



International Labour Organization

Promoting indigenous peoples' rights to land and natural resources

EVALUATION REPORT

9 Jan 2014

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List of acronyms and abbreviations

ILO	–	International Labour Organization
GIZ	–	Gesellschaft für Internationale Zusammenarbeit
MLMUPC	–	Ministry of Land Management, Urban Planning and Construction
MoI	–	Ministry of Interior
DoLA	–	Department of Local Administration
MRD	–	Ministry of Rural Development
DEMD	–	Department of Ethnic Minority Development
IPC	–	Indigenous peoples' community
NGO	–	Non-Governmental Organization
DP	–	Development Partners
WCS	–	Wildlife Conservation Society
DPA	–	Development Partnership Association
HA	–	Highlander Association
ICSO	–	Indigenous Community Support Organization
NTFP	–	Non-Timber Forest Product
IPO	–	Indigenous People Organization
IRAM	–	Indigenous Rights Active Members
OPKC	–	Organization to Protect Kouy Culture
CLEC	–	Community Legal Education Center
UNOHCHR	–	United Nations Office of the High Commissioners for Human Rights
CDP	–	Commune Development Plan
CIP	–	Commune Investment Plan
ELC	–	Economics Land Concession
RGC	–	Royal Government of Cambodia

Executive Summary

The present evaluation was commissioned by the ILO to assess the progress made by the project *Promoting indigenous peoples' rights to land and natural resources*, and the relevance of its underlying strategy and design, and to provide recommendations to strengthen its future implementation. It was conducted by a local research consultant in December 2013 in four targeted provinces of the country as well as in Phnom Penh.

A qualitative approach was used for the project evaluation including desk reviews of relevant documents, focus group discussions with indigenous peoples communities and key informant interviews with stakeholders (For a list of people interviewed, see Annex A). Initial findings of the evaluation were presented to key stakeholders during a de-briefing workshop held on 9th December 2013. Feed-backs and comments received during the workshop were used to complete and finalize the report.

The key findings of the evaluation are the following:

- increased IPC identity determination (101 out of 503¹), increased IPC registration (78² out of 503) and increased IPC land title registration (8³ out of total 503), employment, agriculture activities and other living conditions related to indigenous individuals, families and general targeted indigenous communities. There was also a high degree of consensus that indigenous identity determination, IPC registration and IPC land title registration are nowadays seen as a collective responsibility with a more diversified, stronger and better networked response than eight years ago. Moreover, there is a greater involvement of civil society, development partners, government and IP community stakeholders as enablers and implementers in the fight against illegal and legal economic land concession and land grabbing. This has happened due to the growing availability of secured land information services, social and legal aid and support services including livelihood supported services.
- Indigenous families in recognized and registered communities are now getting additional income through work and businesses. “They could live and do business without fear and unsecure land to work in and outside the community”, key informants mentioned during interviews for the evaluation. The indigenous peoples and indigenous community leaders that were interviewed during the evaluation process expressed the increased awareness and capacity they had obtained from participating in the project’s activities on IP land title registration and the general public as well as activities specifically related to protection of community’s rights and general public from land grabbing, application of PM directive 001 and economic and social land concession.
- The indigenous peoples who were interviewed understood the principles and values underlying the IPC land title registration and community identity and they realized that they could live safely with registered land title.
- Integrated ILO Project and project partners have played an important role in equipping indigenous communities with appropriate information on how to safeguard their land and empower community people.

¹ Statistic of Ministry of Rural Development, Dec 5, 2013

² Statistic of Ministry of Interior, Dec 5, 2013

³ Statistic of Ministry of Land Management, Urban Planning and Construction, 5 Dec 2013

- The project is well accepted among stakeholders at national and sub-national levels including the indigenous community. Most stakeholders interviewed provided evidence of an increased level of comprehension about IPC land title registration. The indigenous peoples interviewed who were greatly involved in the project had significantly higher score than ordinary community people.
- Both indigenous peoples and local authorities extended their capacity in promoting and raising awareness of roles and responsibilities in safeguarding land rights and processes of land title registration. Surveyed IP demonstrated confidence in their role in requesting information from NGO staff, local officials, ILO consultants, and participation in negotiation and dialogues, especially issues of land and public forums on land issues. They also indicated that they are able to teach and share experiences on IP land title registration to other unorganized IPC.

There have been substantial changes in indigenous community land title registration and land rights of community people. A major change includes the enhancement of roles and responsibilities of IP Communities and capacity of indigenous peoples and relevant government and NGO partners. The project is still very relevant to the current situation. In summary, the project produced secure indigenous people community land and made more confident in their livelihood option.

The evaluation resulted in a number of recommendations for the ILO in 2014:

Recommendation 1. The ILO and its partners should advocate for the revision of Sub-Degree N83 especially in relation to the limitation of spiritual forest land and burial ground forest land

Recommendation 2. Provide support to government institutions to strengthen the function of the State Land Management Commission

Recommendation 3. Advocate for decentralization of roles and responsibilities of provincial departments and the State Land Management Commission in relation to IPC land title registration

Recommendation 4. Develop standardized capacity building curriculum for training of indigenous peoples and partners

Recommendations 5. Strengthening and expanding provincial coordination mechanisms for IPC land title registration

Recommendation 6. Establish coordination with relevant partners for a comprehensive project design and include community development planning

Recommendation 7. ILO and development partners should conduct specific research on IPC land title registration and the impact of PM directive 001 for evident based advocacy

Stakeholders interviewed also suggested putting a stronger emphasis on the acceleration of land title registration and the progressive transfer of skills to local initiatives that can be replicated by community-based partners.

I. Project Background

Since April 2005, the ILO has been supporting the Government of Cambodia in implementing legislation and policies relevant to the recognition and protection of indigenous peoples' rights, including the Land Law of 2001 and the Forestry Law of 2002, through a national project which was funded by DANIDA until December 2012 and is at present supported by GIZ.

A special focus is placed upon the implementation of articles 23 and 24 of the Land Law, which concerns the registration of indigenous communities and their members in order to give them recognized legal status. Indigenous communities whose by-laws are registered with the Ministry of Interior are eligible to have their communal land titled following the Sub-decree No. 83 on Procedure to Register Land of Indigenous Community. Therefore, even as land issues remain contentious, indigenous communities, through this process, gain an official or legal status which strengthens their hold on their traditional land and provides them the leverage in negotiations and land disputes. The fulfilment of these two initial steps advances the indigenous peoples' claim to land titling with the Ministry of Land Management, Urban Planning and Construction (MLMUPC). Nevertheless, security of land tenure will be fully guaranteed only with land registration. In order for indigenous communities to file the application for land title, two other requirements need to be fulfilled, i.e. the development of the Internal Rule on Collective Land Use and Management and the mapping of their land.

Under the current phase, the project's overall development objective is: to reduce poverty and promote self-determined development among indigenous communities in Cambodia by ensuring effective implementation of national legislation, policies and regulation in accordance with the principles of ILO Convention No. 169 and other relevant ILO Conventions as well as relevant international instruments.

The project has the following two immediate objectives:

1. Selected indigenous communities have completed the process of identification, determination of by-laws, registration and application to the land department in full respect of their customary law concerning land use and natural resource management
2. Government institutions, NGOs, indigenous organizations and ILO social partners at all levels have the capacity to implement national legislation, policies and regulations towards the recognition and protection of indigenous peoples' rights to land, based on internationally recognised principles and labour conventions

It is designed to achieve the following outputs under the abovementioned objectives:

Output 1.1: Completion of the community identification procedure in 35 indigenous communities in addition to the achievement made in 2012

Output 1.2: Completion of community registration procedure as legal entity in 25 indigenous communities in addition to number of communities registered by 2012

Output 1.3: Completion of unofficial map for 30 indigenous communities that have obtained legal entity status

Output 1.4: Completion of Internal Rule on Land Use and Management (the Rule) for 30 communities

Output 1.5: 30 indigenous communities receive letter of interim protective measure from Provincial Government

Output 2.1: Government officials, NGOs, indigenous organizations and ILO social partners are trained and sensitized on the rights of indigenous peoples as enshrined in national legislation and policies and ILO Conventions Nos. 111, 169, UNDRIP and other international instruments

Output 2.2 : Local NGOs and indigenous organisations, indigenous youth are capable of facilitating the development of by-law, map and internal rules for sustainable land and natural resource use and management for the registered communities and well as implement the application for collective land title

The project builds on achievements and lessons learned from the previous phases, the existing working partnership with the Ministry of Interior- Department of Local Administration (Mol/DoLA), Ministry of Rural Development –Department of Ethnic Minority Development (MRD/DEMD), NGOs and IP organizations, as well as a methodology/approach on the priorities and needs of indigenous peoples identified during the launch workshop on 5-6 May 2005. Compared to the previous phases, the current project has expanded its support to cover the development of internal rule, mapping, and assistance to indigenous communities to prepare the application to Cadastral Office for Land titling. It covers 7 provinces, i.e Kratie, Steung Treng, Preah Vihear, Battambang, Kampong Speu, Monduliri and Ratanakiri. Local partners have played an important role in supporting the process at local levels. Those include WCS, Vigilance, My Village, DPA, HA, ICSO, NTFP. Other IPOs, such IRAM, OPKC, Ponlok Khmer, NGO-Forum, CLEC, ARD, GAA, Satdamrey, ADHOC, as well as the UNOHCHR have been supporting indigenous communities in Cambodia in seven targeted provinces⁴.

After more than two decades of formulation of the land law 2001, forestry law 2002, Law of Protecting Cultural Heritage 1996, Law on Environmental Protection and Natural Resources Management 1996, Law on National Protected Areas 2008, Sub-Degree on Cadastral Maps and Land Register 2002, Sub-Degree on Organization and Functioning of the Cadastral Commissions 2002, Sub-Degree on Sporadic Land Registration 2002, Sub-Degree on Forest Community Management 2003, Sub-Degree on State Land Management 2005, Sub-Degree on Environmental Impact Assessment Process 1999, Sub-Degree on Economic Land Concession 2005, Sub-Degree on Social Land Concession 2005, Sub-Degree on Procedures of Registration of Land of Indigenous Communities 2009(No83) and Policy on Registration and Right to Use of Lands of Indigenous Communities 2009 and latest Prime Minister Directive 001 and other international Instruments (The UN Declaration on Rights of Indigenous People and ILO Convention No 169-Indigenous & Tribal Peoples Convention), the sporadic and systematic land registration in both individual and collective land title registration still falls short of effectively protecting indigenous peoples' land rights. Thus, for example:

- ***Policy on Registration and Right to Use of Lands of Indigenous Communities 2009*** recognizes 5 kinds of land of indigenous peoples: 1. Land on which the communities have built house (Residential Land), 2. Land on which communities practice traditional agriculture, 3. Reserved land necessary for shifting cultivation, 4. Spiritual Forest Land that can consist of one or more plots for each community and shall not exceed (07) hectares in total size; and 5. Burial ground forest land that can consists of one or more plots for each community and shall not exceed (07) hectares in total size. The application of this policy has affected IP's rights to manage their land and have resulted in the loss of IP's land as a consequence of the hectare restriction imposed. Moreover, this policy contradicts the Land Law of 2001

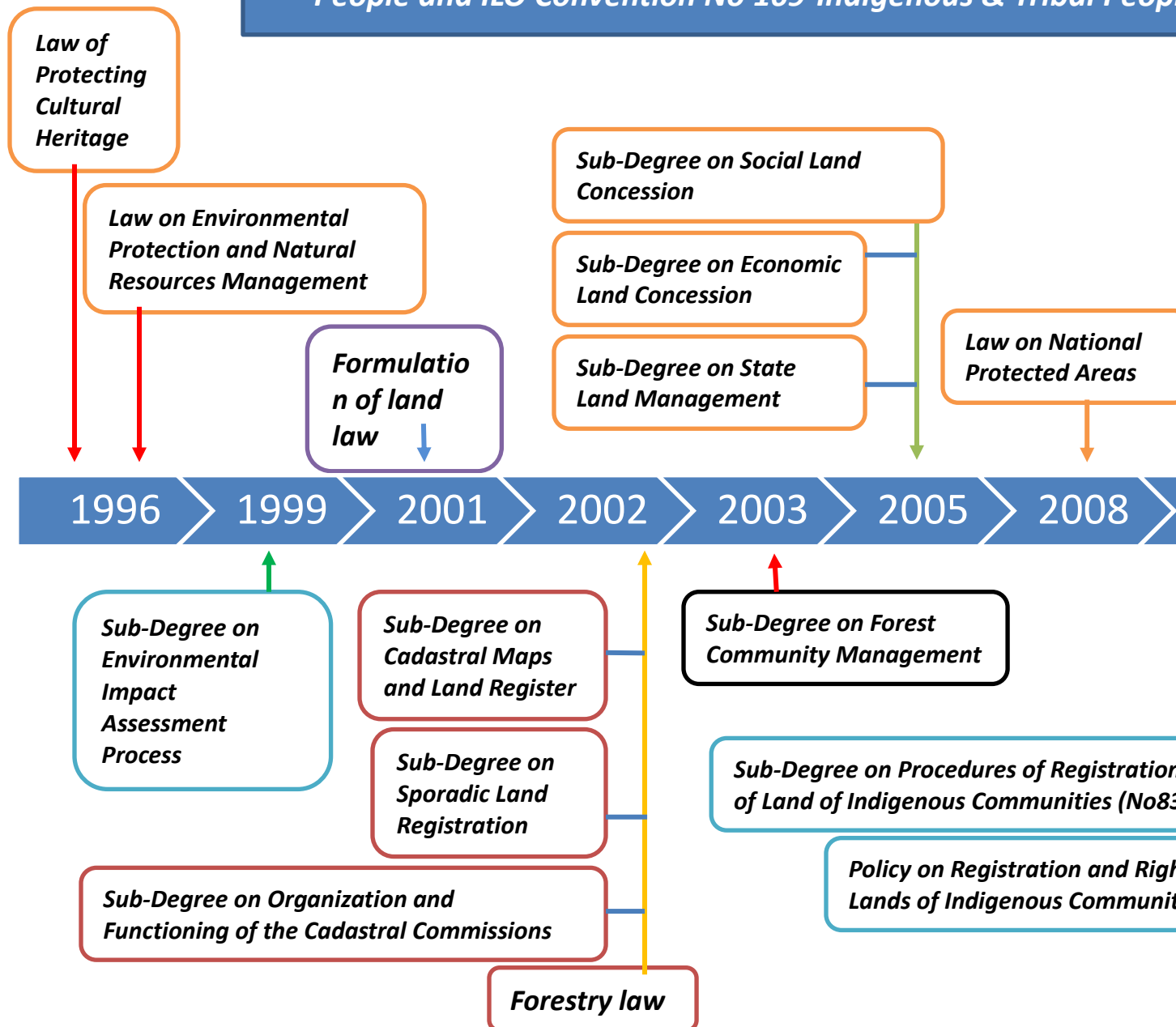
⁴ Monduliri, Ratanakiri, Steung Treng, Kratie, Preh Vihear Kampong Speu, Battambang and Koh Kong

- In July 2012 the RGC adopted the **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 land in conflict within ELCs. The directive and its subsequent instructions could have increased indigenous peoples' land tenure security. However, due to misinformation and lack of transparency about the granting of private titles and communal titles during the 01BB process, villagers were dissatisfied 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 the outstanding conflicts with companies. Many villagers were affected by application of PM's Directive 001 and they lost land areas, especially when they accepted individual land title. In some cases, this disrupted the very identity of the communities.

Lack of progress in implementing indigenous peoples' rights was largely due to absence of political will by the Cambodian authorities and corruption to genuinely address any of the key cumulated recommendations on ensuring land security, particularly for indigenous peoples, formulated over the years by national watchdogs, international communities, UN Special Reporter and development partners alike.

This time, however, in the immediate aftermath of the Land Reform and Forest Reform, unforeseen opportunities have come to light: not only because of the record magnitude of land grabbing and violation of land rights of indigenous peoples, which have directly affected indigenous peoples in the provinces where indigenous peoples are living, and have fueled equally unprecedented levels of IP identity disruption, but, moreover, as a result of the extent and potential impact of the land grabbing and application of economic land concession on the low credibility of the government's performance. The impact of application of PM's directive 001 and economic land concession have been well documented by international and national experts.

Other international Instruments (The UN Declaration on Rights of Indigenous People and ILO Convention No 169-Indigenous & Tribal Peoples)



II. Purpose and Scope

The objectives of the evaluation are first, to assess the progress made by the project since its inception, and the relevance of its underlying strategy and design, and second, to provide recommendations to strengthen its future implementation, based on the assessment of progress to date and identification of key lessons learned. The evaluation also integrated gender equality as a cross-cutting concern throughout its methodology and all deliverables. It pays particular attention to the challenges regarding

indigenous peoples' identity determination, registration as legal entity, development of internal rule, mapping, application for land title and interim protective measure, in the current context of systematic land registration and persisting impact of Directive 001. It seeks to document challenges, lessons learnt and good practices at national and local levels and identify recommendations for future phases' design.

It aims to:

- Assess the relevance of the strategy/project design
- Assess performance and the progress made towards achievement of the Project's objectives;
- Examine the main obstacles and challenges faced by the Project and how these were tackled;
- Identify the external opportunities and factors which may have contributed to or facilitated achievement of the objectives of the project;
- Identify the main lessons learned which can inform future project design and implementation, as well as the future strategic direction;
- Assess the prospects for sustainability and long-term impact;
- Devise recommendations, as needed, to strengthen the future implementation of the project, within the broader context of initiatives at national levels which are aimed at achieving similar or related objectives with respect to the rights and empowerment of indigenous peoples.

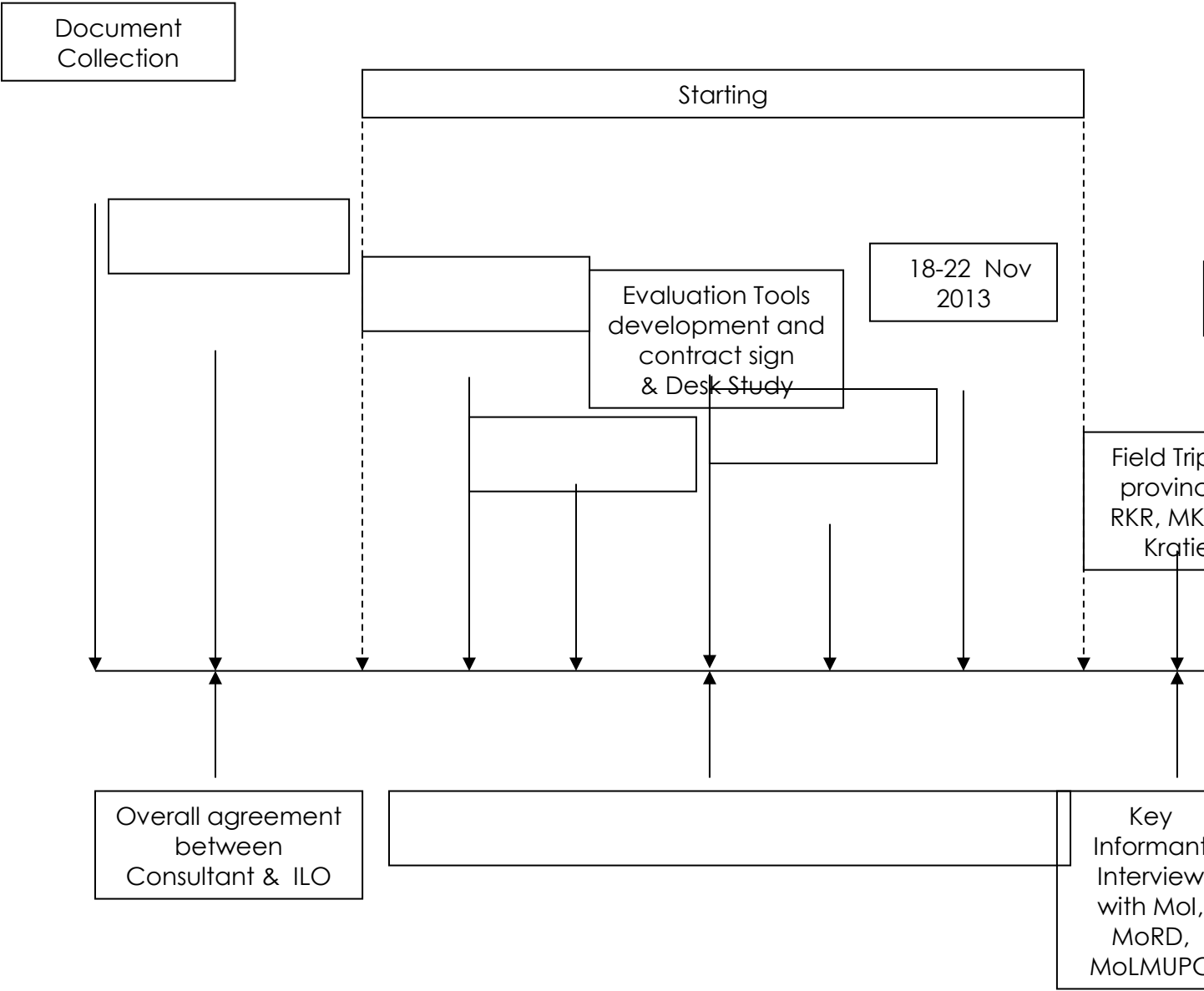
III. Evaluation Methodology

A qualitative approach was used for the project evaluation including desk reviews of relevant documents, focus group discussions with indigenous peoples communities and key informant interviews with stakeholders (For a list of people interviewed, see Annex A). Initial findings of the evaluation were presented to key stakeholders during a de-briefing workshop held on 9th December 2013. Feed-backs and comments received during the workshop were used to complete and finalize the report.

In particular the methodology consisted of:

1. Desk review of project documents, progress reports, concept notes and final reports of main activities, as well as other relevant reports;
2. Face-to-face or via phone conference interviews with project staff, donors, partners and key stakeholders in Phnom Penh and project targeted provinces.
3. Field visit to consult stakeholders and meet with the representatives of the communities whose collective land was titled, by-laws were registered with MoI and whose community identity was determined by MRD, as well as communities who have not have started the process.
4. Drafting of draft evaluation report covering
 - a. Main achievements and results of the project
 - b. lessons learnt from its assistance to Government, NGOs, IPOs, IP community, and NGOs networks
 - c. recommendations for next phase
5. Stakeholders de-briefing workshop
6. Finalization of the report using stakeholders' comments and feed-back.

Evaluation methodologies and Timeline



IV. Key Findings

Project Design

The project was designed within the well-established country context and its objectives and specific activities were informed by it. Overall, political and other external factors such as implementation of PM's Directive 001 and application of economic land concession that affected the implementation of the project were not unanticipated. The main obstacle to IP land registration processes (phase 1 to phase 3) were attributed to both lack of familiarity with proposed activities by NGOs partners and allegedly intentional strategies of delays in IP land title registration. Frequently, the establishment's non-cooperation was effective in stopping or scaling down planned ILO activities, especially phase 3, i.e. land title registration by the Ministry of Land Management, Urban Planning and Construction. ILO and project NGO Partners were generally willing to compromise and adjust work-plans to achieve planned results, and frequently followed up on community-level activities. Since 2005, only 8 IPC land titles were legally registered with the Ministry of Land Management, Urban Planning and Construction.

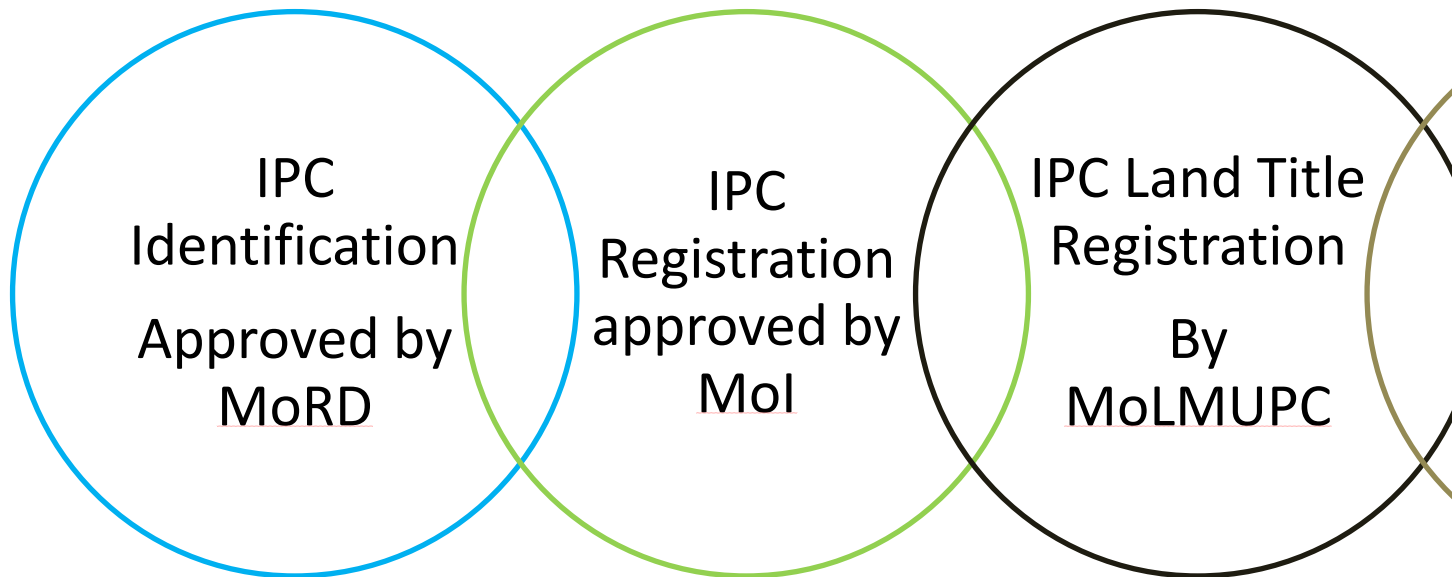
The project was designed to support the 3 phases of the land registration process, i.e. indigenous identity determination, registration as legal entities and land titling request. It did not cover Community Development Planning, which is also key to respond to the livelihood needs of indigenous peoples.

Almost all stakeholders said that so far, the project has been implemented based on the activities planned but did not integrate in the project design greater coordination among implementers and their partners. In the next phase, a longer term project is needed to ensure that achievements towards program objectives and sub-objectives are understood to be a shared responsibility by all implementing partners. This requires integrated project design and results framework to ensure that interventions fully aggregate into program objectives of ILO and sub-objectives of NGOs 'partners. Another suggestion by stakeholders is that throughout the implementation process, programmatic work should be coordinated to maximize synergies and, in turn, overall effectiveness.

From the discussion with stakeholders at provincial level, a suggestion emerged that stronger emphasis on acceleration of IP land title registration should be included in the next project design. Stakeholders added that the next project needs to place stronger emphasis on sustainability through lasting capacity-building and progressive transfer of skills to Cambodian-owned initiatives and the project design should prioritize activities and strategies that can be ultimately replicated by community-based partners, notably to allow increased frequency and larger reach by ensuring greater participation of all community stakeholders in activity design and achieving results that fulfill project objectives.

ICSO showed 29 types of activities that need to be accomplished to complete the land registration process, from phase 1 to phase 3, and take almost three years of program implementation. The vast majority of community groups met suggested to accelerate activities toward phase 3 and some stakeholders suggested, referring especially to the Department of Rural Development People, that a phase 4 on IPC Community Development Plan was needed too.

Incorporated inputs

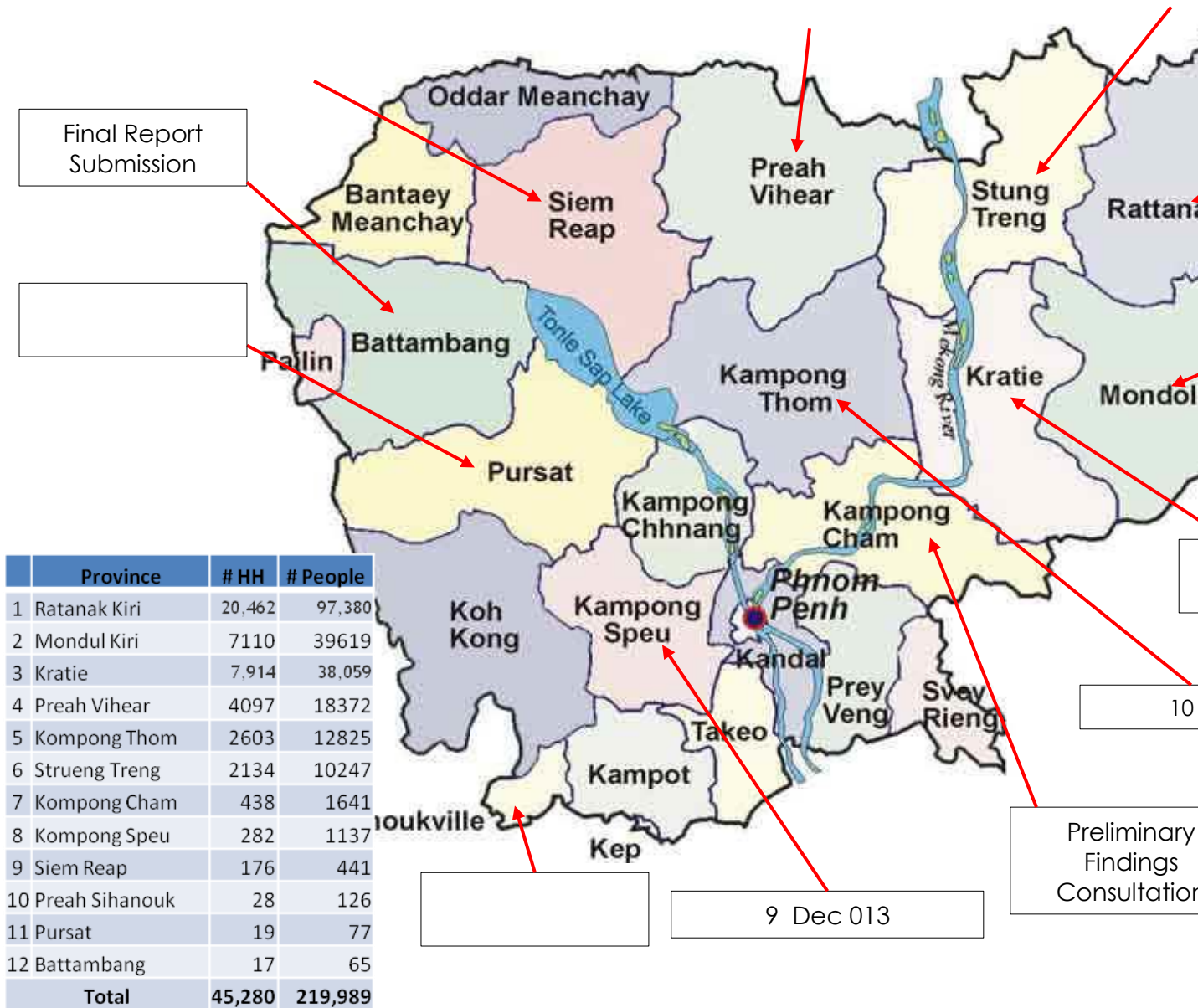


Output 1.1 : Phase 1 of the land registration process. IPC Identity Determination

The Project in close collaboration with NGO partners, Development Partners and relevant government stakeholders including IP communities has produced significant results during the last eight years and since the land law promulgation. It has supported the identification of 101 indigenous communities, the registration as legal entities of 78 communities, out of which 8 have obtained so far collective land titles. Among the communities supported, almost all indigenous people and NGOs partners met are aware of all the processes and strategies which have been implemented under phase 1. However, this phase took the project around 2 to 3 years to complete for each indigenous community. The map below shows the total provinces, districts, communes and villages where IP are living and working,

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Final Report
Submission



Local partners have played an important role in supporting the process at local levels. Those include Wildlife Conservation Society (WCS), Vigilance, My Village (MVI), and Development for Partnership Association (DPA), Highlander Association (HA), Indigenous Community Support Organization (ICSO), Non-timber Forrest Products (NTFP). Other IPOs, such as Indigenous Rights Active Members (IRAM), Organization to Protect Kuoy Culture (OPKC), Ponlok Khmer, NGO-Forum, CLEC, ARD, GAA, Satdamrey, Adhoc, as well as the UNOHCHR have been supporting indigenous communities in Cambodia in various provinces.

Some key challenges were found concerning the unity of communities and awareness of the legal framework. Highly centralized decision making of local authority and Ministry of Rural Development are also another challenge.

Output 1.2.: Phase 2 of the land registration process. IPC Registration as legal entities

During 2013, the project achieved significant results in its efforts to enable indigenous communities to safeguard their land from alienation either by economic land concession or grabbing by the outsiders. 9 main activities/strategies in phase 2 were achieved for IPC registration. To date, at least 78 IP communities were registered as legal entities by the Ministry of Interior. However, it took around 2 to 2.5 years for the project to accomplish and get approval from Ministry of Interior on legal IP Identity and IPC registration. The internal rule and IPC's statute were well known and discussed among community themselves. This is a significant change produced by the Project.

Complaint Letter from 101 Indigenous People in three villages of Trapang Cho Commune, Oral District, Kampong Speu Province

22 Feb, 2013

To whom it may concern,

Objective: To disagree with private land titling in Kuo Daun Ty village, Ta Nil village, and Putrea village.

We are the representatives of the indigenous community of Souy minority group named as listed below:

1. Ms. Ven Samin, aged 45, minority of Souy in Kuo Daun Ty village
2. Ms. Uong Pheap, aged 51, minority of Souy in Ta Nil village
3. Ms. Chum Rith, aged 23, minority of Souy in Putrea village

We are writing to express our disagreement on the titling of the private lands located in Te Toek Pus to Louk Ta Kro Hom Kor and Mountain of Ta Ngaiv, along road 42, from Te Toek Pus to the west.

Otherwise, those lands were registered as the collective land of our three villages of 137 families. We believe that the private land titling will cause us to lose our farming land, spirit land, burial land and reserved land of our IP community.

Indeed, according to the law those who are willing to titling their lands as private, must have a letter to release from the Community Collective Land based on the agreement from community, local authorities and other relevant government ministries.

Best regards,

Representative of Kuo Daun Ty village

Ms. Ven Samin

Representative of Ta Nil village

Ms. Uong Pheap

Representative of Putrea village

Ms. Chum Rith

Attachments:

- Housing Law 2001
- Forest Law 2002
- The policy on Indigenous minority development

- The policy on Land register and use of collective land
- The letter of Identification of IP community

From discussion with representatives of the Ministry of Interior, it emerges that they also appreciated the way that ILO is implementing the activities under the project and collaborating with the government. They also added that without strong support from GIZ, ILO and NGOs partners, this phase could not be realized due to financial constraints. The 27 main activities below have been implemented since the identification of a communities to the final result of -IPC Land Title Registration:

Community Identification	Legality of Community	Titling the Collective Land Ownership
1) <i>Collecting target village's information</i>	10) Meeting to create the community statute	19) Meeting to create the internal rules
2) <i>Publicize other legal papers</i>	11) <i>Consultation meeting on Community statute</i>	20) <i>Sub-meeting to consult on Internal rules</i>
3) <i>Community meeting for a collective agreement</i>	12) <i>Evaluate the understand of Community on statute</i>	21) <i>Meeting to finalize the internal rules</i>
4) <i>Meeting to choose village's volunteers</i>	13) <i>Preparing the meaning of statute</i>	22) <i>Meeting to submit the letter</i>
5) <i>Drawing village's mapping on calquing-paper</i>	14) <i>Meeting to finalize the statute</i>	23) <i>Drawing the village's bothers</i>
6) <i>Meeting to announce the Collective Ownership</i>	15) <i>Fill the form of membership and other papers</i>	24) <i>Consult meeting about village's bothers at Commune</i>
7) <i>Filling the forms</i>	16) <i>Meeting to finalize the documents</i>	25) <i>Village's bothers identification and make a primary mapping.</i>
8) <i>Meeting to evaluation the collective ownership</i>	17) <i>Submit documents to Ministry of Interior</i>	26) <i>Submit documents of collective land registration</i>
9) <i>Filling the forms of collective Ownership</i>	18) <i>Meeting to hang up the community's board</i>	27) <i>Identify the location, boundary and size of Community's land</i>
		28) <i>Titling the collective land of indigenous community</i>
		29) <i>Collective land of Indigenous community launching</i>

Outputs 1.3 to 1.5: Phase 3 of the land registration process . IPC Land Title Registration

8 indigenous communities out of around 503 communities completed the process of IPC land title registration, including Indigenous peoples' identity determination, registration as legal entity, development of internal rule, mapping, and application for land title registration, and obtained a collective land title. Based on community focus group discussions and desk review, we found that indigenous peoples who are living in titled lands were aware of the importance of IPC Community and

they are using and managing their land peacefully. At least, the Project has contributed to this significant impact and led other IP communities to follow the effective model of land registration. Community people themselves have strongly recommended to ILO, NGOs partners and Government Institutions to speed up the IPC land title registration in the coming years.

The total types of IPC in Cambodia disaggregated by location, type of original Khmer and demographic characteristics are shown in the table below:

Ref	Province	# District	# Commune	# Village	# HH	# People
1	Ratanak Kiri	9	45	209	20,462	97,380
2	Mondul Kiri	5	21	88	7,110	39,619
3	Kratie	1	19	68	7,914	38,059
4	Preah Vihear	6	18	53	4,097	18,372
5	Kompong Thom	4	10	33	2,603	12,825
6	Strueng Treng	5	9	28	2,134	10,247
7	Kompong Speu	1	2	9	282	1,137
8	Kompong Cham	1	3	6	438	1,641
9	Siem Reap	1	1	5	176	441
10	Battambang	1	1	2	17	65
11	Preah Sihanouk	1	1	1	28	126
12	Pursat	1	1	1	19	77
<u>Total</u>		<u>36</u>	<u>131</u>	<u>503</u>	<u>45,280</u>	<u>219,989</u>
Ref	Type of Original Khmer			# HH	# P	Percentage
1			Phnong	9,435	52,234	24%
2			Kouy	9,851	46,116	21%
3			Tompouonn	7,078	33,868	15%
4			Charay	4,862	25,085	11%
5			Kroeung	5,292	23,091	10%
6			Other	8,762	39,595	18%
			Total	45,280	219,989	100%

Mechanisms for coordination

Many National and Sub-National Coordination Mechanisms such as State and Public Land Management Commissions, Cadastral Commissions, National Land Conflict Resolution Authority and National Technical Working Groups on Land have been established in most thematic areas, such as land, forest, and environment. Notwithstanding that, contradicting areas and misinformation are still found. The main functions of the coordination mechanisms and networks are to coordinate and plan participatory reviews and joint advocacy work and events, as well as monitor the progress of program/projects by a range of partners, in a particular thematic area. They also provide a mechanism for the technical input from national and international experts and recommendations for land use, land management and land conflict resolution.

Key respondents at national and sub-national levels valued that the capacity of members of commissions and members of land Technical Working Groups to undertake their work varies considerably. Some stakeholders are reported to be working very effectively, while others meet

infrequently or member's lack of capacity and skills to undertake their work. To reach and accelerate processes of indigenous land title registration by 2015, key technical working groups and networks, especially State Land Management Commissions, should be strategically enhanced and considered.

In Kampong Speu, the Deputy Governor of Oral District said that the Provincial and District State Land Management Commission are well coordinated and effectively worked to clear the issues of indigenous community land title registration in 5 villages of Trapaing Chou Commune and to register IP land title in 2014. He also added that lessons should be drawn to the benefit of the land title registration of other indigenous communities. He also provided recommendations to the ILO, Development partners and relevant government stakeholders to strengthen the work of these commissions in order to complete land registration for all IP communities. However, IP community people met indicated that they still fear land grabbing through application of PM's directive 001.

Similarly, some Government Stakeholders in the provinces mentioned that they have used provincial coordination committee to work on all processes of IP identity determination but they also required other stakeholders' involvement such as representatives of IP Community, and other relevant Governmental departments such as Department of Agriculture, Fishery and Forestry, Department of Environment and District Governors.

Another recommendation put forward by stakeholders was that a Multi-Sectoral Coordination Body is still needed with clear mechanisms, membership, and structure of decision making and decentralized roles of Ministry of Interior to Provincial Governor and Ministry of Rural Development to Department of Rural Development. Moreover, One Window Office should be included in all the three obligated services (three phases).

Some people met indicated that some activities required for IPC land title registration were well integrated into commune development and commune investment plans but this was not indicated by the majority of commune chief and vice chief we met. They said that they need capacity building and law awareness before integrating this kind of work into CDP/CIP.

Technical working groups and networks need necessary tools and mechanisms, such as

- Clear Term of Reference and Membership
- Annual Work Plan and Budget Plan
- Coordination and Communication Tools
- Capacity Building Curriculum and Advocacy Tool

Case study 2, Negative impact of Directive 01 enforcement and social land concession granted

Pulu village, Busra Commune, Picheda District, Mondul Kiri Province

Pulu village is one of 7 villages in Busra commune, Picheda District District, Mondul Kiri province. It is home to 204 Indigenous people. The majority of them are Phnong Indigenous.

As the Sub-Degree 083 on IPC Land Title Registration indicated the community will be recognized 5 types of land when they register their collective land.

To preserve the ancestral land of the community, Pulu villagers have agreed on titling the collective land

of community. Beside conflicts as a result of Economic Land Concession granted, the Directive No.01 of the Prime Minister has added more pressure on the indigenous communities. The implementation of Directive No.01 of Prime Minister has resulted in some families belonging to indigenous communities, which have no legal status or were undergoing the process of community collective land registration, deciding to title their own land as private. Pulu village was also influenced by the implementation of the Directive as well as other village in Busra commune.

However, after the elders and land network activists, raised awareness about the value of collective land registration, the families who took the private title agreed to abandon their private land title and participate in the collective land of the community.

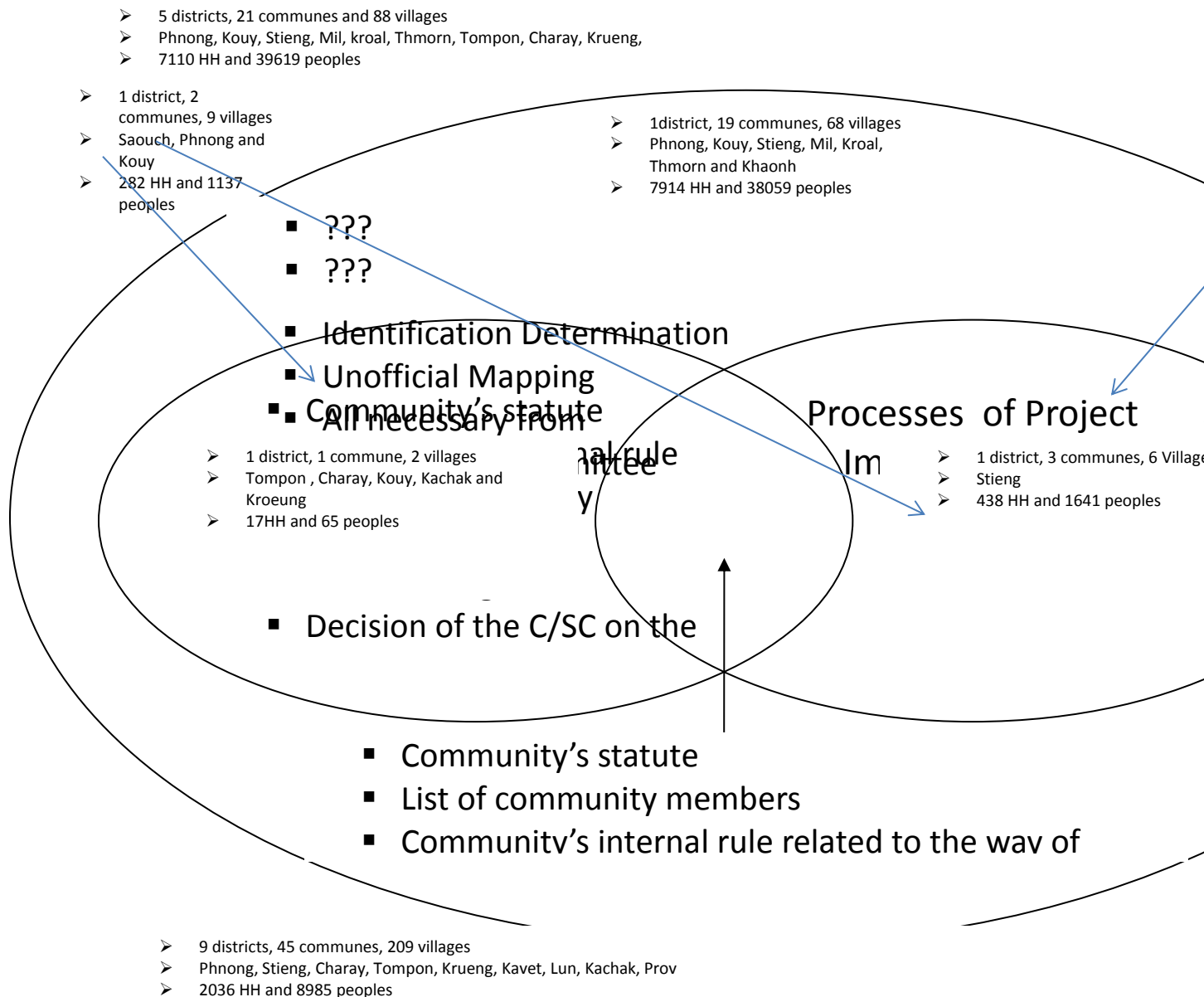
In addition, the Pulu community faced the relocation of Muslim families in their area which stemmed from the decision of the Provincial State Land Management Committee under the social land concession (Sub-Degree 2005, Social Land Concession for poor and affected families and households). The community people said that the new comers came and cut the forest and cleared the land that belonged to the community to build their house.

Outputs 2.1. and 2.2: Capacity Building and community awareness

Throughout the project implementation process, a series of capacity-building activities and information sharing events for government officials and indigenous peoples and supporting organizations have been undertaken at international, national and sub-national levels. Placement of ILO consultants in supporting the processes of IPC land title registration is highly appreciated by stakeholders and NGO partners. A training manual of MoLMUPC has been used for capacity building on relevant national legislation of project staff and community people. Some stakeholders mentioned that the ILO and its partners should consider investing in the development of standardized training curricula which should address all four phases of the IPC land title registration (Phase 1. IP Identity Determination, Phase 2. IPC Registration, Phase 3. IPC Land Title Registration and Phase 4. IPC Community Development). Some government stakeholders suggested to build the capacity of NGO staff on all those processes.

Some community people and families are not fully aware of their rights and interest about collective land title registration. The families who have individual land title have been faced with the loss of land due to external pressures to sell the land.

All stakeholders interviewed appreciated the work of the ILO and NGO partners but they still required the ILO to build the capacity of NGOs in all relevant legal instruments and to identify qualified indigenous peoples resources for longer placement.



The indigenous peoples who participated in the qualitative study were able to understand and raise awareness of the responsibilities and rights of indigenous peoples on the safeguarding of their land, processes of IP identity determination, IP registration, IPC land title registration and their community livelihood.

- Indigenous peoples and indigenous community leaders expressed their ability in awareness raising activities for IP land title registration and the general public as well as activities specifically related to protection of community people's rights and general public from land grabbing, application of PM directive 001 and economic and social land concession.

- Almost all of the indigenous peoples understood the principles and values underlying the IPC land title registration and community identity and they realized that they could live safely with registered land title. Some of the IP respondents perceived themselves as having experienced physical and economic exploitation and others perceived themselves as having a high risk of being arrested and subjected to abuse if their community did not unite and conserve their identity and if their land was not registered legally.
- Stakeholders expressed that the integrated project has played an important role in equipping indigenous communities with appropriate information to safeguard their land and empowering community people, NGO staff and relevant stakeholders to make free, prior, informed consent in the development process in indigenous peoples' communities of targeted provinces.
- The project is well accepted among stakeholders at national and sub-national levels including among indigenous communities. Most stakeholders interviewed provided evidence of an increased level of comprehension about IPC land title registration and considered registered individual land title registration as wrongful procedures that would kill their identity in the future. The majority of respondents in focus group discussions are able to answer about all processes of IP identity determination, IPC registration and IP land title registration.
- Focus group discussions confirmed that indigenous peoples involved in the project were knowledgeable, communicative and confident about what they had learned. Both indigenous peoples and local authorities extended their capacity in promoting and raising awareness of roles and responsibilities in safeguard of their land and processes of land title registration. Surveyed IP demonstrated confidence in their role in requesting information from NGO staffs, local officials, ILO consultants, and participation in negotiation and dialogues, especially issues of land and public forums on land issues. They also indicated that they are able to teach and share experiences on IP land title registration with unorganized indigenous communities.

Case Study 1. Case study of Samut Leu Village, SEDA Commune, Lompat District, Rattanak Province

Negative impact of Directive 01 enforcement

Samut Leu village in Seda Commune, Lompat District, Rattanakiri province is one of the communities that received support by ILO and ICSO with the aim to help the indigenous communities with collective land registration. 30 indigenous communities were targeted by ILO for assistance to develop an unofficial map and internal rule on land use and collective land management.

During the community visit by the evaluator, many issues on IP community land registration were addressed by the community. The Economic Land Concessions has been granted by the Government of Cambodia without any discussion with affected communities. The land and access to natural resources of the Samut Leu community's were affected, especially, their access to spiritual forest land and burial ground forest land.

To address the issue of Economic Land Concessions, Directive No.01 of Prime Minister Hun Sen was implemented in all communities. However, the Directive No.01 created more pressure on the indigenous communities. Due to pressure from local authorities and political motivation of measurement's students, some families with poor educational background and with unclear guidance from NGOs decided to register their own land as a private title and abandoned the IP community land title registration.

To preserve the collective land of Samut Leu community, ICSO and Community Network Activists decided to keep all titles of private lands of indigenous families without their agreement. Consequently, internal issues of private land titles were raised by the community's elders and people. The communities requested their land certificates back.

Relevance

The interviews with key informants and the desk study showed that NGOs partners and communities were familiar with the Project and they were aware of the problems, described in the initial context analysis and its subsequent revision, of land grabbing and economic land concession faced by IP communities in the targeted areas. There was also a realization that the exploitative tendencies in the IP land Title Registration processes have shown progress and more attention. The stakeholders and community work itself confirmed this direction, as it focused on prevention of land rights violations of potential and actual community people in their community. Most of them have daily interactions with NGOs partners, ILO Consultants and government relevant stakeholders.

The project staff who were most closely involved in the implementation of the Project stressed the fact that the project is highly relevant to the needs of IPC and has a close link with the government plan especially Collective Land Title Registration and IP Land Title Registration. Almost all relevant legal frameworks of the three Ministries (MoI, MoRD and MoLMUPC) and other tools and mechanisms were used and applied by project staff and NGO partners.

Based on the analysis of project documents, the Project is found to be grounded on a relevant country context analysis. Nevertheless, Cambodian political context in this area is constantly changing, and new developments will have to be taken into account when the country analysis for the second project cycle is prepared, reflecting, for instance, the increased activity on high ranking official commitment and efforts concerning land policy in Cambodia. Findings from the above analysis indicates the Project, as it has been designed, will still be relevant in the next five years to achieve its overall goal of poverty reduction and securing land tenure of IP communities. The relevance of the Project was rated very high.

Effectiveness

Through the project analysis and beyond outcomes gained against the objectives described above, the Project additionally showed that indigenous peoples have confidence in using and managing land safely and demand information and access to relevant social, legal and land services. More importantly, government officials, the NGO staff and the communities themselves are more accountable and Project

staff who were supporting the implementation in all the three phases are enhanced. The two expected outputs are over achieved as stated in results.

Cost Efficiency

It is difficult to come to any detailed conclusions about cost efficiency in the context of this evaluation, as there was no time and access to all financial data for every cost item under the Project. Cost estimation for each Land Lot/Community based on best practice was absent and in a general level, it was the opinion of all involved staff that resources had been stretched very thin. This was found to have made continued engagement from stakeholders and requirement of IPC Land Title Registration challenging, especially when trying to implement the project in the relatively large geographical areas of the seven provinces.

Overall impact

This is a very difficult category to assess in the context of a brief evaluation when only relying on secondary data and qualitative study design. The evaluation study design was based upon qualitative approach/Scientific study design to assess significant changes and the impact analysis resulted in the following:

The development changes documented indicate impact at IP Communities in the form of increased awareness about IP land Rights, increased number of Indigenous people with legal documents, increased numbers of IP identity determination, IPC registration and IPC land title registration

Moreover, the study also noted that this increased knowledge had impacted on indigenous peoples' behavior, attitudes, safeguards of their land, as many respondents in the evaluation reported land grabbing and negative impact of application of economic land concession were reduced especially among IPC when their land are already registered with MoLMUPC.

The Project has produced impact that can be classified as important benchmarks on the way towards a more rights-based environment for indigenous peoples in the targeted provinces which is likely to have a positive impact on the situation of IPC in the future. Some case studies of successful IP Land Title Registration show the increased income, land, larger houses and equipped agricultural instruments following legal recognition.

The Project also produced positive impact in reducing migration to other areas due to successful legal community recognition. NGO partners offered small grant as cash transfer to poor and poorest IP families who are engaged in other complementary projects. However, livelihood projects are still not linked with professional small and medium enterprises and farmer associations and the project did not cover phase4-IP Community Development. The impact of the Project was rated high.

Almost all these Indigenous families and community met are very happy with registered IP land title given by MoLMUPC, NGO stakeholders, local authorities, ILO Consultants and ILO's counterparts. Their children have attended primary and lower secondary school and high school and some of them continue to higher education levels and vocational trainings at their residential care. However, almost all IP identity and IPC registration and unidentified IPC still fear land grabbing, enforcement of Prime Minister's Directive 001 and Development of Economic Land Concessions. Some areas of ILO Project were well integrated into commune/Sangkat development plans and Investment Plan (CDP/CIP) and in contrast, registered IPC are not prepared yet for long term development plan

Sustainability

It is important to acknowledge the nature of the Project as a contributing factor along the local and national movement for the protection of IP land rights. The Project is likely to provide indigenous peoples with information on safeguards for their land and ensure protection and rights of IP who are seeking alternative livelihood strategies outside their land and did not take into account preservation and identity recognition. It obviously focuses on longer-term sustainability, rather than short-term results.

The Project evaluation that addressed the issue of sustainability found that the Project had placed great emphasis on integration into Commune Development Plans and Commune Investment Plans as an aspect of sustainability. The Project was well known and integrated into CDP/CIP in some areas. Additionally, the evaluation also noted that the Project has recruited local experts among indigenous people and placed them in their catchment areas as knowledgeable and experienced consultants on safeguards to ensure sustainability of the project. They are community resource people who continue providing information during and after the Project implementation. However, the Project needs more time to advocate for more engagement of local authorities and Commune/Sangkat Councils and inclusion of indigenous peoples in existing local structures and other relevant democratic development mechanisms.

As far as financial sustainability is concerned, this will depend on IPC development to be taken into account in the next Project cycle. The Project staff acknowledged that local stakeholders have great potential for placing land issue at national and regional levels but that so far the Project has depended on external funding rather than income generation activities and community development. The Project design therefore would have to be followed up by decisive fundraising efforts. Therefore, the financial sustainability was rated medium and technical, managerial and environmental sustainability were rated high.

Criteria	Score	Key notes
Relevance	Very high	<ul style="list-style-type: none">• The project is meeting the specific needs of indigenous peoples communities in relation to the registration of collective land titles• It is aligned with regional, national and local movement toward securing land tenure, reducing land conflicts and land grabbing.• It contributed to achievements in enforcement of land law, Forest Law , Sub-Degree on Procedures of Registration of Land of Indigenous Communities 2009(No83) and Policy on Registration and Right to Use of Lands of Indigenous Communities 2009 and other national legal frameworks
Effectiveness	High	<ul style="list-style-type: none">• Almost all outputs and outcomes against objectives were achieved, The Project adopted an Effective Strategic Approach especially as regards the three phases which were well known and appreciated by stakeholders and

		community people
Cost-efficiency	N/A	<ul style="list-style-type: none"> Limited time and study Design make it hard to respond to questions concerning cost effectiveness
Sustainability	Medium and High	<ul style="list-style-type: none"> The Project has been linked to national and regional levels processes and some of its components were well integrated into CDP/CIP Registered IP lands were secured and thought toward IPC community development as model
Impact	High	<ul style="list-style-type: none"> Increased knowledge among stakeholders on IP rights and increased income among indigenous communities benefiting from secured land title registration Great impact on all IP families with secured land and conserved IP identity However, phase 1 and Phase2 still present issues of concern and unorganized IPCs pose major challenges

V. Lessons Learned

There are several best practices and lessons learned from the implementation of ILO Project and the collaboration with NGOs partners. Specific Best Practices are:

1. Placement of ILO Local Consultants

All most all stakeholders at both national and sub-national levels including indigenous community have acknowledged and appreciated the commitment and efforts of the four ILO local consultants, including the helpfulness and their commitment in dealing with urgent issues in Indigenous People Communities. Some Stakeholders expressed the need to have ILO local consultants placed at community suggesting that 70% of the time of local consultant should be spent at the communities and 30% should include work at Province and in Phnom Penh. One of four ILO local consultant is indigenous and she has a lot of experience in transferring expertise and skills to IP Community and dealing with all arising issues at regional, national and community levels. So in the next project, ILO and Development Partners should consider the placement of local consultant where IP live and work.

2. State Land Management Commissions

Everybody recognized that State Land Management Commissions at Provincial and District level have legal roles and responsibilities to measure collective land ownership for IP and they have a clear role in IP land Title Registration. However, members of this high commission are very busy and are high ranking official, such as Director of Department. They have no time to work and measure land for IP. Therefore, stakeholders suggested alternative mechanisms, such as the establishment of a technical team and decentralized roles for decision making in IP Land Title Registration.

3. Impact of PM Directive 001

The study on issues and impact of land title registration in indigenous communities found that 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 deployed to undertake the land titling lacked experience and resources to resolve such 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. During our discussions with indigenous communities, we found some families who had already registered private land title but they sold their land and returned to live and use land of the indigenous community. We also found that some families have migrated to other places in the forest. In this context, the ILO and Development Partners including NGOs partners should increase their efforts to raise awareness of indigenous peoples as showed from the lesson learnt by CED in Kratie.

VI. Conclusion and Recommendations

Conclusions

There have been substantial changes in Indigenous Community Land Title Registration and Land Rights of Community People during the overall life of the project. A major change includes the enhancement of roles and responsibilities of IP Communities and capacity of indigenous people and relevant government and NGO partners. Common elements include reference to an increased and recognized IP identity, IP registration and IPC land title registration and other living conditions related to registered IPC and in the general public in targeted provinces.

Indigenous peoples' communities are, today, stronger, more diversified, and better networked than the past eight years and this has had an impact on household income due to the protection of their land. However, constraints still remain from land grabbing, application of PM's Directive 001 and application of economic land concession.

There was also a high degree of consensus that IP identity determination, IPC registration and IPC land title registration are nowadays seen as a collective responsibility with a more diversified, stronger, better networked response than eight years ago and that there is a greater involvement of civil society, Development partners (GIZ, ILO) government and IP community stakeholders as enablers and implementers in the fight against illegal and legal economic land concession and land grabbing. A further important element mentioned by all relevant government stakeholders (MoRD, MoI, MoLMUPC) , and ILO consultants and staff as well as NGO partners at 4 studied provinces was the growing availability of secured land information services (social and legal aid and support services by NGOs partners and stakeholders) including livelihood support services. However, the availability of legal aid support services, capacity of NGOs partners and community people and network on all three phases of the IPC land title registration is still limited and similar areas of interventions are still fragmented.

The increased land grabbing and impact of the enforcement of implementation of the Prime Minister's directive 001 has taken place in the domain of general indigenous families and communities. Increased understanding of importance of IPC land title registration is a significant contribution to secure land tenure, their family income and improved social, economic and health status and general community development. Recognized and registered indigenous families in communities are now working and doing business as additional components of income. "They could live and do business without fear and unsecure land to work in and outside community", declared some interviewees.

The evaluation found that the project design fit the country context and has produced significant results under its set outcomes. It does not currently cover community development plans, as some communities interviewed wished it could do. The main recommendations based on the evaluation are as follows:

Recommendation 1. ILO, Development Partners and NGOs partners should advocate for revisiting of Sub-Degree N83 based on Land Law 2001

ILO, Development Partners and NGO partners should propose a national study to assess negative and positive impacts of enforcement of Sub-Degree on Procedures of Registration of Land of Indigenous Communities 2009(No83) and Policy on Registration and Right to Use of Lands of Indigenous Communities 2009 and application of PM's directive 001 for reviewing and updating these two policies

Recommendation 2. ILO and Development Partners should support the government to strengthen the functioning of State Land Management Commissions

The roles and responsibilities of state land Management Commissions should be strengthened to support the IPC land Registration. All stakeholders should organize a national stakeholder's forum to review the effective coordination of State Land Management Commissions in order to find better ways to accelerate IPC Land Title Registration

Recommendation 3. Decentralize Roles and Responsibilities

Responsibilities of MoI and MoRD should be decentralized to Provincial Governors and Department Rural Development by looking at the roles of state Land Management Commissions and One Window Office

Recommendation 4. Standardize Capacity Building Curriculum

ILO and NGOs partners including relevant government stakeholders should conduct NGO and Community Capacity Assessment and Develop Standardized Capacity Building Curriculum to address all four phases of IPC Land Title Registration and Development

Recommendations 5. Provincial Coordination Mechanisms

Development Partners and ILO should support the establishment of provincial coordination mechanisms in IPC Land Title Registration and Development by defining

- Memberships (IPC representatives, NGO Representatives and All relevant government Stakeholders
- Clear Term of Reference and Coordination Work-Plan, Budget Plan
- Capacity Building Tools for both government staff, NGOs and Community People
- Coordination , Communication Tools and Advocacy Tools

Integrated project implementation **Recommendation 6. Coordinate for Comprehensive Project Design and IPC Development Plan**

Comprehensive Project Design should be coordinated and should address all four phases starting from IPC Identification to IPC Community Development

Recommendation 7. Evident Based Advocacy

ILO and Stakeholders should mobilize resources to conduct nationwide research on the application of PM Directive 001 and other external factors to examine the impact on IP land Registration .

Annexes

Annex A. People and Institutions Interviewed

	Province	People/Institute	Contact info.
1.	<i>Mondul Kiri</i>	<ul style="list-style-type: none"> - Mr. Koeung Chhean, Deputy Director of PoRD - Mr. Chhim kann, Director of PoLMUPC - Mr. Em Sophiak, Program Coordinator of CLEC - Mr. Sing Kay, First Council of Busra Commune - Mrs. That Koeun, Vice-chief of Pulu village - Mr. Kras Sak, Deputy of Network - 7 villagers from 2 village, 4 from Pulu and other 3 from Lames 	M/P: 017 772291 M/P: 097 5757777 M/P: 012 978935 M/P: 097 7965169 M/P: 097 7826909 M/P: 097 6022649
2.	<i>Ratanak Kiri</i>	<ul style="list-style-type: none"> - Mr. Katam Sonvorn, Director of PoRD - Mr. Tim Sinat, Director of PoLMUPC - Mr. Tep Borin, Program Coordinator of ICSO - Mr. Kong Srun, District Governor of Lumpat - Mr. Puch Sovan, Acting Chief of Seda Commune - Mr. Kam Vei, Chief of Samothleu village - 5 members of Community Network - 9 Community members from Samotleu village. 	M/P: 012 582646 M/P: 012 980377 M/P: 012 620190 M/P: 092 128482 M/P: 0972528376 M/P: 097 9355826
3.	<i>Kratie</i>	<ul style="list-style-type: none"> - Mr. Lim Chhenghou, Director of PoRD - Mr. Thun Sari, Deputy Director of PoRD - Mr. Mean Kimheng, Deputy of office of Indigenous - Mr. Yous Pheary, Executive Director of CED - Mr. Commune Village - Mr. Neang Nhim, Chief of Pakler village - 12 community members and 7 people are village elders and 5 are network activists. 	M/P: 012 620000 M/P: 012 201653 M/P: 012 600830 M/P: 097 3558985
4.	<i>Kampong Speu</i>	<ul style="list-style-type: none"> - Mr. Pok Chanthorn, Deputy of PoRD - Mr. Sreng Sophal, Deputy of PoLMUPC - Ms. Uch Bo, Program Coordinator of Adhoc - Others 	M/P: 012 713906 M/P: 012961122

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