increasing land alienation. Estimates show that an area equal to at least half Cambodia's arable land and one-tenth of its total land area has been leased to foreign companies in the form of ELCs for agro-industrial development of cash crops such as rubber, cassava, and soy beans—rubber being the most common.<sup>4</sup> The RGC at the national level has granted companies ELCs, and the companies have often cleared land without assessing the environmental and social impacts.<sup>5</sup> Many of them have overlapped indigenous lands.<sup>6</sup> Investors have progressively acquired indigenous lands through both large-scale ELCs as well as small-scale land acquisitions. Money and power are used to buy plots at low prices or to manipulate

---

<sup>3</sup> Padwe 2011; Baird 2008.

<sup>4</sup> OHCHR 2012.

<sup>5</sup> Local government officials, including the Provincial Council of Ratanakiri Province, recognized companies' lack of social and environmental assessments as a major issue.

<sup>6</sup> Lewis 2012.

indigenous peoples out of their lands.<sup>7</sup> Many communities have lost nearly all of their communal lands as a result of these combined pressures.<sup>8</sup>

Prime Minister Hun Sen recently declared the northeast as Cambodia's "fourth economic area" due to its agricultural development potential. Ratanakiri Province is known by many as the "new frontier" for agro-industrial plantations, hydroelectric dams, and logging concessions, suggesting that the trend of land alienation from Ratanakiri's indigenous peoples will continue.<sup>9</sup>

Indigenous peoples have been recognized as the most disadvantaged population group in the country by the RGC and international groups, in part due to their land loss, geographic isolation and linguistic and cultural marginalization.<sup>10</sup> Access to education, health care, and other infrastructure is often lower than it is for non-indigenous groups.<sup>11</sup> Through decades of hardship, however, most indigenous communities have maintained their cultural identities and heritage.

## **2. Communal Land Titling and Directive 01BB**

ELCs and private land acquisitions over indigenous peoples' lands during the 1990s were causing land loss and a growing number of land disputes for indigenous peoples in Ratanakiri Province. Communal Land Titles (CLTs), described in the 2001 Land Law, allowed indigenous people to formalize their customary land ownership with a single community title—an attempt by the RGC to resolve these disputes. The processes involved required communities to create local land use and management rules, which could have helped resolve internal and external disputes as well as decrease pressurized land sales. Under the law, the RGC was required to work with indigenous communities that wanted communal titles through processes including mapping, community self-identification, drafting by laws, and registering communities as a legal entities.<sup>12</sup>

As of March 2013, five communities have been granted communal titles since the Land Law was passed in 2001, and the government claims that an additional three titles will be issued in May 2013. An estimated 121 communities are working on the process. Seventy-two villages have been self-identified with the Ministry of Rural Development, while 49 villages have been

---

<sup>7</sup> OHCHR 2012.

<sup>8</sup> Reaksmey 2012; Oxfam 1996; OHCHR 2007.

<sup>9</sup> Pheaktra 2008.

<sup>10</sup> OHCHR 2012; *see also* RGC Strategic Development Plans 2006-2010, 2009-2013.

<sup>11</sup> OHCHR 2012.

<sup>12</sup> RGC Land Law 2001; RGC Sub-decree No. 83, 2009.

recognized as legal entities by the Ministry of Interior and are waiting on the last step of the process.<sup>13</sup>

On 9 July 2012, the RGC launched Directive 01BB: Measures Reinforcing and Increasing the Efficiency of the Management of Economic Land Concessions. The policy aimed to expedite the systematic issuance of private land titles over 1.2 million hectares of land to 350,000 families living within ELCs, forest concessions, or state public land. Thousands of student volunteers were recruited and provided with basic training before being deployed throughout Cambodia. The students had two objectives: (1) to measure land in conflict between communities and companies, and (2) to issue private land titles, although students were given subsequent instructions to avoid lands under dispute.<sup>14</sup> Since the titling program began in late June 2012, the RGC has issued an estimated 110,000 private land certificates.<sup>15</sup>

In Ratanakiri the Directive halted all CLT processes and was said to be an attempt to resolve land disputes.<sup>16</sup> It allowed ELCs already granted (“in the pipeline”) to continue, but stopped the granting of new ELCs. The Directive did not cancel existing ELCs. It originally required companies to demarcate communal areas from within their concession areas. It was subsequently amended by Instructions 020 and 666 to only delineate indigenous families’ personal land plots within companies’ ELCs, creating smaller individual areas within leased company land.

In the process of implementation, students determined areas to be demarcated, measured families’ individual land plots, and issued preliminary titles. Each family could claim a maximum of five hectares of obvious, cleared, and cultivated land.<sup>17</sup> The results of the demarcation were displayed for one month, and families could have chosen to accept or reject the results on a plot by plot basis. If the results went uncontested, families were issued a private land title. Even when families used more than five hectares, they could only register a maximum of five cleared and cultivated hectares. Uncultivated, reserve land was not titled. If families wanted to retain ownership over more than five hectares, they could have tried to register it in the form of small-scale economic land concessions for up to 99 years—but only if they used the land for commercial agricultural purposes.<sup>18</sup>

---

<sup>13</sup> ILO 2013.

<sup>14</sup> RGC, Instruction 015, 2012.

<sup>15</sup> Woods & Bopha 2012.

<sup>16</sup> RGC, Directive 01BB, 2012. “Directive 01BB” and “01BB” are used throughout this report to refer to the private land titling project that evolved from Directive 01BB and the accompanying instructions that followed.

<sup>17</sup> RGC, Instruction 018, 2012.

<sup>18</sup> RGC, Instruction 666, 2012.

Directive 01BB changed throughout the land demarcation process with several additional instructions or directives. The policy initially purported to give community lands in conflict with companies back to indigenous peoples,<sup>19</sup> but Instruction 020 clarified that forested lands that indigenous people used for non-timber forest products, swidden agriculture, and spiritual or cultural purposes would not be titled.<sup>20</sup> Directive 01BB asserted that ongoing processes of communal land titling would be honored, but Instruction 020 halted all CLT processes while 01BB was being conducted.<sup>21</sup>

Instruction 015 implied that the people could change the private titles to CLTs, but policies and laws were conflicting and unclear throughout the 01BB titling process.<sup>22</sup> Students told families that it would be possible to convert the private titles to communal, and RGC officials previously stated that it would be possible for indigenous communities to change their private titles to communal titles. Under Instruction 020, however, villagers that had land demarcated for private titles had to sign a contract that forfeited their rights to use communal lands. Most recently, the Minister of Land said in a speech that, converting private titles to communal titles would be possible,<sup>23</sup> but laws and processes on this are still unclear.

### **III. Methodology**

The study was conducted from January to February 2013 through a participatory approach. The study involved 79 communities throughout Ratanakiri's eight districts: Andoung Meas, Bar Kaev, Koun Mom, Lumphat, Ou Ya Dav, Ou Chum, Ta Vaeng, and Veun Sai. Ethnicities included Bruv, Charai, Ka Chak, Kreung, Tompuon, Lun, and Kavet groups. Researchers from seven NGOs collected information from all 79 villages on village demographics, issues with companies, stage of the communal land titling process (if applicable), and whether the village had been affected by Directive 01BB.

Researchers collected additional information through consultation meetings and questionnaires from the 26 villages affected by 01BB. Questionnaires were completed by the village chief and village elders in 12 of the 26 affected villages. Researchers also held consultation meetings in the villages, in Banlung City, or over the phone. They consulted women and men including village elders, village chiefs, and other village members. Some meetings consisted of fifty

---

<sup>19</sup> RGC, Instruction 015, 2012.

<sup>20</sup> RGC, Instruction 020, 2012.

<sup>21</sup> RGC, Instruction 020, 2012.

<sup>22</sup> RGC, Instruction 015, 2012.

<sup>23</sup> Talk show on Bayon Channel, April 2013.

percent of villagers from families that chose private titles, and fifty percent of villagers that chose not to receive the private titles.

Both the questionnaires and consultation meetings focused on three main issues:

1. How many families/households were measured for the private land titles during 01BB?
2. Why did families choose the private titles?
3. Is your village satisfied with the student volunteers' project?

Information from all researchers was then compiled into a joint spreadsheet. An overview and analysis of the information villagers gave, focusing on information from villagers in the 26 interviewed villages affected by 01BB, was then made.

Researchers also met with representatives of commune, district, and provincial levels of government and international organizations while conducting the research to ensure an informed and transparent process. The report incorporates the main concerns of government officials, international institutions, and NGOs that were consulted.

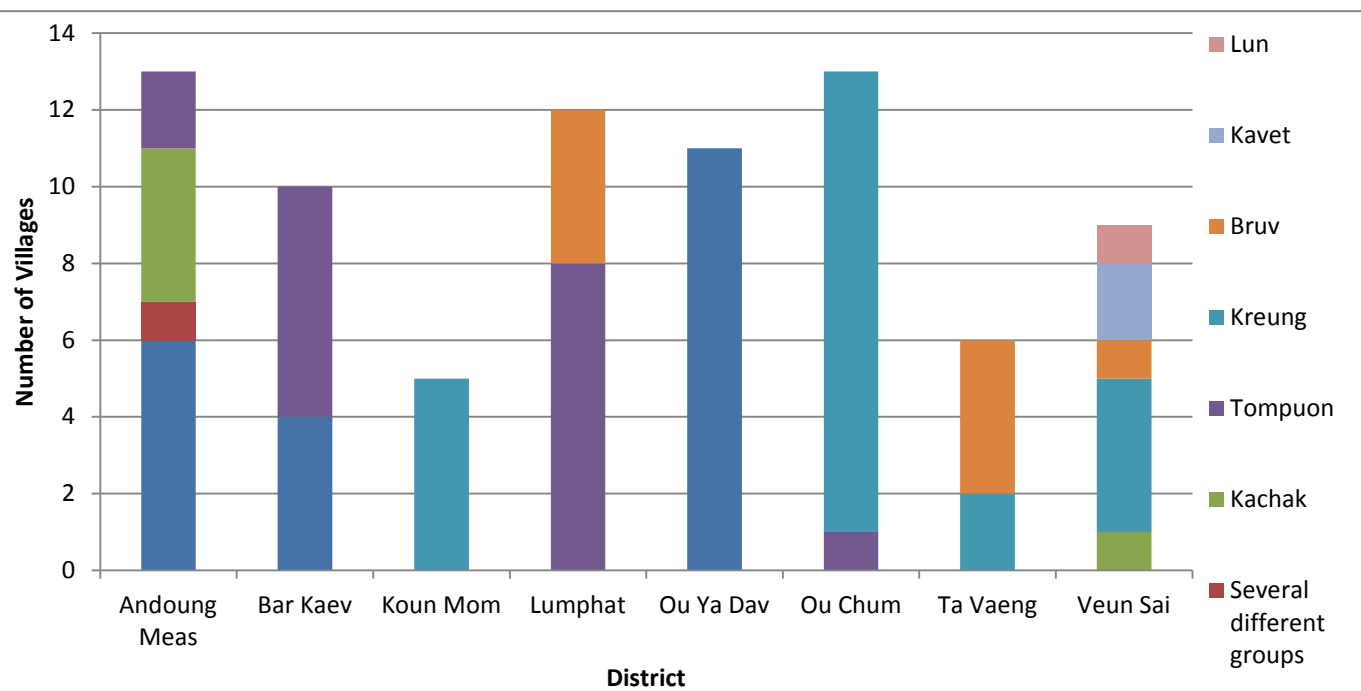
The research team worked diligently to provide the most accurate information possible for this report, but to ensure transparency it is best to recognize some possible shortcomings of the research process. First, throughout the target villages, there was confusion around 01BB and information was sometimes difficult to obtain. Researchers and NGOs were advised to stay out of the villages. Some information, therefore, had to be gathered through meetings in Banlung City, or by telephone.

It should be noted that most of the interviewed villagers were those more involved in the community's governance, such as village chiefs, elders, and their friends and neighbors. Community leaders recognized that some indigenous people in the village do not want CLTs because they want to sell their land. The majority of the population in 71 of the interviewed villages, however, had already elected to obtain communal titles before 01BB was implemented.

## **IV. Research Findings**

Researchers interviewed indigenous people from 79 villages in all eight districts of Ratanakiri. Thirteen villages were in Andoung Meas, ten in Bar Kaev, five in Koun Mom, 12 in Lumphat, 11 in Ou Ya Dav, 13 in Ou Chum, six in Ta Vaeng, and nine in Veun Sai. The interviewed villages included seven different ethnic groups: nine of the villages were ethnic Bruv, 21 were Charai, five were Ka Chak, 23 were Kreung, 17 were Tompuon, one was Lun, two were Kavet, and one was a mix of several different groups.

**Figure 1: Ethnicity and location (by district) of interviewed villages in Ratanakiri**



Seventy-one of the 79 interviewed villages were working to get communal land titles and were in various stages of the process. Eighteen of the villages started the process in 2012, 17 in 2011, 3 in 2010, 3 in 2008, and 29 in 2007. One village, Krala, had commenced a process in 1998 before the communal land title was even possible under the 2001 Land Law. None of the villages had yet received a communal title.

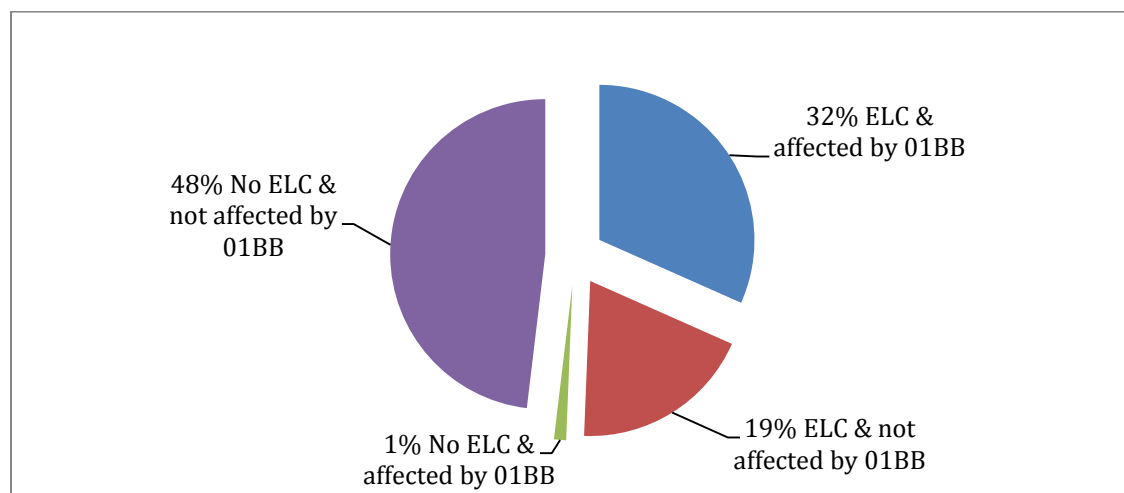
In July 2012, NGOs received a letter naming 31 villages to be measured during Directive 01BB's implementation. NGOs were working on CLTs and other projects in 19 of these villages. The students conducted 01BB in all 19 of these villages—in addition to seven more villages that were not named in the letter.<sup>24</sup>

Out of the 79 interviewed villages, 40 villages reported having problems with ELCs, small-scale contracts, or mining concessions.<sup>25</sup> Twenty-five of the 40 villages affected by companies were measured by Directive 01BB. The remaining 15 villages that had conflicts with companies were not measured by Directive 01BB. Thirty-eight villages had no conflicts with companies and were not measured by 01BB. One village, Phnum Kok Prov, claims that none of its land overlapped with a company concession but the land of 84 out of 91 families was measured for private titles.

<sup>24</sup> See Appendix II for the letter that was sent to NGOs.

<sup>25</sup> This includes 26 companies. For the list of villages affected by companies and names of those companies, see Appendix III.

**Figure 2: Distribution of 26 villages affected by Directive 01BB**



The 26 villages affected by Directive 01BB have a total population of 3053 families. Out of this, 1586 families (52 percent) were measured for private land titles.

**Table 1: Number of studied villages**

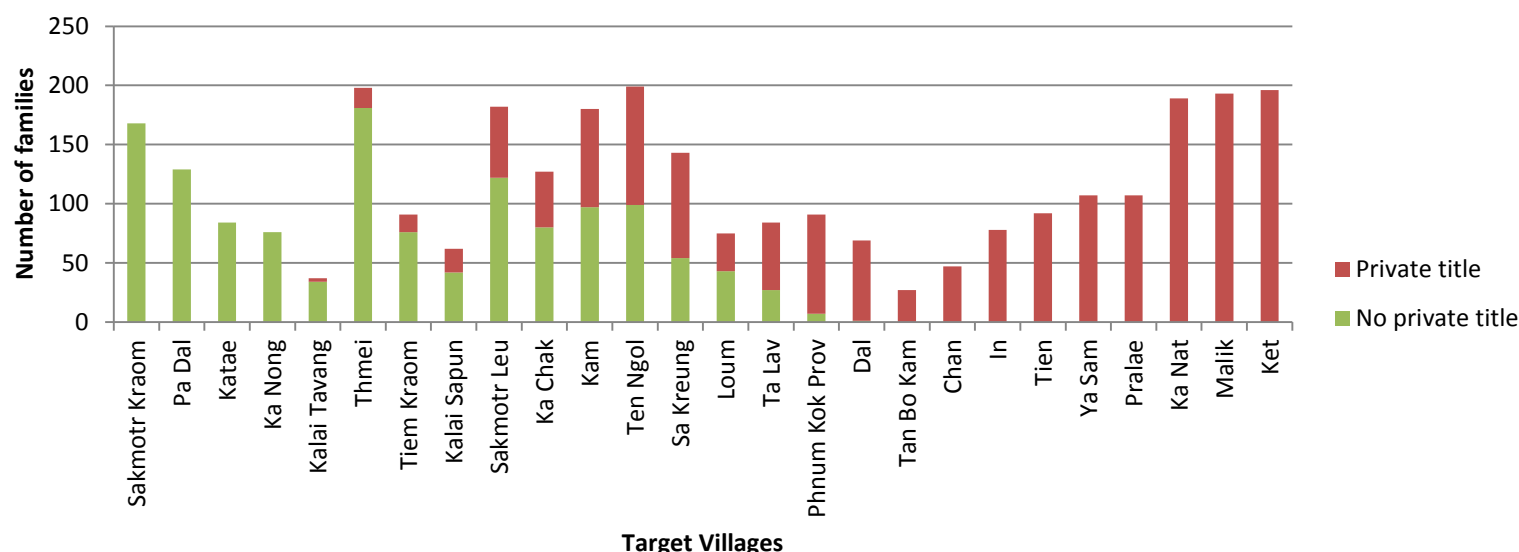
Number of villages working on CLTs with NGOs	Collected information from number of villages	Number of villages overlapping with companies	Number of villages affected by 01BB	Number of families measured for private titles by 01BB / total number of families in affected villages
71	79	40	26	1586/3053 (52%)

The number of families who had land measured for private titles in the 26 villages affected by 01BB can be seen in Figure 3. In ten of the communities interviewed, close to one hundred percent of the families were measured for private titles. In 11 other villages, students only measured some of the families' private plots of land. In these villages, only the families living within the ELC companies' land—over lands in dispute—had land measured for the private titles.

Four villages would not allow the student volunteers to conduct the project: Katae, Ka Nong, Pa Dal, and Sakmotr Kraom. They refused to cooperate until the students measured their communal lands. As stated above, in one village, Phnum Kok Prov, most families were measured for the private titles even though they claimed they did not have land that overlapped with a concession.



**Figure 3: Proportion of families whose land was measured for private titles in the 26 villages approached by student land titling groups**



In the 26 villages affected by 01BB, when interviewed villagers, including women and men, were asked if their village was satisfied with the student land titling process, people from 25 out of 26 villages answered “no.”

The main reasons for dissatisfaction were:

- (1) people lost land as a result of the process;
- (2) the policy put pressure on communities to privatize their land and quickly resolve complicated disputes;
- (3) the private titling groups or those associated with them misinformed community people and the process lacked transparency; and
- (4) the students and local government authorities threatened and coerced villagers.

These issues are discussed in more detail below.

## 1. Land loss

The main reason for dissatisfaction with Directive 01BB reported by villagers was that it did not protect their communal land. The students’ first step in villages was to show community people government-issued concession maps. The students then measured and demarcated

families' obvious, cleared private plots of land within the ELC borders. In some villages, the students also demarcated villagers' private plots of land outside of the ELC. Villagers also said they were dissatisfied with 01BB as it only measured their individual plots of land and not additional communal plots.

Villages targeted by Directive 01BB lived near companies and noted the increasing pressure to secure their customary land ownership quickly. They would rather have secured their communal lands, but CLT processes have taken too long. As a result of this, villagers from 25 out of 26 villages expressed a fear that the company would soon clear the rest of their land if they did not accept the private titles. As an elder from Ka Nat explained, "If we wait for a CLT we will have no land left to register."

Villagers also expressed dissatisfaction with Directive 01BB as it did not help them get back communal lands already lost to the companies. Villages that were measured for the private titles were generally those under the most pressure from companies. In all of the villages where 100 percent of the families were measured for private titles, companies had already cleared much of their communal lands—in many cases allegedly crossing over the borders on the ELC maps. Villagers reported that Directive 01BB did not allow them to get those lands back.

Villagers even stated that the private titles had left their communal lands even more vulnerable to companies. In some villages that received private titles from 01BB, people reported that companies had already cleared more of their communal land subsequent to the private titling. Because students only measured private plots within the areas defined by the ELC maps, villagers felt that companies could now more easily clear the remaining communal lands. An elder from Thmei village said, "If we try to get a communal title, we will lose our land because the process is so slow, but if we agree to the private titles we will also lose our land."

Ya Sam village was already recognized as a legal entity by the Ministry of Interior when an ELC was granted over part of their land. Village elders reported that out of 120 families in the community, the company forced 40 to sell their plots for 100 to 200 dollars per hectare under the threat that the company would clear the land even if people refused to sell. By the time the students arrived, the company was said to have already cleared most of the communal lands, including the burial and spirit forests. The remaining 80 families chose to obtain private titles in order to prevent the company from taking their land as well. Village elders said that it was also likely the families with private titles would be pressured to sell their land.

Ka Nat village is overlapping with four ELC rubber companies. Similar to Ya Sam village, the companies were reported to have cleared most of the community lands and to have forced many

families to sell their individual land plots for 100 to 200 dollars per hectare. Despite these pressures, the remaining families agreed to a communal title in order to “stop companies from clearing more of our land.” The students arrived to demarcate, and NGOs held a consultation meeting with elders mid-way through the process. Elders reported that a majority of the families still wanted a CLT and would not take the private titles. When the students left over a month later, however, the elders reported that every family had been measured for a private title—mapped in accordance with the four companies’ ELC maps. An elder reported, “We still want a communal title, but we don’t have four sides to our land. If I had four sides to measure, I would already have a map.” Since the companies had already cleared most of the community’s communal land, villagers felt a CLT was no longer an option.

The research found that communities under less pressure from nearby companies were less likely to accept the private titles. Out of all the 26 villages that the students tried to enter, four villages would not allow the students to demarcate their land (Katae, Ka Nong, Pa Dal, and Sakmotr Kraom). The companies overlapping these villages had only measured the land or cleared small areas, so the communities did not feel so pressured to accept the private titles. Each of these villages continued to refuse to participate in Directive 01BB until the students demarcated their community lands. They believed accepting the private titles would only cause them to lose more land.

## **2. Pressured process**

Villagers stated that the implementation of 01BB created pressures in addition to those already experienced from companies. Directive 01BB forced communities to make difficult decisions regarding their land registration and resolve complicated disputes with powerful companies without adequate time for proper consideration. This created divisions in communities and perpetuated ongoing land disputes.

Although many villages were once united in their desire to get communal titles, they noted that the arrival of the student volunteers created disagreement about whether the community should get the private titles or wait for communal titles. The students only stayed in these communities for close to one month, which forced communities to make important and difficult decisions regarding their land registration in only a short amount of time. Villagers said that the students’ time-intensive process exacerbated divisions in their previously unified communities.

The policy also put pressure on communities to resolve complicated disputes with powerful companies, and gave communities few resources to resolve the disputes. In Kalai Supun and Kalai Tavang, for example, the students titled families that had plots overlapping with ELCs

and then demanded the communities resolve the disputes with the companies. The students then told community people they would return to issue more private titles after the disputes were resolved. The village chiefs said that they did not know how to resolve the disputes by the time the students would return. One village chief stated, “The companies have no respect for us, and they will not listen to us.” Directive 01BB processes put pressure on the villagers to resolve these disputes, but with few resources, and the conflicts continued after the students left.

### **3. Misinformation and lack of transparency**

Indigenous villagers reported that they had received misleading information from 01BB’s initial stages and throughout its implementation that caused them to make misinformed decisions regarding their land. Many villagers reported that before the students arrived, local government officials told villagers that a new government policy was being implemented that would “resolve all land disputes” and allow the villages to get their land back from the ELCs. Many villages chose to stop communal titling processes and cease issuing complaints against nearby companies in anticipation of the new policy.

As the land policies and laws developed, communities struggled to adopt well-informed strategies on how to best retain their lands. Even communities that were more aware about their basic rights stated that they could not keep up with 01BB’s numerous revisions. Combined with the frequent changes, the students were said to spread incorrect and unclear information during 01BB’s implementation, which also made it difficult for communities to make informed decisions.

Villagers that tried to remain informed were isolated from important information resources such as NGOs. The students remained in most villages for over one month, and during that time NGOs were told that they should stay out of villages. Villagers that sought outside help from NGOs were told that the government would only resolve land disputes in communities that did not seek outsiders’ support,

NGOs also lacked information. NGO workers noted how local authorities and media stated that the policy would resolve land disputes by measuring communal lands within ELC areas and give the land back to indigenous people. The letter that the NGOs received in July 2012 included 31 villages in Ratanakiri that would be titled, and 19 of those were villages working toward communal titles with NGO support. Throughout the process, however, NGOs were surprised to find that the students titled seven more of their target villages than were in the letter. Government officials from the commune, district, and provincial levels stated that they did not know about the

letter, and that they titled villages as directed by higher levels. Thus NGOs remained uninformed about 01BB, which caused them to be unable to relay accurate information to villagers.

During 01BB's implementation, many indigenous families stated that they accepted the private titles without fully understanding the differences between the students' private land titles and communal titles. They said the student groups did not fully explain which lands the 01BB titles included and why the groups only measured private family land plots. In consultation meetings, villagers stated that they were unsatisfied with 01BB because the students did not measure all of their lands, but said they were unsure whether this meant their communal lands would be excluded from the 01BB land titles. The demarcation process failed to fully inform villagers what the Directive 01BB titles would include in comparison to communal titles.

Villages that were in the beginning stages of the communal titling process reported being the most uninformed. Phnum Kok Prov village, for example, had just started the communal land titling process when the students arrived. The village and NGO helping to coordinate the communal title followed the RGC's orders to stop the process until the students had finished the private title demarcation process. When the NGO met with the Phnum Kok Prov village chief and elders after the students left, they discovered that 84 families out of 91 had their land measured for the private titles. The village chief said that the village did not have a conflict with an overlapping company, and that the students did not ask him about whether a conflict existed. The chief stated that the villagers participated in the students' project because, "Some companies have done research around our borders. We want official documents to protect our land for future generations and to continue to use our communal lands." The village chief thought the 01BB titles would include all of the community's land.

Even villages that were relatively more informed were confused and forced to make decisions regarding their land. Many villages accepted the private titles under the assumption that they could combine them into a communal title later. It was reported that the students told villagers that they could "easily" change the private titles to CLTs, and the Minister of Land recently said in a speech on television that this would be possible.<sup>26</sup> The laws and processes on this are still unclear, however. Contracts that villagers had to sign according to Instruction 020 require villagers to resign their rights to communal lands. Many villagers reported not being able to read the students' contract in the Khmer language or understand the full legal implications of the contracts. All interviewed villagers said they wanted to secure their community lands with

---

<sup>26</sup> Talk show on Bayon Channel, April 2013.

communal titles, and that they were not sure if they should reject or accept the students' results in order to continue the communal titling process successfully.

The posting of the results of the demarcation was also said to be problematic. Villagers were not sure when or where the results were posted, and many could not read the preliminary titles, which were in Khmer. The results of the 01BB process were only posted for one month, and if villagers failed to reject the results, their silence was interpreted as acceptance. At the time of writing this report, the posting time limits were expiring for many villagers that still want CLTs.

#### **4. Threats and coercion**

Many villagers affected by 01BB said their villages were unsatisfied with 01BB because the student volunteers or local authorities threatened or coerced them during the 01BB process. The policy made villagers feel as though if they did not choose the private titles, they would lose all of their land to the company or the government.

Villagers repeated the statement the students had said: "Your village is on public state land. If you do not accept the private land titles, the land will go back to the government." The students were said to have told villagers they have no legal right to their land. It was also reported that the students talked about communal titles in a derogatory way. In Tiem Kraom an elder said how the students compared her village to the Pol Pot regime, comparing the community's lands to the collective agricultural scheme during the Khmer Rouge. Students told the villagers, "This communal land is just like Pol Pot. If you want to keep using your land in this way, you want our country to go back to Pol Pot times."

Threats not only came from the students, but also local government officials. Villagers repeated a regular statement from the Commune Councils, District Governors, and Provincial Governor, who told villagers, "If you do not choose the private titles and you have a conflict with the company in the future, we will not help you resolve the issue." This made villagers believe that no dispute resolution mechanisms would be available to them, and that the 01BB titling was their only option to protect their land against the companies.

Community members were not the only ones who were intimidated during the implementation of 01BB. Local government officials told NGO leaders to stay out of CLT target areas when 01BB launched to "avoid conflict of interest with the students." One NGO went inside a target village to continue its coordination of CLTs, and was called to the Provincial Governor's office for questioning. This was the only instance in Ratanakiri when an NGO entered a village

during the 01BB process; the rest followed government orders out of a desire to amicably work with the government in the future.

## **V. Impacts of Directive 01BB**

As the research demonstrates, Directive 01BB has caused numerous issues for indigenous people in Ratanakiri Province. Interviewed indigenous people, NGOs, and local government officials expected that the impacts of this policy would: (1) cause loss of indigenous land, livelihoods, identity, and culture; (2) divide communities; (3) increase complications, lack of harmonization, and confusion within the land law framework; and (4) perpetuate ongoing land disputes.

### **1. Privatization leading to loss of land and livelihoods**

Directive 01BB's initial purpose to measure lands in conflict with ELCs and give it back to communities could have helped to resolve ongoing disputes and sustain indigenous livelihoods. Instead, Directive 01BB was said to have increased land privatization in indigenous communities and caused land loss. Most interviewed indigenous peoples, NGOs, and local government officials all recognized that the land privatization occurring as a result of Directive 01BB was unsuitable for indigenous people, the majority of whom wished to retain their community lands and secure those lands with communal titles. Villagers stated that their communities are now "broken" due to privatization.

All stakeholders during the research process recognized that communities that accepted the private titles were at greater risk of losing their communal lands to companies. A member of the Provincial Council of Ratanakiri called the policy "useless," because it allowed the continuation of community land being taken by companies. Villagers were afraid that companies would soon clear unregistered lands and pressure families to sell their private plots.

#### **A. Pressured land sales**

Many indigenous villagers living inside ELCs stated that they were destitute, in debt, and under extreme economic pressure. They recognized that companies could use money and power to coerce villagers to sell land at low prices. Elders stated that it was likely many families with the private titles would sell their land below the market price without an alternative plan of action or ability to relocate. In many cases peoples' debt occurred from hardships already encountered due to land loss.

Many villagers continue to want communal titles so that they can make internal rules on land sales and prevent forced sales. They recognize that land sales affect the entire community. As the land of various families throughout indigenous villages is slowly parceled out to companies, community structures weaken and it becomes easier for companies to encroach on other villagers' lands. This leads others to a reality where they too have no choice but to sell.

Despite this pressured environment however, the research found that indigenous people overwhelmingly did not want to sell privately titled land. They reported that privatization was largely due to external commercial pressures on the land, misinformation, threats, and coercion. When villagers were asked if they chose the private titles because they might want to sell their land, all of the interviewed individuals said, "No." One villager from Tiem Kraom said, "No, why would I sell my land? If I sell my land, I will have no place to go." He explained, "I could buy a moto or throw a party with the money, but then I would not have enough to buy new land." An elder in Tiem Kraom recognized that if she wanted to get money for something, she would rather sell a buffalo, "because we have a lot of buffalo. We only have one land." They recognized, however, that sometimes people had no choice but to sell their land to powerful companies. They said that communal titles were the only way that indigenous communities could manage such issues.

## **B. Loss of livelihoods**

Indigenous people recognized that the five hectare maximum allowed under 01BB was too small for their families in an upland agricultural system. Many received much less than the maximum five hectares. In Sakmotr Leu, for example, some families received as little as 0.4 hectares. Families indicated that if this was the only land they were able to cultivate, they would have no choice but to sell their land to a nearby company and try to relocate.

## **2. Divided communities**

Villagers also reported that the 01BB process and resulting privatization created divisions in previously united communities. Although villages affected by 01BB were once unified in their efforts to obtain communal titles, the time-intensive process of 01BB created disagreement on whether to wait for communal titles or quickly obtain the private titles. As a result, tensions formed in communities. In some villages where only a percentage of families' individual plots of land were demarcated by 01BB, villagers who refused to participate in 01BB say they will not allow other villagers whose land was measured for private titles to participate in the communal titling process later. One elder said that even if the families whose land was measured for private titles wanted communal titles, they would not be allowed to participate since they might ruin the village's chances of getting the communal title.



### **3. Increased legal complications**

Frequent policy changes issued after Directive 01BB and misinformation during its implementation caused legal complications and ultimately created confusion in indigenous villages. Although national and international treaties recognize indigenous peoples' customary rights to retain their communal lands,<sup>27</sup> communal land titling processes have been halted<sup>28</sup> while privatization has left communal lands even more vulnerable to companies. Non-transparent policy changes from Directive 01BB's beginning further convoluted the land law framework and caused indigenous communities to be less informed regarding their rights.

### **4. Ongoing land disputes**

Directive 01BB's implementation has not resolved indigenous peoples' disputes with companies. It has also disrupted existing dispute resolution mechanisms. The students lacked the information, training, and resources to resolve complicated disputes. Local government officials from Lumphat District said that the students' only tools in resolving the conflicts were the nationally-issued ELC maps and villagers' individual plots of land that had been cultivated or cleared. Local commune councilors reported, "We have been instructed by higher levels not to ask villagers about their conflicts with companies during the students' process."

Villagers said that Directive 01BB had failed to resolve land issues with companies. Many villages that had made complaints against companies in Ratanakiri Provincial Court were demarcated by 01BB. While students pressured villages to resolve the disputes, the complaints remained pending. As representatives from Kalai Tavang and Kalai Supun recognized, "We do not know how to resolve the dispute ourselves. The company will not listen to anything we say." It was noted that land disputes in the courts have also not been addressed for years.

Some villagers noted that the companies already cleared more communal land after the private titles were issued, worsening the conflicts. Villagers that were measured for the private titles stated they would continue to use their communal lands, although they feared the reaction from higher levels. One village chief said, "My village still wants a communal title, but maybe I should find someone else in the village to be the face of the initiative, for fear of my life." It was clear that after the students demarcated private plots throughout indigenous communities, land conflicts with companies did not disappear, but even worsened in some cases.

---

<sup>27</sup> See RGC 2001 Land Law; RGC Decision No. 092/003/2007.

<sup>28</sup> See RGC, Instruction 020.

## VI. Recommendations

In order to address concerns with Directive 01BB, a number of recommendations have come forward from involved stakeholders:

–*Recognize that private land titling is inappropriate for indigenous communities in Ratanakiri.* Other stakeholders should follow the requests of indigenous peoples and recognize that private land titling is unsuitable for indigenous communities;

–*Provide full, transparent education to villages.* If Directive 01BB continues in indigenous areas, the RGC should ensure the students fully disseminate information to the affected villages, including education on Directive 01BB, communal titles, and private land titles and that villagers are aware of the pros and cons of each of these. NGOs and civil society should also be involved to ensure transparent dissemination of information and education of villagers on 01BB and the differences between communal and private titles;

–*Full education to student volunteers.* The students deployed by 01BB to Ratanakiri did not receive education on the livelihoods and culture of indigenous peoples. NGOs should be involved in the students' training processes to ensure full and non-biased education;

–*Transparent private title postings.* If communities choose to proceed with private titling, local authorities should work to ensure that the villagers are aware of when and where—with the exact date and location—they post the private titles and give villagers a better opportunity to accept or reject the titles. The fact that some villagers cannot read Khmer also needs to be addressed;

–*Ensure uniform implementation of Directive 01BB.* The RGC and local government officials should work to ensure more proper and uniform implementation of Directive 01BB according to the law as it was originally conceived, which was to achieve the objective of ensuring the land tenure security of indigenous peoples;

–*Measure all lands including community lands.* At Directive 01BB's inception, the RGC stated that it wanted to increase tenure security for indigenous people and give community lands back to villagers. The RGC should use Directive 01BB to measure community lands, including spirit forests, burial forests, and swidden plots of land, that conflict with ELCs and give those lands back to the communities;

–*More cooperative procedures.* Local government officials and the RGC should work to ensure that the relationship between students, affected villages, and NGOs is more cooperative and informative, less pressurized, and more in line with consensus-based decision-making

procedures already used by indigenous communities. NGOs should also be allowed to continue their projects in target villages;

*–Transparent policy changes.* NGOs and villagers remain uninformed about the current state of Directive 01BB. NGOs are not sure which villages the students plan to title, while villagers are not sure whether their private titles can convert to CLTs or whether it is best to accept or reject the results. National government authorities, local officials, and students should work to make these policies more comprehensive, transparent and accessible;

*–Enable villagers to change private titles to communal titles.* All of the interviewed communities still prefer communal titles, and the RGC should make this opportunity readily available by allowing indigenous communities to combine the private titles into communal titles, and ensure the inclusion of communal lands not measured by the students;

*–Harmonize the legal framework.* The RGC at the national level should work to ensure that Directive 01BB is harmonized with the existing legal framework which respects customary indigenous community land rights and recognizes indigenous people's right to practice traditional agriculture on their land;

*–Respect existing dispute resolution mechanisms.* With respect for the existing legal framework, the students should not be directed to measure or resolve disputes in villages where villagers have already issued complaints against companies in the court or through other legal dispute resolution mechanisms;

*–Send the committee to investigate Directive 01BB and re-strategize.* The RGC should send National Committee 9 to investigate the impact of 01BB on indigenous people, their livelihoods, and whether the policy has fulfilled its mission of resolving land disputes and measuring lands in conflict;

*–Form a multi-stakeholder working group to investigate Directive 01BB.* More reflective processes and investigation on 01BB is needed, as well as more support for indigenous peoples from the national level. The RGC should form a working group that supports indigenous peoples and looks into the impact of 01BB which includes government, civil society, and especially indigenous people from all ethnic groups;

*–Invite the UN International Expert on Indigenous and Minority Peoples and UN Special Rapporteur on the Rights and Fundamental Freedoms to respond to 01BB.* The RGC and civil society should invite the UN Special Representative to investigate the impacts of 01BB on indigenous people;

- Continue CLT processes.* As CLTs can help preserve the land, livelihood, culture, and identity of indigenous people and indigenous people are endowed with this right under national laws, the RGC should prioritize the distribution of CLTs to indigenous peoples. A good first step would be to release the moratorium on CLT processes while Directive 01BB is being implemented;
- Prioritize CLT processes.* The RGC at the national level should take concrete steps to speed up CLT processes, especially for the forty-nine villages in Cambodia that have received recognition as Legal Entities by the Ministry of Interior and are waiting for their communal titles;
- Prioritize mapping of indigenous communities.* To save money and time, the RGC should map the outer boundaries of indigenous villages so that maps can be used as a resource in indigenous peoples' conflicts with companies and during the communal land titling process;
- Ensure legal ELC processes.* The RGC should take steps to ensure that ELC companies conduct full social and environmental impact assessments before they clear land, cooperate with villagers through legal mechanisms if any disputes arise, and hold companies accountable to the objectives of Directive 01BB.

## References

- Baird, Ian, *Reflecting on Changes in Ratanakiri Province, Northeastern Cambodia*, 12(3) Watershed People's Forum on Ecology (Nov. 2008), at 65-73.
- Colm, Sara, *Land Rights: The Challenges for Ratanakiri's Indigenous Communities*, 3(1) Watershed People's Forum on Ecology (1997).
- Committee on the Elimination of Racial Discrimination, Concluding Observations: Cambodia, CERD/C/KHM/CO/8-13, Apr. 1, 2010, at ¶16.
- ILO—Information provided by ILO-Cambodia, March 2013.
- Indigenous People and Human Rights: Cambodia*, in INDIGENOUS PEOPLE HUMAN RIGHTS REPORT IN ASIA: CAMBODIA, THAILAND, AND NEPAL (2006).
- Lewis, Simon & Khuon Narim, *Few Companies Conduct Environmental Studies*, THE CAMBODIA DAILY, Nov. 25, 2012.
- OHCHR, *Economic Land Concessions in Cambodia: A Human Rights Perspective*, June 2007, available at [http://cambodia.ohchr.org/WebDOCs/DocReports/2-Thematic-Reports/Thematic\\_CMB12062007E.pdf](http://cambodia.ohchr.org/WebDOCs/DocReports/2-Thematic-Reports/Thematic_CMB12062007E.pdf).

- OHCHR, *Land Concessions for Economic Purposes in Cambodia: A Human Rights Perspective*, Nov. 2004, available at [http://cambodia.ohchr.org/WebDOCs/DocReports/2-Thematic-Reports/Thematic\\_CMB14112004E.pdf](http://cambodia.ohchr.org/WebDOCs/DocReports/2-Thematic-Reports/Thematic_CMB14112004E.pdf).
- OHCHR, Report of the Special Rapporteur on the situation of human rights in Cambodia: Addendum, Sept. 24, 2012, UN Doc. A/HRC/21/63/Add.1, available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-63-Add1\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-63-Add1_en.pdf)
- OHCHR, *Report of the Special Rapporteur on the situation of human rights in Cambodia*, July 16, 2012, UN Doc. A/HRC/21/63, available at [http://cambodia.ohchr.org/WebDOCs/DocReports/3-SG-RA-Reports/A-HRC-21-63\\_en.pdf](http://cambodia.ohchr.org/WebDOCs/DocReports/3-SG-RA-Reports/A-HRC-21-63_en.pdf).
- OHCHR, Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, A/HRC/9/9, 2008.
- Oxfam, *Where has all the land gone? Land rights and access in Cambodia*, UN Doc. E/CN.4/1996/93, Feb. 26, 1996.
- Padwe, Jonathan, *Weird Undertakings: Cashews, Cash and Capitalism in Northeast Cambodia*, in CAMBODIA'S ECONOMIC TRANSFORMATION, ed. Caroline Hughes and Kheang, pp. 123–153 (2011).
- Pheaktra, Neth, *PM: Northeast region will become Cambodia's fourth economic "pole,"* THE MEKONG TIMES, Apr. 30, 2008.
- Reaksmey, Hul, *Land Concessions now at 1.2 million hectares, official says*, CAMBODIA DAILY, Feb. 29, 2012, at 20.
- RGC, Council for Land Policy, Instruction No.20 on the implementation of the Royal Government's Directive No. 01 Bor.Bor, 07 May 2012 on the strengthening and increasing the effective management of economic land concession in areas of indigenous communities, July 26, 2012.
- RGC, Council for Land Policy, No.015, July 4, 2012, *Instruction on the implementation of the Royal Government's Directive No.01 BorBor*, May 7, 2012, regarding the Strengthening and Increasing the Effective Management of Economic Land Concessions in Areas of Indigenous Communities, Evergreen Forest, Semi-Evergreen Forest, Dense Forest, and in Areas of National Defence Bases and Historical and Cultural Heritage Sites.

RGC, Decision No. 092/003/2007, July 10, 2007. This validates the applicability of all of Cambodia's human rights treaties, including the Universal Declaration of Human Rights (UDHR), International Covenant on Economic Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Optional Protocol of the ICCPR, the International Convention on all forms of discrimination against women (CEDAW), and the Convention on Biological Diversity (CBD).

RGC, Directive No.01 Bor/Bor on the Measures to Strengthen and Foster Effectiveness for the Management of ELCs, May 7, 2012.

RGC, Instruction No. 018, July 20, 2012, regarding Land Identification, Resident Identification and the Issuance of Preliminary Certificates of Ownership in Compliance with the Government's 7 May 2012 Directive No.01.

RGC, Land Law, No. NS/RKM/0801/14, July 20, 2001, *available at* <https://docs.google.com/gview?url=www.opendevdevelopmentcambodia.net/law/en/Law-on-Land-2001-E.pdf>.

RGC, Law on Investment, No. Preah Reach Kram/03NS, Aug. 5, 1994, *available at* <https://docs.google.com/gview?url=www.opendevdevelopmentcambodia.net/law/en/Law-on-investment-E.pdf>.

RGC, *Letter of the Council of Ministers*, No.666 Sor.Cho.Nor, June 26, 2012 (informing the Minister of MLMUPC of the Government's decision to conduct expedited land registration in areas targeted for the implementation of PM's Directive 01).

RGC, Ministry of Interior and MLMUPC, *Inter-ministerial Circular on Interim Protective Measures Protecting Lands of Indigenous Peoples that Has Been Requested for Communal Ownership Titling, While Awaiting Titling Process According to Procedure to be Completed*, May 31, 2011

RGC, *National Policy on the Development of Indigenous People*, Ministry of Rural Development, Apr. 24, 2009; Circular of the Ministry of Rural Development on the Procedures and Methods of Implementing National Policy on the Development and Identification of an Indigenous Community, July 22, 2009.

RGC, *National Strategic Development Plan 2006-2010*, For Growth, Employment, Equity and Efficiency to Reach Cambodia's Millenium Development Goals, Jan. 27, 2006, *available at* [http://www.cdc-crdb.gov.kh/cdc/aid\\_management/nsdp.pdf](http://www.cdc-crdb.gov.kh/cdc/aid_management/nsdp.pdf).

- RGC, *National Strategic Development Plan Update (2009-2013): for growth, employment, equity and efficiency to reach Cambodia's Millennium Development Goals*, June 30, 2010 (phase II of the Rectangular Strategy for Growth, Employment, Equity and Efficiency).
- RGC, Royal Decree NS/RKT/0806/339 on Provisional Guidelines and Principles Regarding the Reclassification of State Public Properties and of Public Entities (2006).
- RGC, Sub-Decree 114 on The Mortgage and Transfer of the Rights Over a Long-Term Lease or an Economic Land Concession, Aug. 29, 2007, available at [http://www.cambodiainvestment.gov.kh/sub-decree-114-rgc-on-the-mortgage-and-transfer-of-the-rights-over-a-long-term-lease-or-an-economic-land-concession\\_070829.html](http://www.cambodiainvestment.gov.kh/sub-decree-114-rgc-on-the-mortgage-and-transfer-of-the-rights-over-a-long-term-lease-or-an-economic-land-concession_070829.html).
- RGC, Sub-Decree No.118 HNK/BK on State Land Management, Oct. 7, 2005.
- RGC, Sub-Decree No.129 ANK/BK on the Rules and Procedures on Reclassification of State Public Properties and Public Entities, Nov. 27, 2006.
- RGC, Sub-Decree No.83 ANK/BK on Procedures of Registration of Land of Indigenous Communities, Apr. 24, 2009.
- RGC. Sub Decree on Economic Land Concessions, No. 146 ANK.BK, Dec. 27, 2005, at art. 5, *available at* <https://docs.google.com/gview?url=www.opendevdevelopmentcambodia.net/law/en/ANK-146-05-Concession-Land-E.pdf>.
- Titthara, May, *Land concession halt extended: PM*, PHNOM PENH POST, Oct. 1 2012.
- Tran, Mark, *UN urges Cambodia to hold companies to account over land disputes*, THE GUARDIAN, May 14, 2012, *available at* <http://www.guardian.co.uk/global-development/2012/may/14/un-cambodia-companies-land-disputes>.
- Woods, Ben & Kuch Naren, *Minorities Choosing Private Over Communal*, CAMBODIA DAILY, Nov. 30, 2012, at 1-2.
- Woods, Ben & Phorn Bopha, *Ethnic Minorities Risk More Than Just Land: Choosing private land titles threatens indigenous communities*, CAMBODIA DAILY, Dec. 6, 2012.

## **Appendix I: Directive 01BB, Instruction 015, Instruction 018, Instruction 020, and Instruction 666**

### **Order 01BB on the Measures Reinforcing and Increasing the Efficiency of the Management of Economic Land Concessions (ELC) dated 7 May 2012**

On the basis of the policy on reinforcement of the land management, distribution and use stipulated in the 2<sup>nd</sup> part of the overall strategy of the RGC and also on the basis of the plenary session of the Council of Ministers dated 27 April 2012, (...) the GRC issues the following order for ministries, institutions and concerned competent authorities so that they do as follows:

- 1- Provisionally suspend the providence of ELC;
- 2- Ministries, institutions and concerned competent authorities shall very efficiently implement the policy and all the conditions of the GRC decision on the providence of ELC and pay good attention to the implementation of the ELC contracts, in particular in the respect of the policy of the “tiger skin”, of the principle not to affect land belonging to indigenous minorities and citizens’ way of life with the aim to have these ELC providing real and sustainable efficiency to the country and its citizens
- 3- If companies that have already been given agreements from the GRC have not complied with the provisions in force or with the contract, in particular by having cut trees but not having done the concession developments, having occupied additional land, having let part of the land unexploited in the purpose to sub-rent it, having undertaken an exploitation different than the one specified in the contract, having taken land belonging to citizens or indigenous community, then, the GRC takes the corresponding concessions back. These concessions reverting to the State will be under the direct management of the State.
- 4- If an ELC has received principle agreement for the GRC before the date of this order, the legal principles and procedures in force shall be respected

Signed by Prime Minister Hun Sen

### **CLP instruction 015 LNN/CDS/KKD dated 4 July 2012**

On the implementation of RGC Order 001 on the Measures Reinforcing and Increasing the Efficiency of the Management of Economic Land Concessions (ELC) dated 7 May 2012



In relation with the indigenous minorities' areas, primary, semi-primary, forest areas, national defense areas and historical and cultural zones areas.

In order to implement the RGC order 001 on the Measures Reinforcing and Increasing the Efficiency of the Management of Economic Land Concessions (ELC) dated 7 May 2012 and in order to increase the tenure security in the areas in which indigenous minorities are living, or within forest concessions, ELCs or land confiscated by provincial decision, as well as in order to protect and enhance national natural resources, the CLP chairman instructs in addition to existing guidelines to the chairmen of the Provincial State Land Management Committees in relation with the indigenous minorities' areas, primary, semi-primary, forest areas, national defense areas and historical and cultural zones areas as follows:

1- Areas in which indigenous minorities are living

a. Indigenous minorities groups registered as 'community' in the Ministry of Interior  
The land identification process shall be done in the same working spirit than the one prevailing in the GDCG instructions on the implementation of RGC order 001BB and the land shall be registered as communal ownership of the 'community' according to the request of its traditional authorities or the chairman of the indigenous minorities committee in the respect of the categories and extents determined in the SD83 (9June 2009) on... and SD 46 (31 May 2002) on...

After having done the land identification and follow the working process above-mentioned, a primary title shall be issued to the indigenous community attached to a primary map acknowledging about the location and categories of land belonging to the community.

On the primary ownership title, it shall be filled as follows:

- On the point "II. Identity of land possessor", shall be written the name of the indigenous minority possessing this land (for ex: Toumpoung indigenous minority of Phum... Khum.... Srok... Khet....)
- On the point "III. Property category" shall be written "communal ownership of the XXX indigenous minority from the YYY village"

At the time of issuing the definitive ownership title, the registration shall be done in the Land Register Book in the name of the indigenous community and issue a communal ownership title in accordance with the provisions of SD83 dated 9 May 2009 on...

b. Indigenous minorities groups presently requesting to be registered as 'community' in the Ministry of Interior

It shall be implemented exactly as if it had been registered already

c. Indigenous minority individuals who do not want to be part of the 'community' and want to live as any private person

For such individuals, it shall be implemented as for any other Khmer citizen and provide her/him with private ownership on the piece of land that s/he had and still presently possess and cultivate

effectively. In such case and if the concerned land is part of the public domain of the State, the PSLMC shall request transfer of this land to the private domain.

- 2- Land located in primary, semi-primary or forest areas, national defense areas and historical and cultural zones areas.

In the identification process, if there are claims from the citizens and/or if there are requests over specific pieces of land lying in primary, semi-primary or forest, national defense areas and historical and cultural zones areas, such claims and requests shall NOT be checked.

If a piece of land related to any contract is deemed to be located in an area that is considered as primary, semi-primary or forest, national defense areas or historical/cultural following identification process by the PSLMC, then the concerned PSLMC shall request the RGC decision.

Signed by H.E. Im Chhun Lim, Senior Minister of LMUPC, Chairman of CLP

### **Instruction 018-SNN/KKD signed by the Senior Minister of LMUPC on 20 July 2012 on the implementation**

of GRC Order 30BB dated 7th May 2012

In order to [...], the chairman of the Land Policy Council and also of the National Land Management Committee wants to give additional instructions relating to the donation of land to the citizens to the chairmen of all the Provincial State Land Management Committee (PSLMC) and to the technical surveying teams.

-1. Within the implementation operations of the Order 30BB, the Anukret 118 dated 7 October 2005 on State Land Management, the Anukret 46 dated 31 May 2012 on Systematic Registration, the Circular 02 dated 26 February 2007, the provincial Governor as chairmen of the PSLMC and of the Administrative Committee (AC) shall organize the information campaign and shall instruct the District Working Groups (DWG) with the assistance of the technical survey groups and the young volunteers groups in order to achieve the public information of this campaign through loud speakers within the targeted districts, communes and villages. In order that the information duly reaches the people, informative boards shall be installed at the place where the information team stays as well as at the place that shall be registered.

-2. Way to identify the area actually belonging to the citizens and to identify these citizens

- The PSLMC, the District WG and the various commune field groups are determining:

-- 1 the area and surface of land that shall be withdrawn from the forest concession, the ELC or State land that was already excluded by a provincial Deyka

- 2 the number of families who are affirming that they actually possess and cultivate this land
- After determination of location and size of the land and the number of families of citizens actually possessing the land, the PSLMC shall request the GRC to prepare a draft Anukret of transfer of this land from State public to State private land (if the concerned land is State public land), or, a GRC decision (if the concerned land is State private land) and attached to the request a primary/provisional map of the concerned area.
- In the above-mentioned Anukret or decision, the following shall be specified: the land location (Phum, Khum, Srok/Krong, Khet), the actual number of families, the land size, the land coordinates, the land category and use such as 'public land', 'residential land', 'agricultural land', 'land for reserve', ...
- According to the necessity and in order to help the PSLMC in its work, the land survey technical teams can begin the survey of the land parcels actually possessed and cultivated by the citizens at the same time that they proceed to the identification of the land area and size. In such case, only land effectively occupied by the citizens and not subject to any dispute can be surveyed.
- 3 Way to identify the parcels, the citizens and to survey the parcels in order to issue the primary/provisional ownership title.
- The land survey technical teams shall inform the citizens about their passage to survey the parcel one week before.
- The land survey technical teams are composed of professional cadastral officers and young volunteers who go together to survey parcels that citizens effectively possess and cultivate in order to gather the data used as the basis to issue the primary/provisional titles. In this process, detailed information on the citizens shall be collected including their photos, thumbprints, family book, ID card, the various members of the family as well as the data of effectively possessed parcels.
- Once these data have been collected, they shall be publicly displayed during 30 days with previous announcement at least 7 days before the beginning of the public display. At the time the public display is taking place, there shall be a community meeting so that all can together check carefully the name (and other data) of the citizens and the parcels.
- After the public display and the community meeting to carefully check the data together, the PSLMC shall issue the primary/provisional ownership titles to the possessors for every parcel that is not disputed in accordance with the decision of the RGC and while waiting for the issuance of final title. The PSLMC shall alternatively issue the letters acknowledging the use of State land in

the framework of 'small economic concession' while waiting for the issuance of contract of 'small economic concession' in the future.

- Decision on the adjudication documents relating to the right that shall be provided to the citizens is made by the RGC from which the PSLMC and the AC have requested such decision. This decision can be one of the following:

-- A- Ownership right over residential parcel and over parcels possessed and effectively cultivated, whether seasonal crops or long-term crops, for a size that cannot exceed 200 hectares, or,

-- B- Land use right of State land under the form of 'small economic concession' for land that has been cleared but not yet cultivated

-- A & B- In the process of deciding the rights to be provided, priority shall be given to the citizens who physically and permanently stay in the Phum. As far as land bigger than 10 hectares is concerned, they shall be excluded from systematic registration and kept for further sporadic registration.

-4. In the case that a citizen is claiming a piece of land that has already been taken and cultivated by an investor, the following principles shall be implemented:

- For citizens that have already received compensation previously following a resolution process, such claim cannot take place again,

- For citizens who had to leave the place they used to possess because of the competent authority, institution or because of a private business and that these citizens have respected the RGC decision and the legal procedure but the claim was not able to be solved, in such case, the provincial authorities can implement a social concessions program in favor of the concerned citizens with previous opinion of local authorities in charge of civil status of the place where the concerned citizens originate as well as evidence of their poverty from the authorities of their birth place.

-5. For citizens who came to clear new land after the 7 May 2012, there is no possibility to solve their issue. The occupation of State land shall be strictly forbidden. Concerned civil servants, concerned competent sub-national authorities as well as armed forces shall implement law and regulations in force as well as the RGC orders with high efficiency, consciousness and responsibility.

**Instruction 020-SNN/KKD on the implementation of GRC Order 30BB dated 7 May 2012 in relation with areas in which indigenous minorities are living**

Signed by the Senior Minister of LMUPC on 26 July 2012

In order to implement the implement the RGC Order 01BB dated 7 May 2012 and to reinforce the land tenure security in the areas occupied by indigenous minorities, and also because the new actions on existing land policies campaign and allocated budget is constrained within the year 2012, the chairman of the Land Policy gives the following additional instructions relating to the indigenous minorities' land to the chairmen of all the Provincial State Land Management Committee (PSLMC):

1. Determination of the boundaries of the all the parcels being the communal ownership of indigenous communities, particularly those related to shifting cultivation that are part of the State public domain, relates to many different places, requires a long time as well as extensive budget spending. Therefore, registration of communal ownership right of indigenous minority shall be postponed to be implemented later in the framework of Sub-Decree No.83 dated 9 June 2009.

-2. As far as indigenous individual who do not want to be part of an indigenous community and want to live as private person are concerned, it shall be implemented similarly as stated in the Instructions 015SNNDNS/KKD dated 8 July 2012 in its point I-3. In addition to these instructions, it is also necessary to have the concerned individuals thumbprint a contract acknowledging their volunteer willingness to live as private individuals. These contracts shall be kept as evidence for the future.

Contract showing willingness to live as individual person

I, the undersigned named ..... sex:..... born on the date of ..... in the place of ....., being of ..... nationality and holding the ID number ..... being married with..... holding ID number ..... and having a family of ..... members (attached Family Book) and being originated from the indigenous minority of ..... from the Phum....., Khum....., Srok....., Khet.....

wishes to certify voluntarily and in writing that:

Myself and my family are really willing to live as private individuals outside of the indigenous community and guarantee that we are not claiming the rights and/or any benefit over the properties belonging to the indigenous community such as shifting cultivation land, spirit land, burying land, ...

This contract is established with free willingness and no constraint. Myself and my family have read, understood what we have read, understood the translation made in our native language and understood clearly of the meaning and implications of this contract.

Made in 3 copies (1 for the individual, 1 for the Phum, 1 for the Khum)

### **Letter 666 SCN from Council Presidency**

To The Senior Minister of LMUPC dated 26 June 2012-07-09

Object: principles to be implemented in the registration work concerned by the circular 01BB

Bases: Letter 737 DNS/KKR dated 22 June 1012 from MLMUPC, and

Written note from the Prime Minister dated 24 June 2012

Signed by Prak Sokhon in the name of the Senior Minister

Principles for registration of areas related to implementation of circular 01BB are decided by the GRC to be as follows:

1- Within the areas that were excluded according to the procedures and regulation in force from forest concessions, economic concessions, land areas managed by the Ministry of Environment and State concession land confiscated/cancelled by a Deyka from provincial authorities, the following rules shall be implemented:

1.1- For the requests of people actually occupying the land that are not exceeding 5 hectares, it is agreed to do the donation of the ownership. In such case, in order to favor the conditions of development, the procedure shall be implemented in 2 steps.

1st step: a primary title shall be provided. This title can be used similarly as a final ownership title until the delivery of such final title. When final title is delivered, the primary title shall be collected in exchange (...)

2nd step: the final title shall be provided. This can be done after all the parcel data of the donated parcel have duly been collected. As the registration procedure does not take too long, it shall be forbidden to proceed to any transfer until the delivery of the final title

1.2- For people occupying more than 5 hectares, whether the land contains a residence or not, the part of the land that has truly been cultivated shall be the object of a donation of ownership. Parts of the land claimed that has not been the object of any development shall be registered as State private land and the claimant shall be given the right of "small economic concession". In such case, the land shall be registered in the name of the Governor as he is the chairman of the Provincial

State Land Management Committee and it shall be the duty of the Governor to establish the contract of “small economic concession” with the concessionaire.

The validity of the “small economic concession” contract can be of maximum 99 years.

From the day the contract is signed, it is obligation of the concessionaire to cultivate the whole land conceded within 5 years. Parts of the land that will not have been cultivated after this term shall revert to the State.

Tax shall be collected according to the determination of the Ministry of Economy and Finance from the 6th year on.

The “small concessionaire” cannot transfer the right of “small economic concession” to any third party unless such transfer results from the establishment of a new “small economic concession” contract with the competent authority. The “small concessionaire” cannot use the land in a way that causes prejudice to the public interest or endangers the environment or veneration aspects of the land.

2. For citizens who received social land concessions with condition to stay on the land for 5 years before they can receive the ownership, during this time, it is agreed they can have a document acknowledging their right of social concessionaires so that they can use it as a surety to borrow money in exchange of the documents previously provided by the authorities.

## **Appendix II: Letter on 01BB**

(Unofficial translation)

**Kingdom of Cambodia  
Religion-Nation-King**

Ministry of Interior  
Provincial Governor’s office  
No.019/12

Ratanakiri, 02 July 2012

**Declaration**

**on  
the Determination of identified areas for land registration work and the Issuance of  
Preliminary Certificates of Ownership**

- In reference to the Anukret 118 BK dated 7 October 2005 on State Land Management
- In reference to the circular No.02 SR dated 26 February 2007 of the RGC on illegal occupation of Land State

The Governor of Ratanakiri province and the chairman of the Provincial Land Management Committee want to declare as follows:

1. Determine Seda and Soeung communes (points: Samutrleu Samutrkroam Thmey Porm Narnghay Yasom) in Lumphat and Borkeo districts, Ratanakiri province as the identified areas for the Land Registration Work and the Issuance of Preliminary Certificates of Ownership
2. The identification work for the land registration and the Issuance of Preliminary Certificates of Ownership will be conducted with the collaboration between technical line department officials and student volunteers from July 2, 2012 at the areas named above;
3. Local Authorities of the identified areas above, concerned institutions and citizen who occupied rice field land, crop land and residential land and all construction land that have land plots in those areas shall collaborate with technical line department officials and student volunteers who will conduct their mission of identification for the land registration and the Issuance of Preliminary Certificates of Ownership in the areas as stated the point 1 on the Olev company land.
4. This declaration will be effective from the date of signature.

**Provincial Governor of Ratanakiri province  
and acted as the chairman of the Provincial Land Management Committee  
PAV Hormphan**

Copies to:

- The Council of Ministers
- The Ministry of Interior
- The Ministry of Land, Urbanization and Construction (for information)
- Lumphat and Borkeov District Governor's Office
- The Provincial Department of Land, Urbanization and Construction
- Seda and Soeung communes (for implementation)

(Unofficial translation)

**Kingdom of Cambodia**



## **Religion-Nation-King**

Ministry of Interior  
Provincial Governor's office  
No.020/12

Ratanakiri, 02 July 2012

### **Declaration**

#### **on the Determination of identified areas for land registration work and the Issuance of Preliminary Certificates of Ownership**

- In reference to the Anukret 118 BK dated 7 October 2005 on State Land Management
- In reference to the circular No.02 SN dated 26 February 2007 of the RGC on illegal occupation of Land State

The Governor of Ratanakiri province and the chairman of the Provincial Land Management Committee want to declare as follows:

1. Determine Talav, Malik and Kehcong communes (points: Kanattoch, Kanatthum, Kak, Talao, Kanorng, Malik, Tati, Lorm, Kahal, Palai, Roy) in AngdongMeas district, Ratanakiri province as the identified areas for the Land Registration Work and the Issuance of Preliminary Certificates of Ownership
2. The identification work for the land registration and the Issuance of Preliminary Certificates of Ownership will be conducted with the collaboration between technical line department officials and student volunteers from July 2, 2012 at the areas named above;
3. Local Authorities of the identified areas above, concerned institutions and citizen who occupied rice field land, crop land and residential land and all construction land that have land plots in those areas shall collaborate with technical line department officials and student volunteers who will conduct their mission of identification for the land registration and the Issuance of Preliminary Certificates of Ownership in the areas as stated the point 1 on the Veasna company land.
4. This declaration will be effective from the date of signature.

**Provincial Governor of Ratanakiri province  
and acted as the chairman of the Provincial Land Management Committee  
PAV Hormphan**

Copies to:

- The Council of Ministers
- The Ministry of Interior
- The Ministry of Land, Urbanization and Construction (for information)  
Lumphat and Borkeov District Governor's Office
- The Provincial Department of Land, Urbanization and Construction
- Talav, Malik and Kehcong (for implementation)

(Unofficial translation)

**Kingdom of Cambodia  
Religion-Nation-King**

Ministry of Interior  
Provincial Governor's office  
No.021/12

Ratanakiri, 02 July 2012

**Declaration**

**on  
the Determination of identified areas for land registration work and the Issuance of  
Preliminary Certificates of Ownership**

- In reference to the Anukret 118 BK dated 7 October 2005 on State Land Management
- In reference to the circular No.02 SN dated 26 February 2007 of the RGC on illegal occupation of Land State

The Governor of Ratanakiri province and the chairman of the Provincial Land Management Committee want to declare as follows:

1. Determine Pornng, PhnomKok and Hatpok communes (points: Banporng, Banfin, Kalaisapoun, Kalaitavorng, Teamkroam, Takokpreov, Takoklao, Lampat) in Veungsai district, Ratanakiri province as the identified areas for the Land Registration Work and the Issuance of Preliminary Certificates of Ownership
2. The identification work for the land registration and the Issuance of Preliminary Certificates of Ownership will be conducted with the collaboration between technical line department officials and student volunteers from July 2, 2012 at the areas named above;

3. Local Authorities of the identified areas above, concerned institutions and citizen who occupied rice field land, crop land and residential land and all construction land that have land plots in those areas shall collaborate with technical line department officials and student volunteers who will conduct their mission of identification for the land registration and the Issuance of Preliminary Certificates of Ownership in the areas as stated the point 1 on the SK company land.
4. This declaration will be effective from the date of signature.

**Provincial Governor of Ratanakiri province  
and acted as the chairman of the Provincial Land Management Committee  
PAV Hormphan**

Copies to:

- The Council of Ministers
- The Ministry of Interior
- The Ministry of Land, Urbanization and Construction (for information)  
Lumphat and Borkeov District Governor's Office
- The Provincial Department of Land, Urbanization and Construction
- Porng, PhnomKok and Hatpok communes (for implementation)

(Unofficial translation)

**Kingdom of Cambodia  
Religion-Nation-King**

Ministry of Interior  
Provincial Governor's office  
No.022/12

Ratanakiri, 02 July 2012

### **Declaration**

**on  
the Determination of identified areas for land registration work and the Issuance of  
Preliminary Certificates of Ownership**

- In reference to the Anukret 118 BK dated 7 October 2005 on State Land Management
- In reference to the circular No.02 SN dated 26 February 2007 of the RGC on illegal occupation of Land State

The Governor of Ratanakiri province and the chairman of the Provincial Land Management Committee want to declare as follows:

1. Determine Lumchor, Soamthum, Sesan, Kehchong and Kok communes (points: Lai, SoamKul, Phdaol, Kreung, Kackor, ) in Oyada and Borkeo districts, Ratanakiri province as the identified areas for the Land Registration Work and the Issuance of Preliminary Certificates of Ownership
2. The identification work for the land registration and the Issuance of Preliminary Certificates of Ownership will be conducted with the collaboration between technical line department officials and student volunteers from July 2, 2012 at the areas named above;
3. Local Authorities of the identified areas above, concerned institutions and citizen who occupied rice field land, crop land and residential land and all construction land that have land plots in those areas shall collaborate with technical line department officials and student volunteers who will conduct their mission of identification for the land registration and the Issuance of Preliminary Certificates of Ownership in the areas as stated the point 1 on the Chanrith company land.
4. This declaration will be effective from the date of signature.

**Provincial Governor of Ratanakiri province  
and acted as the chairman of the Provincial Land Management Committee  
PAV Hormphan**

Copies to:

- The Council of Ministers
- The Ministry of Interior
- The Ministry of Land, Urbanization and Construction (for information)  
Lumphat and Borkeov District Governor's Office
- The Provincial Department of Land, Urbanization and Construction
- Lumchor, Soamthum, Sesan, Kehchong and Kok communes (for implementation)

### **Appendix III: List of companies**

Affected by Directive 01BB
Not affected by Directive 01BB

Village	Commune	District	ELC or concessi on	Company name
Dal	Nhang	Andoung Meas	ELC	Chainglee

Loum	Malik	Andoung Meas	ELC	Vissnah Investment Co.; 75
Peng	Nyan	Andoung Meas	ELC	Hong Ang Ou Ya Dav
Nhang	Nhang	Andoung Meas	ELC	7 Makara
Ka Nat	Ta Lav	Andoung Meas	ELC	Vissnah Investment Co., Krom Bok, CRD
Tang Chi	Nhang	Andoung Meas	ELC	DM Group; 7 Makara
In	Ta Lav	Andoung Meas	ELC	Hong Ang Ou Ya Dav
Malik	Malik	Andoung Meas	ELC	Heng Vissnah; Vissnah Investment Co.; Hong Ang Ou Yadav
Katae	Ta Lav	Andoung Meas	ELC	Hong Ang Ou Yadav
Ta Lav	Ta Lav	Andoung Meas	ELC	Heng Vissnah; Hong Ang Ou Yadav
Ka Nong	Ta Lav	Andoung Meas	ELC	Hong Ang Ou Yadav
Ket	Nhang	Andoung Meas	ELC	DM Group; 7 Makara
Tan Bo Kam	Nhang	Andoung Meas	ELC	Chaingly
Ya Sam	Sueng	Bar Kaev	ELC	Ay Lav Yoy Stock
Tien	Ke Chong	Bar Kaev	ELC	Heng Vissnah
Sa Kreung	Ke Chong	Bar Kaev	ELC	Chaingly
Ka Chak	Kak	Bar Kaev	ELC	Hong Ang Ou Ya Dav ; Chia Chanarith
Pa Ar	Ke Chong	Bar Kaev	Small-scale ELCs	Koh Gonlaing; Ansok
Khmeng	Toen	Koun Mom	ELC	Treypeeip
Kam Bak	Toen	Koun Mom	Mining concession	PPMC Golden Mine Company
Chang Rea	Pa Tang	Lumphat	ELC	Koh Bik
Sayos	Ka Laeng	Lumphat	ELC	Koh Bik
Ka Laeng	Ka Laeng	Lumphat	ELC	Koh Bik

Sakmotr Leu	Seda	Lumphat	ELC	Ay Lav Yoy Stock, Jing Sungree
Sakmotr Kraom	Seda	Lumphat	ELC	Ay Lav Yoy Stock
Thmei	Seda	Lumphat	ELC	Ay Lav Yoy Stock
Pa Dal	Sesant	Ou Ya Dav	ELC	Chia Chanarith; 72
Phi	Sesant	Ou Ya Dav	ELC	7 Makara
Pa Touch	Pak Nhai	Ou Ya Dav	ELC	Dai Dong Yeung
Ta Kok Chray	Bar Kham	Ou Ya Dav	ELC	Dai Dong Yeung
Pralae	Lum Choar	Ou Ya Dav	ELC	Hong Ang Ou Ya Dav
Peak	Ya Tung	Ou Ya Dav	Mining concessio n	PPMC Golden Mine Company
Ten Ngol	Ya Tung	Ou Ya Dav	Mining concessio n	Mine Saron Investment Co.
Kong Yu	Pate	Ou Ya Dav	Small scale ELC	Keats Colney
Kam	L'ak	Ou Chum	ELC	CRD
Kreh	Chan	Ou Chum	ELC	CRD
Chan	Ta Veang Leu	Ta Veang	ELC	Krom Bok
Kalai Tavang	Phnum Kok	Veun Sai	ELC	Thmey; Cheng Lok
Tiem Kraom	Phnum Kok	Veun Sai	ELC	Manyan; MSK
Kalai Sapun	Phnum Kok	Veun Sai	ELC	Manyan; MSK

**Note:** As the above is a direct report of the companies' names from affected villagers and the official documents with the names of the companies could not be found in most cases, spellings may be incorrect.