

WORLD FAITHS DEVELOPMENT DIALOGUE



Indigenous Spirituality in Cambodia: Implications for Development Programming

September 2011



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■ About this Report

This report is part of WFDD's ongoing efforts since 2009 to "map" the development work of faith-inspired organizations in Cambodia. The goal is to promote understanding and a better-informed dialogue among faith-inspired and secular development partners on issues of common concern. The report follows a November 2010 publication, *Faith-Inspired Organizations & Development in Cambodia*, and explores in greater detail the often-misunderstood indigenous faith traditions in the country, contributing to a better understanding of how indigenous spirituality is relevant to development priorities. It explores the nature of indigenous spiritual systems in Cambodia, emphasizing the indigenous conception of landscape, which blends the physical and the spiritual, particularly in the case of spirit forests.

Additional publications are available on the WFDD website (<http://berkleycenter.georgetown.edu/wfdd>), along with interview series with faith inspired development practitioners and blogs on topics at the intersection of faith and development in Cambodia.

■ Acknowledgements and About the Author

The report's principal author is Nathaniel Adams. Katherine Marshall and Claudia Zambra provided substantial input, guidance and oversight during the research and writing process. Oudom Ham provided critical contributions as a research assistant, translating and facilitating many field interviews. His knowledge of indigenous communities in Ratanakiri was invaluable during the study.

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Photos by Nathaniel Adams. Cover photo by Michelle Kemp.

■ Acronyms

ADB	Asian Development Bank
ADHOC	Cambodia Human Rights Development Association
BCV	Building Community Voices
CFI	Community Forestry International
CIYA	Cambodia Indigenous Youth Association
CSO	Civil Society Organization
DoEMD	Department of Ethnic Minority Development
ELC	Economic Land Concessions
F&FI	Fauna and Flora International
FAO	United Nations Food and Agriculture Organization
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GPS	Global Positioning Satellite
HA	Highlander's Association
ICCA	Indigenous and Community Conserved Areas
ICCO	Inter-church Organization for Development Cooperation
ICSO	Indigenous Community Support Organization
ILO	International Labor Organization
IRAM	Indigenous Rights Active Member
IUCN	International Union for Conservation of Nature
MLMUPC	Ministry of Land Management, Urban Planning and Construction
MoE	Ministry of Environment
MoI	Ministry of Interior
MRD	Ministry of Rural Development
MVI	My Village

NGO	Non-Governmental Organization
NIS	National Institute of Statistics
NPDIP	National Policy on the Development of Indigenous Peoples
NTFP	Non-Timber Forest Product
NTFP-EP	Non-Timber Forest Products Exchange Program
OHCHR	United Nations Office of the High Commissioner for Human Rights
OPKC	Organization to Promote Kuy Culture
PLUP	Participatory Land Use Planning
REDD	Reducing Emissions from Deforestation and Forest Degradation
SADP	Southeast Asia Development Program
SPF	Seima Protection Forest
UNDP	United Nations Development Program
UN-REDD	United Nations Collaborative Program on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries
WCS	Wildlife Conservation Society
WFDD	World Faiths Development Dialogue
WWF	World Wildlife Foundation

■ Glossary of Terms

chamkar	Shifting cultivation plot
Champa	Historical Cham Kingdom spanning from AD 192-1832
mey arak	Spirit doctor
mey kantreanh	Traditional village leader
neaktā	Khmer spirits
Oknha	Cambodian honorific title granted to wealthy and influential figures

Contents

Executive Summary	1
Introduction	6
Section I: Cambodia's Indigenous Population	9
Population Statistics	9
Cambodian Indigenous Groups	10
Geographic Distribution	13
Section II: Indigenous Spirituality	15
Animism and its Relevance in the Development Context	15
A Landscape of Spirits	17
The Spirit Forest	20
Section III: Indigenous Land Rights in Cambodia: Spirits, Livelihoods and the Law	25
Land Alienation in Indigenous Communities	25
Existing Legal Framework and the Communal Titling Process	28
Development Partners, NGOs and the Narrative of Indigenous Rights in Cambodia	32
Section IV: Spirituality and Development in Indigenous Communities	35
Worldviews in Development	35
Indigenous Spirituality's Role in Social Unity, Trust and Solidarity	36
Religious Conversion in Indigenous Communities	36
Section V: Case Studies: NGOs Valuing Indigenous Belief Systems in Project Design	41
Sustainable Livelihoods	41
Environmental Conservation	43
Community Development	45
Section VI: Looking Ahead	47
The Triangle Development Plan and the Future of Indigenous Land Rights	47
Conclusions and Recommendations	48
Works Cited	50
Annex I: Interviews with Key Resource Persons	53

Tables and Maps

Map 1: Provinces of Cambodia	9
Map 2: Districts of Ratanakiri	10
Table 1: Cambodia's Indigenous Groups	12
Map 3: Approximate geographic dispersal of indigenous groups in Cambodia	13
Figure 1: Kralah's Mey Arak	19
Figure 2: Rubber Plantation in Ratanakiri	25
Map 4: Concessions in Cambodia	26
Figure 3: New Kuwaiti-funded Mosque near Lae Village	38
Figure 4: Sealed Road to Vietnam in Ratanakiri	47

Executive Summary

Cambodia's current economic development strategy has significant repercussions for the culture and traditional livelihoods of its indigenous communities. As mining operations, agro-industrial plantations, and other economic ventures expand rapidly in indigenous regions, land tenure has emerged as the leading issue, the more so as most communities still lack legal title to ancestral lands. Spiritual traditions of indigenous communities are deeply intertwined with traditional land management regimes (as well as the way people live), but are rarely recognized as central elements in policy debates and actions about land rights. Taking spirituality into account offers the potential for innovative and practical development strategies that protect Cambodia's natural resources and provide sustainable development options for its minority ethnic communities.

This WFDD report aims to contribute to a better understanding of the role that spirituality (animist traditions in particular) plays in Cambodia's active indigenous land rights discussions, in hopes that it will enhance debates about both land tenure and development in indigenous regions. The report draws on semi-structured interviews with key resource persons in the development community who have worked on relevant initiatives in Cambodian indigenous communities, as well as secondary sources. It reflects discussions with villagers in six indigenous communities in the northeastern highland province of Ratanakiri, including Kralah, La'Ok and L'eurn Kren villages in O Chum district and Koke-Pel, Cam, Lae and Katae villages in OuYa Da district. The primary research took place from October 2010 to March 2011. The report aims to capture and synthesize a somewhat fragmented dialogue around quite contentious issues, and especially to

draw out the often overlooked but nonetheless ubiquitous thread of spirituality. It highlights areas where international actors can ethically and effectively promote self-determination in indigenous communities and support the Cambodian government in advancing equitable and culturally appropriate development.

Cambodia's Indigenous Population

There are no definitive population figures for indigenous minorities in Cambodia, as national census data are an imprecise gauge of this population. *The general consensus based on limited studies is that the indigenous population is around 200,000 individuals, constituting 1.2 percent of Cambodia's population.* This is the smallest indigenous population of any country in Southeast Asia in both absolute and proportional terms.

The Cambodian government's 2009 National Policy on the Development of Indigenous Peoples (NP-DIP) lists 24 indigenous ethnic groups: Brao, Bunong, Chhong, Jarai, Kachak, Kravet, Kel, Koang, Kouy, Kreung, Krol, La'Eun, Lun, Mil, Por, Radei, Ro' Ang, Sa' Ouch, Sam Rei, Suy, Spong, Stieng, Thmoun and Tampuan. These groups are part of a broader indigenous cultural area that extends into parts of Vietnam, Laos and Thailand.

While indigenous communities are found in 15 of Cambodia's 23 provinces, well over half of the total indigenous population is in the two northeastern provinces of Ratanakiri and Mondulkiri. These highland provinces have historically had very sparse settlement patterns. Their low population density has allowed indigenous communities to maintain a variety of low-intensity

livelihood systems based on non-timber forest product (NTFP) collection and shifting cultivation. However, recent development patterns encourage migration into these areas, to the extent that Khmer already outnumber indigenous groups in some areas. This alters the political balance at the provincial, commune and district levels and potentially exacerbates land disputes.

Indigenous Land Rights in Cambodia

Land tenure is currently a central concern among indigenous communities. Typically, land alienation occurs in one of two different ways: either through small-scale voluntary sales or illegal land acquisition, or by way of large-scale economic land concessions (ELCs) and concessions for mining, tourism, or hydropower projects. ELCs involve 1,152,793 hectares of land in long-term leases to foreign and domestic companies to develop agro-industrial operations, while mining concessions account for a further 1,468,353 hectares. This development pattern is especially significant in indigenous upland regions, including the northeast, where land use patterns have traditionally been less intensive and natural resources are viewed as underutilized. Indigenous rights advocates have pressed for the principle of “free, prior and informed consent” in matters of ELCs and other concessions but with limited success.

The effect of land and timber concessions on indigenous communities in Cambodia came to the attention of the international development community in the late 1990s, following public demonstrations in Ratanakiri province over the *destruction of spirit forests* (forested areas governed by unique sets of taboos that restrict access to hunting, forest product collection,

and certain behaviors, like speaking too loudly) within the Hero Taiwan LLC logging concession. *This event drew public attention not only to the need for legal protection of indigenous land, but also to the important spiritual element in the indigenous land rights dilemma.* The response to these events helped encourage the government to include innovative provisions in the country’s new land law, including the right to communal land ownership for indigenous communities.

The 2001 Land Law laid the groundwork for communal land titling in indigenous communities, and this legal framework was bolstered by the 2009 Sub-decree on Procedures of Registration of Land of Indigenous Communities. The legislation includes provisions that recognize communal land rights; a drawback is that these provisions were included largely in response to pressure from international actors, rather than the indigenous communities themselves. Most indigenous communities do not yet fully understand the rights granted to them in this legislation. Those communities currently applying for communal title are doing so with substantial NGO facilitation.

Communal titling is proving to be a slow process; three initial pilot titling programs in L’eurn Kren and La-en villages in Ratanakiri, and Andong Krolung village in Mondulkiri, launched in 2004, are just reaching completion. No mechanisms are in place to ensure interim land protection for communities in the process of pursuing legal title. It has become clear that land titling alone cannot address the broader questions about appropriate development strategies in these regions. This will require assuring an authentic and effective voice for those most directly affected.

Indigenous Spirituality

Cambodia's indigenous communities have traditionally been adherents to what some call 'animist' religions. Animism is a term historically used to describe a wide range of traditional syncretic spiritual systems, a characteristic of which is that the material and spiritual worlds are tightly intertwined. Cambodia's indigenous landscape thus includes human, spiritual, and physical elements. This concept is exemplified in what are known as spirit forests; partly because potentially severe consequences are seen in offending powerful spirits that reside there, spirit forests are afforded much respect. Spirit forests are examples of Indigenous and Community Conserved Areas (ICCAs), an evolving participatory conservation framework promoted by international NGOs, notably IUCN and WWF. In Cambodia, spirit forests offer a potential foundation for future land and forest management plans.

Animist traditions are widely misunderstood and are rarely recognized as legitimate spiritual systems outside of local contexts. This is in part because animism is by and large practiced by communities living in some of the world's most socially and economically marginalized regions, as is the case with Cambodia's indigenous communities. If development partners, as they profess, give priority to serving these marginalized populations, they need a better understanding and appreciation of their culture and thus of the significance of their animist traditions.

Spirituality and Development in Cambodia

Globally, there is growing interest in participatory development strategies that recognize and incorporate alternative worldviews among development partners. Such strategies value people's own criteria of development, and as a result, commonly take into account the spiritual, as well as the material and social, well-being of local communities. Such participatory strategies seek to empower indigenous structures and allow communities to address development concerns according to their own methodologies.

Indigenous spirituality deserves the attention of development partners because it could support richer partnerships and approaches that empower local cultures and support sustainable community-driven development. It offers potential alternatives to large-scale 'aggressive development' plans that can threaten both social equity and environmental resources. The following ideas emerged in discussions as avenues to reflect better the importance of indigenous spiritual traditions in a development context:

1. Spiritual traditions are key solidarity builders in indigenous communities and important considerations because community unity is critical to current land titling arrangements; for example, the authority of elders derives from their role in looking after the village spirit.
2. Spiritually-based customary laws, including those that govern spirit forests, offer practical foundations on which to build indigenous capacity for sustainable land management.

3. Customary laws also often govern livelihood activities, and these can bolster sustainable harvest strategies; several models promoted by NGOs in indigenous areas are promising, both ecologically and economically.
4. Customary laws can contribute to environmental conservation (such as in ICCAs), though each scenario is unique and taboos can differ greatly from forest to forest.
5. Indigenous spiritual ceremonies can unite multiple indigenous communities, thus forming a basis for building local capacity to address land and other development concerns. Such approaches demand less external facilitation because they rely on indigenous structures.
6. The socio-economic transformation occurring in indigenous regions is diminishing women's traditional avenues of economic and social influence. Women can benefit more from efforts to bolster traditional livelihoods than through cash cropping ventures. Women have respected social positions as *mey arak* (spirit doctors), which represent an important avenue for female voices in the community.

Cambodian development actors note a resurgence in traditional spirituality where programs draw on local spiritual and cultural traditions. The propensity of segments of Cambodia's indigenous population to convert to influential 'world religions' (a trend noted in many indigenous communities the world over) may derive in part from lack of recognition of local animistic spiritual traditions within the broader society.

National and international NGOs are well positioned to lend broader validation to indigenous spiritual systems by working through indigenous structures and emphasizing the merits of spiritual and cultural traditions in their project design. This might help address some of the social divisions that have accompanied religious conversion in indigenous regions.

Several NGOs working in Cambodia reflect indigenous spiritual traditions deliberately in project design. Three approaches and projects highlighted in this report focus on sustainable livelihoods, environmental conservation, and community development. Encouraging results suggest that there is scope to engage these traditions in other sectors.

Moving Forward

Land alienation and large-scale concessions in indigenous regions are likely to increase in coming years, particularly as the Vietnam-Laos-Cambodia Triangle Development Plan advances. This plan would link 11 resource rich, but largely "underdeveloped" highland provinces of Vietnam, Cambodia, and Laos, including Cambodia's four northeast provinces, where the vast majority of indigenous communities live. Its aim is to facilitate expanded economic exchange in manufactured goods and natural resources in the sub-region, bolster trade and promote tourism, thus reducing poverty. However, some indigenous rights advocates fear that it will lead to a dramatic expansion of agro-industrial plantations, mining activities, and migration that would likely exacerbate land alienation and environmental degradation while bringing few benefits to local communities.

It is important to include indigenous perspectives in public dialogue and discourse about evolving development plans. NGO support has been critical to progress in communal land titling, however, this fact speaks to the vast (and some have suggested undue) influence that donors and NGOs exert on the dialogue on indigenous rights in Cambodia. The fact that donors and NGOs, rather than indigenous peoples themselves, have largely constructed the narrative on indigenous rights in the country, is a matter of concern for many of those interviewed for this report. Substantial community organizing efforts and capacity building within local institutions is needed for meaningful indigenous participation; investing in such approaches offers the potential to increase indigenous visibility and influence. Indigenous community media can play a major role in public dialogue and some new local media channels have already facilitated discussions between multiple indigenous communities on issues such as language, culture and spirituality.

Spirituality plays a significant role in community structures. Village elders' authority often derives from their familiarity with local spirits, and village solidarity is strengthened and perpetuated through spirit ceremonies.

Indigenous land management methodologies, including spirit forest protection, are particularly relevant in land rights discussions but tend to be overlooked because they are seen as arising from superstition. The taboos surrounding spirit forests need not be seen as representing an environmental logic, but many time-honored practices offer a culturally powerful framework on which modern understandings of conservation can be built. *Recent development projects demonstrate good po-*

tential when traditional spiritual taboos are linked in the presentation and implementation of sustainable harvest strategies and conservation plans. However, more participatory pilot initiatives are needed to understand and explore ways in which indigenous-managed land can contribute to national environmental conservation goals. Such explorations could contribute to a rethink of appropriate legal frameworks for land management in indigenous regions. *Attention to spiritual dimensions in the development of public policy and NGO strategy could help to draw out indigenous perspectives and contribute to greater emphasis on local, culturally-rooted development solutions.*

Cambodia has the chance to be a rich example of enlightened responses to these complex issues, which resonate widely in international development circles.

Introduction

Cambodia's current economic development strategy has ever increasing repercussions for the culture and traditional livelihoods of the country's indigenous communities. As mining operations, agro-industrial plantations, and other economic ventures expand rapidly in indigenous regions, land alienation has emerged as the leading issue; their sensitivity is greater because most communities still lack legal title to ancestral lands. The spiritual traditions of indigenous communities are deeply intertwined with traditional land management regimes, but have rarely played a meaningful role in the debates on land rights. Spirituality is an important dimension of people's lives, but also potentially a basis for innovative development strategies that protect Cambodia's natural resources and offer sustainable development options for its minority ethnic communities.

This WFDD report aims to contribute to a better understanding of the role that spirituality (animist traditions in particular) plays in Cambodia's active indigenous land rights discussions, with a view to benefit dialogue on policy and development strategy.

Since the 1990s the Cambodian state, with the stated intention of encouraging investment, increasing state revenue and boosting rural employment, has instituted a system of land concessions, which give companies, both foreign and domestic, long-term lease agreements over hundreds of thousands of hectares. These now include "economic land concessions" (ELCs) for agro-industry, mineral concessions, and tourism concessions. This development pattern has been especially marked in indigenous upland regions, including the northeast, where less intensive land use patterns have traditionally prevailed and natural resources are com-

monly viewed by authorities as underutilized. The perspectives of indigenous communities rarely figure in these large-scale economic development plans; they are seldom consulted and their consent is often deemed unnecessary. Indigenous rights advocates have pressed for the principle of "free, prior and informed consent" in matters of ELCs and other concessions, but with little success. Land acquisition, whether legal or illegal, by the rich and politically influential, has become more common in indigenous regions as the country's physical infrastructure improves.

Cambodia's situation is somewhat unique in that indigenous communities have been granted the legal right to apply for communal title over parcels of land; this differs from some other countries where indigenous people have campaigned for control over entire territories. Cambodia's communal land titling programs for indigenous communities are creeping forward; however, in the interim there is little practical protection to ensure indigenous land security.

Traditionally, Cambodia's indigenous communities have depended on forest areas for their livelihoods; beyond this core economic reality, land rights issues also have particular gravity because the land itself has spiritual significance. There is a general belief that spirits reside throughout the landscape, but some areas are considered particularly spiritually potent. These are often referred to as 'spirit forests' and it is believed that misfortune can result if these areas are not treated with respect. This belief has given rise to diverse systems of taboos governing activities undertaken within spirit forests, particularly those involving the exploitation of natural resources, i.e. cutting of vegetation, hunting and fishing. Spirit forests are important elements

of an indigenous community's cultural and religious life. With land concessions, many spirit forests have been encroached upon or razed completely; as a result they are an emotionally charged factor in the land rights struggle for indigenous communities. While spirit forests are the most visible and widely discussed symbol of indigenous religion, particularly in the context of discussions on land rights, they are only part of a larger spiritual landscape which has broad implications for an array of development interventions in these regions, particularly for sustainable livelihoods and environmental conservation. Indigenous spiritual beliefs add gravity to the loss of indigenous land, but those same beliefs also play positive roles in defense of that land. Indigenous spiritual traditions can promote community solidarity and form part of a wider indigenous identity in the country. These are relevant for legal titling efforts, but transcend this narrow legal context. Indigenous rights advocates suggest they can undergird a social movement that might more effectively promote sustainable community-driven development strategies in their regions.

Since 2009, WFDD has worked to “map” the development work of faith-inspired organizations in Cambodia, with the primary goal of building understanding and promoting a better-informed dialogue among faith-inspired and secular development partners on issues of common concern. With this report WFDD hopes to contribute to a better understanding of how indigenous spirituality intersects with development priorities in the country. The report also explores the potential of culturally-attuned participatory development strategies in Cambodia by exploring synergies between indigenous spiritual systems and national development priorities, particularly environmental

conservation and sustainable livelihoods. Promising efforts led by NGOs support local spiritual structures, notably by building on notions of spirit forests within sustainable livelihoods and environmental conservation programs. In doing so, they strengthen traditional community structures. Moving forward, a central question is how national and international partners can ethically and effectively promote self-determination in indigenous communities and support the Cambodian government in advancing equitable and culturally appropriate development in indigenous areas.

Paper Content and Methodology Notes

Building from background on Cambodia's indigenous population (demography, geographical distribution), the report explores the nature of indigenous spiritual systems, emphasizing the indigenous conception of landscape in Cambodia, which blends the physical and the spiritual, particularly in the case of spirit forests. It discusses land alienation in indigenous regions, relevant legal instruments and the status of communal titling efforts, and the influence of both NGOs and organized religions on community solidarity in indigenous communities. Finally, it details three efforts in which NGOs have attempted to engage indigenous spirituality and empower traditional community structures to accomplish recognized international development goals: sustainable livelihoods, environmental conservation, and community organizing. It suggests ways to move forward.

The review draws on primary qualitative research consisting of semi-structured interviews with key resource persons, including development actors involved with

Introduction

relevant initiatives in indigenous communities and members of the communities themselves (see Annex I). Interviews are supplemented by key secondary source research. The product aims to capture the disparate dialogue now occurring among development actors and within communities on the implications of indigenous spirituality for land titling and more broadly in the indigenous development context. Interviews with NGO resource persons took place in Phnom Penh and Banlung, Ratanakiri from October 2010 to March 2011. Discussions with community members took place in seven villages in Ratanakiri province: Kralah, La'Ok and L'eurn Kren villages in O Chum district and Koke-Pel, Cam, Lae and Katae villages in OuYa Da district. Given the sensitivity of topics discussed, names of community members are not used in this report.

Section I: Cambodia's Indigenous Population

Population Statistics

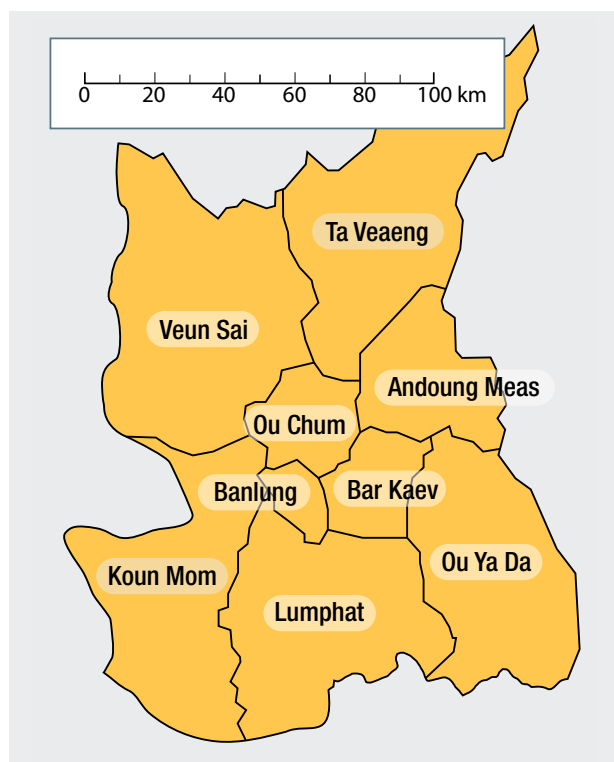
There are no definitive population figures for indigenous minorities in Cambodia. The 1998 Cambodian Population Census estimated that there were 101,000 individuals from 17 indigenous groups, based on spoken language (NIS 1998). This would have constituted a mere 0.9 percent of the national population at the

time. The 2008 census again enumerated the indigenous population based on language, but only under the all-inclusive categorization: speakers of “minority languages” (which includes the comparatively widely-spoken Cham language). According to this census, speakers of “minority languages” constituted 2.86 percent of the population (NIS 2008). The 2008 census also broke down the population by religion. Animist



□ Map 1: Provinces of Cambodia

Section I: Cambodia's Indigenous Population



□ Map 2: Districts of Ratanakiri

spiritual traditions, which are practiced by many indigenous communities, fall under the classification of “other” and made up 0.78 percent of the population (ibid). Reliability issues with the census aside, these broad categorizations, while they give some sense of the population size, are at best imprecise gauges of indigenous ethnicity. Particularly given Cambodia’s history, in which ‘indigenesness’ has often been associated with social backwardness, there may be a reluctance to publicly identify with an indigenous language or religion. Significant and growing numbers of indigenous people have been adopting major world faiths such as Christianity, Islam, and Buddhism; likewise, indigenous youth are increasingly unable to speak their mother tongue, though a recent push for bilingual education is meeting some success in reversing this trend.

Despite the absence of a truly comprehensive survey of Cambodia’s indigenous population, recent empirical evidence suggests these census figures underestimate their numbers. The NGO Forum on Cambodia points to several studies that suggest that the indigenous population is closer to 190,000 (NGO Forum on Cambodia 2006). The Department of Ethnic Minority Development (DoEMD) estimated in December 2009 that 220,000 individuals, or 1.5 percent of Cambodia’s total population, are members of indigenous communities. The range most generally agreed upon among NGOs working with indigenous minorities falls somewhere between 1.2 and 1.5 percent of the national population. Even with these bolstered figures, the fact remains that Cambodia has the smallest indigenous population (both in absolute and proportional terms) of any country in the Southeast Asian region, a fact that has significant bearing on their political influence and the ability of indigenous communities to address collectively the unique development challenges they face. The communities are thus in a particularly vulnerable position, highly susceptible to economic and social marginalization on the one hand and cultural assimilation on the other. These circumstances challenge indigenous communities and the NGOs that look to support them to develop innovative, culturally-rooted alternatives to what many refer to as the “aggressive development” taking place in indigenous regions.

Cambodian Indigenous Groups

Cambodia’s indigenous ethnic groups are part of a larger indigenous cultural area that extends across the highland regions of mainland Southeast Asia. Communities of the indigenous ethnic groups present in

Cambodia are also found in neighboring Vietnam, Laos and Thailand. These once contiguous cultural communities were split when the French colonial authorities drew the current national borders for the sub-region in 1908.

As detailed above, determining Cambodia's indigenous population with any level of precision is challenging; it follows that simply establishing the num-

ber of ethnic groups is no straightforward endeavor. Strong clan-based social structures and local dialects can make such distinctions problematic in many cases. The Cambodian government's 2009 *National Policy on the Development of Indigenous Peoples* (NPDIP) lists 24 indigenous ethnic groups: Brao, Bunong, Chhong, Jarai, Kachak, Kravet, Kel, Koang, Kuy, Kreung, Krol, La'Eun, Lun, Mil, Por, Radei, Ro' Ang, Sa' Ouch, Sam Rei, Suy, Spong, Stieng, Thmoun, and Tampuan

□ Box 1: Who is 'Indigenous'?

Apart from countries with a European colonial history and a majority immigrant population (the Americas and Australia most notably), 'indigenesness' can be a very ambiguous concept. Nowhere is this more true than in Asia, where countries use a wide array of terms to refer to indigenous populations, including tribal people, aboriginals, forest dwellers, hill tribes, scheduled tribes, and ethnic minorities.

Internationally, *indigenous* is a commonly used if somewhat ambiguous term. In over 30 years of addressing indigenous issues, no body within the UN system has adopted an official definition of indigenous peoples. One that is commonly cited is the understanding of tribal and indigenous peoples contained within the landmark ILO Convention 169:

"a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions." (ILO 1989)

The international indigenous movement has often opposed official attempts to define the term indigenous for fear it could be exclusionary, preferring a policy of self-identification.

Section I: Cambodia's Indigenous Population

(MRD 2009). The following table represents the work of anthropologist Frederic Bourdier and provides data on 19 of these ethnic groups based on a composite of data sources. The population figures quoted have likely changed since this fieldwork was conducted in 1995, but the table still provides a useful overview of populations, linguistic groupings, and geographical distribution.

The numerically largest indigenous ethnic groups are the Tampuan, Kreung, and Jarai in Ratanakiri province, the Bunong in Mondulakiri, Steung Treng, and Kratie provinces, and the Kuy, present in several provinces including Preah Vihear, Kampong Thom, Steung Treng, Banteay Meanchey, Siem Reap, Oddar Meanchey, and Kratie. Each of these groups has a population estimated at over 10,000 individuals. There

Ethnic Group	Linguistic Family	Population	Location
Brao	Mon-Khmer	5,500	Ratanakiri and Steung Treng Provinces
Bunong	Mon-Khmer	19,000	Mondulakiri, Ratanakiri and Steung Treng Provinces
Jarai	Austronesian	14,000	Ratanakiri Province
Kachak	Mon-Khmer	2,200	Ratanakiri Province
Khmer Khe	Mon-Khmer	1,600	Steung Treng Province
Kraol	Mon-Khmer	1,960	Kratie and Mondulakiri Provinces
Kravet	Mon-Khmer	4,000	Ratanakiri and Steung Treng Provinces
Kreung	Mon-Khmer	14,000	Ratanakiri Province
Kuy	Mon-Khmer	14,200	Several provinces see below
Lun	Mon-Khmer	300	Ratanakiri and Steung Treng Provinces
Mil	Mon-Khmer	2,100	Kratie Province
Por	Mon-Khmer	1,440	Kampong Thom and Pursat Provinces
Radei	Austronesian	12	Mondulakiri Province
Sa'Ouch	Mon-Khmer	175	Kampot and Pursat Provinces
Stieng	Mon-Khmer	3,300	Kratie and Mondulakiri Provinces
Suy	Mon-Khmer	1,200	Kampong Speu Province

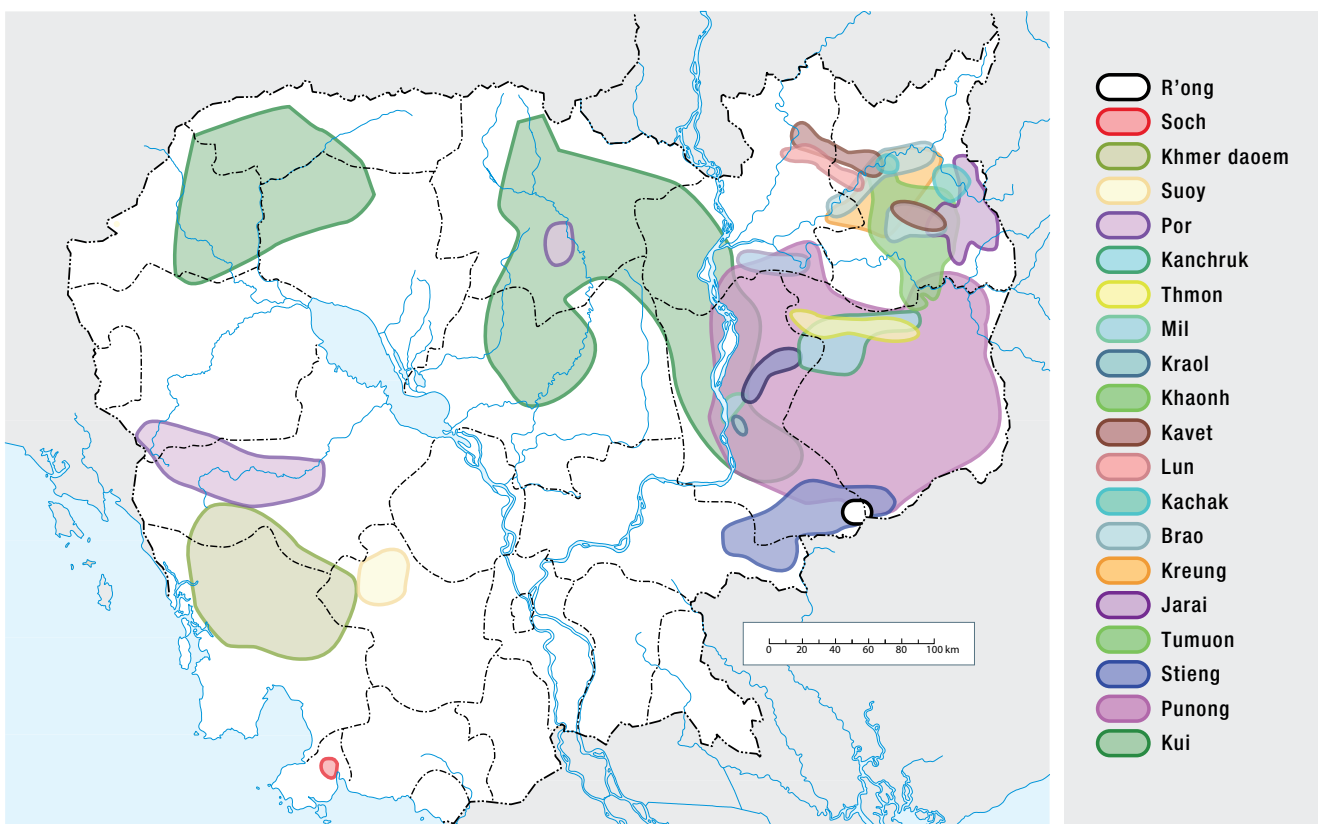
□ Table 1: Cambodia's Indigenous Groups (Source: Bourdier 1996)

are several ethnic groups with much smaller populations, including the Suy in O Ral district, Kampong Speu province, with a population of just 1,200. The Suy have been particularly affected by a series of much publicized economic land concessions in Mount O Ral wildlife sanctuary, which includes Suy agricultural land, customary-use forest, and spirit forest.

Geographic Distribution

While indigenous communities can be found in fifteen of Cambodia's twenty-three provinces, well over half of the total population resides in the two north-east provinces of Ratanakiri and Mondulakiri.

There has traditionally been a sharp disparity between these two sparsely populated highland provinces and Cambodia's more densely populated lowland provinces. According to the 1998 census, Ratanakiri had 94,000 individuals living on 1.2 million hectares or 9 persons per square kilometer. Mondulakiri had an even sparser settlement pattern with 32,407 inhabitants living on 1.4 million hectares, or 2 persons per square kilometer. The difference is striking when we compare this to Kampong Cham, Cambodia's most populous province, which during the same period had 1.6 million people living on 942,000 hectares, or 164 persons per square kilometer (NIS 1998). The low population density of the highlands has allowed its indigenous population to maintain a variety of low intensity livelihood systems based on non-timber forest product



Map 3: Approximate geographic dispersal of indigenous groups in Cambodia (Source: NGO Forum 2006)

Section I: Cambodia's Indigenous Population

(NTFP) collection and shifting cultivation. Typically a family will use a swidden plot for between 2-5 years (Fox et al 2008); once a new area of land has been cleared for cultivation the previous field is left fallow for five years or longer; families often collect wild and semi-wild foods from the plot during this period (Brown et al 2006).

As Cambodia's physical infrastructure has improved and expanded, these once remote highland regions can be reached from the capital in a matter of hours. Many enterprising Khmer, including government officials and private entrepreneurs, see land in these provinces as underutilized, considering their large base of timber and mineral resources and areas of fertile red volcanic soils. Some poor or landless Khmer and Cham families have chosen to migrate to the northeast provinces from overpopulated lowland provinces in search of economic opportunities, while others have been resettled from other regions spurred by ELCs. This pattern of migration has in large part contributed to the fact that Mondulkiri and Ratanakiri have the 3rd and 4th highest annual rural population growth rates (respectively) among all Cambodian provinces. Between the 1998 and 2008 censuses, Mondulkiri grew annually by 6.29 percent and Ratanakiri by 4.65 percent (NIS 2008). As it stands now, indigenous groups maintain a tenuous numerical majority in these two provinces; however, if migration and "land-grabbing" continue unabated this is unlikely to last. In Ratanakiri, the indigenous population fell from 68 percent in 1998 to 57 percent in 2005. By 2013 it is estimated that indigenous groups will be the minority in the province (Fox et al 2008). A numerical majority is relevant for political influence at the provincial level, in a country where there is little indigenous influence over national poli-

tics outside of the ability to leverage donors to exert international pressure. It is also important at the district and commune level where, in some cases, indigenous groups have already become minorities. This can affect the ability of indigenous communities to take advantage of decentralization efforts and incorporate their priorities into commune development plans.

Section II: Indigenous Spirituality

Animism and its Relevance in the Development Context

Indigenous communities in Cambodia have traditionally been adherents to what some call ‘animist’ religions, though there are exceptions such as the Kuy who have a long history of Buddhist influence. Animism is a term historically used to denote a wide range of traditional syncretic spiritual systems, in which there is little separation between the material and spiritual worlds. Human, as well as the non-human (animals, plants, etc.) and the non-living (rocks, streams, etc.), are seen as having spirits with which living humans cohabitate (Bird-David 2002). These spirits play a major role in both the practical and cultural life of animist communities, influencing everything from the agricultural cycle and livelihood activities to the schedule of village festivals, which build solidarity and unify communities. While animism is a convenient label for discussing these diverse traditions, many have found its use problematic, indicative of a Western misconception about the nature of spirituality. Robert Winzeler, professor of Anthropology at University of Nevada Reno, expresses this view, observing that “this august term is in some ways unfortunate. It reflects the Western tendency to think that religion is primarily a matter of belief or faith, rather than a combination of belief and behavior (or ritual), which is actually always the case. The understanding of these indigenous religious traditions is further impeded by the tendency to see religion as a separate realm of activity for which people should have a label” (Winzeler 2008). Acknowledging its limitations, the term animism is used here as a matter of convenience, simply due to its wide recognition; the intention is in no way to essentialize these traditions.

The term animism was originally coined by British anthropologist Sir Edward Burnette Tylor in his 1871 work, *Primitive Culture*. He used it to broadly refer to mystical traditions predicated on the ubiquity of spirit beings (*anima* is Latin for soul). Tylor conceived of animism, as the title of his work might suggest, as being inherently primitive: religion at its most rudimentary stage. In the context of the theories of sociocultural evolution that held sway in the West during the 19th and early 20th centuries, Tylor suggested that as societies developed so too did their spiritual systems, with cultures moving from animism to more complex polytheistic systems, eventually reaching monotheism, considered the zenith of religious thought. At the time, Tylor’s writings were viewed as politically radical for even suggesting that ‘primitive’ cultures possessed true *religion*. However, as progressive as that notion may have been, Tylor’s use of the term animism was certainly pejorative, a description of what he viewed as inferior spiritual systems. Social science thinking about animism has certainly changed since the term first appeared, as it is increasingly understood that religions function socially and emotionally and not simply as intellectual and ethical explanations of the material world. However, in many broader social settings, animist traditions remain misunderstood and garner little recognition as legitimate spiritual systems outside of local contexts. This is in spite of the fact that animism could arguably be considered the world’s largest religion (ex. Asma 2011). Its low level of recognition as a religious system may in part owe to the fact that animism, often not bound by dogma or creed, is diverse, adaptive, and contextual (read: difficult to pin down). Indeed, such systems are not easily circumscribed even within a single cultural communi-

Section II: Indigenous Spirituality

ty. Animism also challenges the ridged sacred-profane division typifying Western religion, blurring the lines between faith and culture.

The challenges to wider recognition of indigenous spiritual traditions are compounded by the fact that animism is by and large practiced by marginalized communities, living in some of the most marginal-

ized regions of the world. This suggests that animism is among the most important religious traditions to understand and engage if the goal is to reach the most vulnerable populations. Indeed, in Cambodia, indigenous animist communities are among the country's most economically marginalized; the percentage of those living on less than \$1.25 a day is significantly higher in the indigenous majority provinces of Ratan-

□ Box 2: Cambodian Indigenous Identity

At the first-ever Cambodian Indigenous Peoples Forum held in a Suy village in Kampong Speu Province in September 2004, representatives of indigenous communities from 15 provinces were tasked with discussing what characteristics identify and unify the country's indigenous people. These discussions yielded the following statement of indigenous identity:

*We have indigenous blood
(our parents and grandparents are indigenous)
We live communally
We respect spirits and have ceremonies
for the village spirit every year
We call (pray) for help and have ceremonies
to compensate when the spirits help
We have ceremonies to call up "araks"
(a spirit called up to find out why someone is sick)
We practice or have a history of practicing
rotational agriculture
We hold sacrifices when we farm
We have village leaders (chahsrok)
We have burial forests*
(quoted in NGO Forum on Cambodia 2006)

The fact that nearly half of the characteristics that comprise indigenous identity in Cambodia involve spirituality is noteworthy and hints at the centrality of spiritual traditions in the lives of indigenous people and the potential for these traditions to unite communities both nationally and regionally.

akiri and Mondulkiri, at 53 percent, than the Cambodian national average of 40 percent (Oxfam Hong Kong 2011). It should be noted, however, that indigenous understanding of poverty and development can vary greatly from the economic parameters traditionally used to gauge it. Indigenous populations in Cambodia are exceptionally dependent on forest areas for food and livelihoods and in many ways these agricultural and livelihood systems are built on and dictated by their faith traditions. Considering this fact, these traditions should be an essential consideration in any development program, starting with efforts to determine which dimensions of lives and poverty deserve priority.

A Landscape of Spirits

In Cambodia, the indigenous landscape is composed of human, spiritual, and physical elements. The traditional belief is that all objects in the natural world, including animals, plants, rocks, streams, etc., possess spirits, and these spirits are key elements in the geography of indigenous land. Spirits could be considered to be *owners* of the land insofar as they can exert control over human activities on it. In many ways the spirits determine the success or failure of most human endeavors. It is only through the spirits' consent that human communities can carry out livelihood activities. Conversations with village elders emphasized the spiritual ties to their ancestral land; they explained that they have a strong relationship with the local spirits that has taken a very long time to establish. As a Kreung elder in Kralah village pointed out, "we cannot live just anywhere. The spirits accept us here. It takes a very long time to build a relationship with the spir-

its. If the spirits don't accept you they can cause you to become ill or even die." The general belief is that villages are located in areas where the spirits accept these communities. Through a variety of sacrifices and ceremonies, this relationship is perpetuated and solidified. The goal is to placate spirits who may be prone to irritability and give thanks to those spirits that have given their assistance. The Kralah village elder went on to say, "Some spirits take care of us and some are cruel, but during ceremonies we pray to them all." While spirits are present to some degree in all land areas (shifting cultivation plots, paddy fields, forest product collection areas), there are areas known specifically as 'spirit forests', which are the most spiritually significant spaces for indigenous communities. Here the spirits are the most powerful and exert the greatest control over certain human activities.

The act of imbuing natural features of the landscape with spiritual significance is a religious phenomenon likely as old as culture itself. The practice is evident in many world religions, most notably Hinduism, but it could be said to be one of the core features in many of the world's indigenous traditions. Graeme Brown, former advisor for Community Forestry International (CFI) in Ratanakiri, argues that an important distinction can be drawn between the character of sacred natural sites among the aboriginal peoples he worked with in Australia and those of Ratanakiri's indigenous groups. "Among aboriginal groups you will see that the actual landscape features are part of the religious system. The mythology is based on those features, in other words they are set, whereas the system I've seen here is a bit more fluid; areas can go into and out of being spirits forests."

□ Box 3: Spirits in Cambodian Buddhism

Indigenous spiritual systems are not the only religious traditions in Cambodia that incorporate the concept of spirits. Indeed, despite Buddhism's long history in Cambodia, it never fully supplanted the older animistic folk beliefs in Khmer communities. Khmer spirits, known as *neak tā*, are not part of formal doctrines but are nonetheless prevalent, if somewhat peripheral, in the folk practice of Buddhism. The Khmer Rouge took the lives of most of Cambodia's preeminent Buddhism scholars and after the fall of the regime this folk practice, which incorporates many animistic elements, played a large role in the rebuilding of communities and also of Cambodian Buddhism. As in indigenous beliefs, in Khmer society spirits are considered ubiquitous in the landscape, a fact to which the ever-present 'spirit houses' attest. These houses, which are found in homes and businesses, are places to provide offerings to the local spirits. Incense, fruits and even alcohol are offered to tempt spirits inside and thereby spare real houses from the effects of the spirits' mischievous disposition. Spirit houses can even be found on pagoda grounds. Given the existence of animist beliefs and traditions among so many Khmer communities, issues raised in this report have broader relevance in Cambodia, beyond the context of indigenous communities.

In discussions about sacred areas such as spirit forests, there is a tendency in some discourse to equate the significance of indigenous religious sites in Cambodia with comparable concepts that are more broadly understandable to the international community. Chea Phalla of ILO draws parallels between spirit forests and houses of worship: "to these communities the spirit forest is like the pagoda of the Buddhists. When a company destroys a spirit forest, it is as if they destroyed a pagoda. I believe that these forests should be considered as important as a Buddhist pagoda or a Christian Church." In the context of the ongoing land rights struggle in the country this is evocative imagery, perhaps intended to provoke outrage in of the international community, many of whom come from religious traditions with a set and deeply ingrained idea of the sacrosanct. While drawing such comparisons

can be helpful, in many ways, spirit forests and pagodas are not perfect cognates. As one Tampuan villager from L'eurn Kren admitted: "we don't always respect the spirit forest all the time as Khmer do the pagoda."

Focusing solely on the spirit forest as the fundamental unit misinterprets and in a way confines indigenous spirituality. A Kreung man in Cam village illustrated this well by stating simply, "a pagoda is only in one place, but the spirits are everywhere." Such statements draw attention to the very real difference between organized and indigenous religious traditions, but also importantly emphasize how all aspects of life in indigenous communities can be affected by their spiritual traditions. Development actors need to recognize the fluidity of the spiritual landscape of Cambodia's indigenous communities, both because it provides insight

into the mindset of these communities and because it has very practical implications for establishing boundaries in future land use and land titling strategies. Indeed, rigid boundaries might be considered antithetical to traditional indigenous conceptions of landscape.

While spirit forests are considered the most spiritually significant areas, spirits are omnipresent and all changes in land use are to be negotiated with them in advance. Gordon Patterson, former advisor for the Non-Timber Forest Products (NTFP), described the system as a “dynamic equilibrium between the human community who want to use the resources and the spirit community who consider it to be their home.” This spiritual negotiation is very evident in the indigenous agricultural cycle. Most indigenous communities practice shifting cultivation and move their agricultural plots (known as *chamkar*) every two to five years (though this system has become increasingly threatened as indigenous communities’ access to land shrinks and available land is dedicated to cash cropping). Families typically choose to relocate *chamkar* to an area that has lain fallow for at least 8-10 years; during this period spirits would have once again taken up residence there. Once a family has chosen the location of a new *chamkar*, they will clear a small area and return home to dream, often with a handful of soil from the plot. Dreams are one of the primary means of communicating with spirits and this process is meant to determine whether the spirits will grant usufruct rights. The village chief of Katae, a Jarai village, explained the process: “if you dream of something cold such as water, fish or money this means that you can continue clearing. If you dream of something hot like fire, such as a burning house or forest, this means that you must abandon that plot.” Similarly, the *mey arak*

(spirit doctor) in the Kreung village Kralah described a similar tradition: “if you dream of nothing it is ok, but if you dream of a chicken, you must sacrifice a chicken and stop clearing that area of forest.” According to local customary laws, an individual often secures permission before harvesting non-timber forest products including resin, honey, fruits, etc., by performing a small ceremony or sacrifice.

The Spirit Forest

Spirit forests are just one component of a broader spiritual landscape for Cambodia’s indigenous communities, but in the context of the current tensions over land tenure, they have become an important symbol of the deep spiritual connection that indigenous communities have with ancestral land. Spirit forests with their concomitant taboos and regulations also demonstrate the capacity of indigenous communities to manage local forest resources, although formally they presently fall under state control. Indeed, spirit forests and other culturally protected areas are championed as alternative conservation approaches by some environmental organizations in Cambodia. They suggest that spirit forests represent a culturally rooted model for sustainable natural resource management (ex. Fauna and Flora Intl, World Conservation Society). The International Union for Conservation of Nature (IUCN) among others uses the term Indigenous and Community Conserved Areas (ICCAs) to refer to such culturally managed forests. Dr. Borrini-Feyerabend, President of the Paul K. Feyerabend Foundation, highlights three central characteristics of ICCAs that could well describe Cambodian spirit forests:

Section II: Indigenous Spirituality

1. specific indigenous peoples or local communities (sedentary or mobile) are closely concerned with a *bio-cultural patrimony* (a territory or a body of natural resources) powerfully related to them because of traditional, spiritual and/or livelihood ties;
2. such indigenous peoples or local communities have (*de facto* or *de jure*) taken and implemented management decisions about their bio-cultural patrimonies; and
3. their voluntary management decisions and efforts have achieved positive conservation results (although their intentions may not have been related to conservation).

As is the case for most spirit forests in Cambodia, ICCAs around the world often lack official government recognition. Advocates of similar conservation models suggest that the lack of state recognition of ICCAs alienates indigenous and forest dependent communities from the natural areas on which their livelihoods depend. They suggest that environmental conservation is best promoted through the customary laws of the indigenous or local populations that have traditionally maintained these natural areas.

Spirit forests first became a concern of the development community and the Cambodian government in the late 1990s, with local backlash over forest concessions granted in Ratanakiri. Much of the local outrage centered on the fact that these areas contained forests considered spiritually significant by the local indigenous populations. One concession in particular was the site of a watershed moment. In 1998, a

25-year logging concession for over 60,000 hectares of forest in O Chum, Vonsai and Taveng districts of Ratanakiri was granted to Hero Taiwan Company Ltd. At the time, over 10,000 people from 33 villages inhabited the concession area and most of the affected villages were of Kreung ethnicity. In the management plan established between the Forestry Administration and the concessionaire, it was agreed that “culturally important areas [and] areas which the community has requested be excluded from logging” (MoE et al 2000). However, no method had been developed to establish where these “culturally important” areas were located. When the company first began operations, it was targeting old growth luxury timber species, which were located primarily in the spirit forests of these communities, generating outrage among local villagers. Disputes between local communities and the concessionaire quickly escalated when villagers organized roadblocks to stop bulldozers and other logging equipment from reaching the site. Local NGOs intervened on behalf of indigenous communities and the provincial authorities were soon forced to mediate the situation. It was decided that a workshop was needed to discuss the concession. One recommendation that emerged was that a “cultural resource study” be undertaken by an independent working group, composed of representatives from the provincial authorities, NGOs, and CSOs. Among the study’s objectives was to “research and catalogue forest types important to culture, religion and livelihood” as well as “determine why these forest areas hold such strong significance.” While there were earlier anthropological accounts of Cambodian spirit forests (ex. Bourdier 1995), this study, conducted in August of 1999, was the first to examine them in a development context. Despite their prominence in the land rights debate,

few comparable studies have been carried out since (Borrini-Feyerabend and Ironside 2010, Colm 2000).

Spirit forests are diverse in size, character and history

Indigenous communities generally have between two and five spirit forests of varying size, as well as one community burial forest. These spiritually significant forest areas may be shared among several communities. The size of each individual spirit forest is dictated, in part, by the physical geography of the land itself, with landscape features such as mountains, streams, or rocks acting as natural boundaries or reference points; the actual area is typically only roughly defined. Because spirit forests are often partially based on physical features, their size can vary greatly, ranging from a half-hectare islet to an entire mountaintop of over 200 hectares. A discussion with the village chief of the Jarai village Lae, revealed that the community has 481 hectares of spiritually significant forest, a figure he was able to cite because this spirit forest was recently mapped with GPS by Ockenden Cambodia (an NGO originally based in the UK, which localized in 2007). In this case a stream delineated the boundary closest to the village. Kralah village, in contrast, has two much smaller forests, five and three hectares in total. A community's burial forest is generally of a more uniform size, ranging from one to five hectares. Particularly in the northeast of the country, cremated remains are interred in a community's burial forest either in large jars or specially constructed burial houses. There is a good deal of heterogeneity in burial practices among indigenous communities, and conversations with villagers in Ratanakiri province highlighted the importance of

being buried in the burial forest of their particular village. Many suggested that, for a member of the community, it would be impossible to be buried anywhere other than their own community's burial forest.

Water resources such as springs, lakes and streams can have special spiritual significance and are often integrated into spirit forest areas. In La'Ok, a Kreung village, an elder described a sacred stream associated with one of their two spirit forests, where fishing and hunting are strictly prohibited. He explained that a village ancestor named Juwan drowned in the stream more than five generations ago. Juwan, it is believed, has the power to create wind and rain and ceremonies are held every June at the stream asking Juwan for rain. Spirit forest status is often accorded because of legendary tales, such as that of Juwan, although in some cases the events that have given spirit forests their status are quite recent. The cultural resource study recorded several recent examples in which the power of a spirit forest was discovered when a villager inadvertently disturbed or insulted a spirit, leading to misfortune, sickness, or death. In one story a Khmer Rouge soldier was walking through Svay village's most powerful spirit forest, Phnom Ling Ling. He picked a wild cucumber and put it in his pocket. He then could not find a way out of the forest and wandered for hours, until he discarded the cucumber and was finally able to stagger out. The cultural resource study also gives another more recent example from the same spirit forest. In 1998 a villager was collecting malva nuts on the hill, when he heard footsteps behind him and turned around only to see a whirlwind approaching. After it passed, he immediately began to feel ill and had to be carried back to the village by a friend. His neck became very swollen and he died soon afterwards (MoE et al 2000).

Customary laws and taboos can vary based on the spiritual hierarchy of the forest

In part because of the potentially severe consequences of offending powerful spirits, spirit forests are afforded a great deal of respect; however, each has its own unique set of taboos (restricting access, hunting, NTFP collection and even certain behaviors, such as speaking too loudly). In some spirit forests felling trees is unconditionally forbidden, while in others a tree can be felled as long as the action is discussed among the village elders and a sacrifice is performed beforehand. The village chief of the Jarai village Lae (consulted as part of this study) proudly received us at his newly-built home, constructed with timber from the village's spirit forest. He explained that: "we can receive permission from the spirits to build our houses, but we could never sell wood from our spirit forest; the spirits would not allow it." Respecting a spirit forest often means obeying the wishes of the spirits and the spirits can reveal these wishes through different means. The village chief of the Jarai village Katae described spirit forests thusly: "these are places where the spirits do not want us to borrow fish or wood ... long ago people tried to use tools to catch fish in the stream but they never caught any because the water spirit doesn't want us to catch fish there." In this case the fact that villagers were unable to catch fish in a local stream indicated that the spirits disapproved of that activity.

As with timber felling, in some spirit forests the collection of all non-timber forest products is forbidden while in others only certain species are taboo. Gordon Patterson, former advisor for the Cambodian NGO Non-Timber Forest Products (NTFP), describes one such case in Ratanakiri: "there is a spirit forest in Buy

commune that they call Bora. There is a specific kind of bamboo there not seen anywhere else. This particular kind of bamboo is said to have been planted by the spirit beings, so even to break a twig of that bamboo would be forbidden. They have stories about Vietnamese soldiers coming through and inadvertently cutting down some bamboo and immediately falling ill and dying as a result." Spirit forests often house an entire community of spirits and are occasionally organized in a type of hierarchy. In some cases the most powerful spirit will be associated with a particular species (the bamboo species in the tale above) and this is why taboos may be restricted to the hunting or harvesting of that one particular species. Again, as Gordon Patterson has observed, "there may be one particular spirit who is dominant; this could be the spirit of a monkey or the spirit of a gaur. So in some spirit forests certain animals can be hunted and others cannot because the ruling spirit would be identified with that specific animal." Each spirit forest will have its own unique community of spirits governed by a specific hierarchy, which has become known to the communities in a variety of ways: dreams, legend, or recent experience. In short, the regulations or taboos on actions taken within spirit forests are diverse and contextual, each set following its own particular history and continually negotiated by a community according to their own spiritual relationship with the land.

Spirit forests are not primarily places of worship, but are influential features of the indigenous spiritual system that are threatened by land alienation

Although spirit forests are considered to be the most spiritually significant places for indigenous communi-

ties, they are rarely centers of religious devotion comparable to a pagoda or church. Only occasionally are spiritual ceremonies held in or near them, then generally sacrifices made for someone who has in some way offended a spirit residing in the forest. The type of sacrifice is determined by the village *mey arak* (spirit doctor). The *mey arak* of Kralah village explained the process there as follows: the individual who has become the victim of a spiritual affliction will give the *mey arak* a bracelet, which she will then wear as she sleeps for a night. If she dreams of a chicken or buffalo that animal must be sacrificed in order to appease the offended spirit. The sacrifice itself is typically carried out within the village, but another associated offering will later be placed at the site of the offence within the spirit forest.

The sacred nature of spirit forests does not demand regular worship at these sites as it might in other re-

ligious traditions, and therefore forest boundaries can change without immediate religious consequences. Increasing land scarcity has forced villagers to encroach on their spirit forests and taboos do not always prevent this. The vulnerability of spirit forests in the current circumstances reflects a broader vulnerability in the indigenous spiritual system. Peter Swift of the American-based NGO Southeast Asia Development Program (SADP) describes this situation among Kuy indigenous communities in Preah Vihear province: “I do think it’s a vulnerable system; the spirit forests are gradually cut down and the spirits become weaker over time, so belief in the spirits lessens. People might not necessarily feel bad about that happening, but eventually it’s lost.” The diminished influence of spirits can present communities with major social challenges, which can be relevant in the development context. Peter Swift describes how the loss of spirit forests can over time affect village unity and erode traditional



□ Figure 1: Kralah's Mey Arak

Section II: Indigenous Spirituality

structures of governance in Kuy communities: “spirits are influential because you have areas where they are particularly powerful. This perpetuates the traditions of taking care of the spirits, for example through the annual ceremonies for the guardian spirits of the village, which are what unify a community. Respect for elders comes largely because they are the ones who take care of the spirits and their authority derives in part from their role of mediating with the spirits. They can use that authority to deal with social issues, land issues, and everything else, but if they lose that authority because no one cares about spirits any more, you’ve lost that social organization.” In many indigenous communities the village leader *mey kantreanh* is responsible for taking care of the village spirit, but his role extends to leading village discussions and mediating personal disputes.

The ability of indigenous communities to cope with and ultimately thrive under the socio-economic changes that are occurring throughout Cambodia will depend both on community solidarity and strength of cultural identity. Spirituality, as explored above, plays a major role in both, and spirit forests might be thought of as a lynchpin in that spiritual system. Although there are examples of communities where spirit forests have been lost due to the relative indifference of community members, this was not the case in most villages contacted for the purposes of this study. An elder in Kralah village, for one, emphasized the link between the defense of land and the retention of spirituality in his community, saying simply: “if we protect our land, we protect the spirits.” Several villages expressed their desire to protect the spirits as a vital part of the community’s cultural heritage. When asked why he felt it was important to protect their spirit forest, an

elder from Katae village stated: “we must protect our spirit forests. We want the next generation to know the spirits of the Jarai.” Pheap Sochea, President of the Cambodian Indigenous Youth Association (CIYA), is one of a new generation intent on preserving identity and traditions. He draws attention to the importance of the spirit forest: “indigenous people have to pray in the spirit forests and other sacred areas because they believe that the spirits that reside there protect them. If those sacred areas have been logged or otherwise destroyed they feel like they have lost their support; lost their backbone.”

Section III: Indigenous Land Rights in Cambodia: Spirits, Livelihoods and the Law

Land Alienation in Indigenous Communities

Issues related to land rights are currently a central concern among indigenous communities. Pheap Sochea of CIYA observes that for most indigenous communities, “land is life,” central to both livelihoods and culture. However, for many communities the future of their community land is uncertain. Land rights legislation has been in a transitional state since Cambodia’s collectivist land rights system, a relic of the Khmer Rouge regime, was officially abolished in 1989. In the ensuing years a highly deregulated economic environment, coupled with a transitional legal system distorted by corrupt practices on multiple levels, has sparked ever-escalating land disputes, particularly in indigenous regions.

Land alienation among indigenous communities mainly occurs in two different ways: either through small-scale land acquisition, legal or illegal, or by way of large-scale economic land concessions (ELCs), mining and tourism concessions, or hydropower projects. ELCs are special fixed-term lease agreements granted by the government to private companies (foreign and domestic) for agro-industrial operations such as rubber plantations. Similar agreements with companies allow for mineral extraction and tourism development. In 2007 at a conference on forests and poverty in the Mekong region, Keith Barney, graduate associate at the



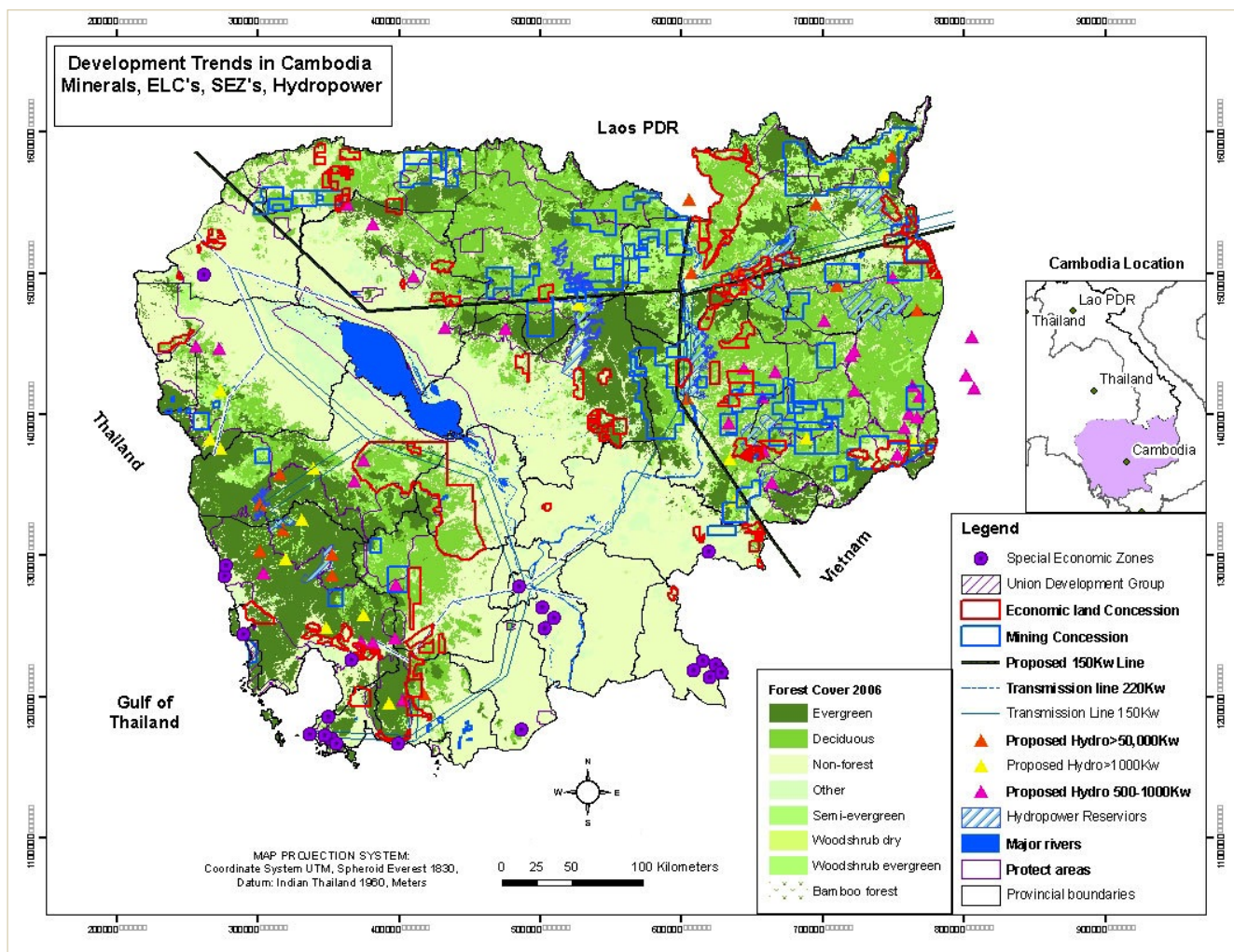
□ Figure 2: Rubber Plantation in Ratanakiri

York Centre for Asian Research, declared that ELCs in Cambodia were “arguably the most severe in the region” (Barney 2007). A 2007 report by OHCHR Cambodia was critical of the system, concluding that “economic land concessions have not proven to be an effective way of promoting development that benefits the majority of Cambodia’s population. Instead, they are compromising the livelihoods of rural communities in favour of the enrichment of the few, as well as foreign business interests” (OHCHR 2007). One of the report’s recommendations was an immediate moratorium on land sales and concessions in areas inhabited by indigenous peoples. The amount of land held under ELC agreements is increasing, despite criticism, and now comprises 1,173,128 hectares (18 percent of all arable land

Section III: Indigenous Land Rights in Cambodia: Spirits, Livelihoods and the Law

in the country), while mineral concessions account for a further 1,468,353 hectares (Sithi 2011). These figures are based solely on available information, which is incomplete. The multiple legislative arrangements that govern how land can be granted in concessions, and for what purpose, make any efforts to monitor them challenging. To date there has not been a systematic review of Cambodia's concession system as called for by the 2005 Sub Decree on Economic Land Concessions. Such a review is needed not only to ensure that concessions conform to established legal guidelines but also to better understand their effect on local communities.

Nearly every Cambodian province has been affected on some level by ELCs and other concession agreements, but their impact is particularly great in the heavily indigenous northeast provinces. Ratanakiri and Mondulakiri have low population densities, possess areas of fertile red volcanic soils, an array of precious mineral deposits, and abundant timber reserves. Prior to the establishment of the current concession system, many 25-year forest concessions were granted to logging companies. In Ratanakiri, by the mid-1990s, forest concessions had been granted for more forested land area than actually existed in the province (MoE et



Map 4: Concessions in Cambodia (Source: Sithi 2011)

al 2000). The forest land granted in those concessions included NTFP collection forests, *chamkar* (shifting cultivation plots), and spirit and burial forests of the indigenous populations. After a logging moratorium in 2002 the remaining timber concessions were cancelled. There is suspicion among NGOs and indigenous communities, however, that new concession agreements can be used as a means to circumvent the logging moratorium. The most recent figures from Sithi reveal that in Ratanakiri province alone, 77,816 hectares are under ELC agreements, while a further 497,174 hectares in the province have been opened to exploration for gold and gemstones in mineral concessions, primarily to Australian companies. Not all land granted in concessions is immediately developed; some concessions are inactive and a number of these have been canceled by the Cambodian government. However, this information is rarely or adequately communicated to indigenous communities, leaving them to rely primarily on rumor and hearsay. Community members in Lae village reported that they had heard plans were underway to excavate directly under their village, and many registered their fears that the entire village would collapse. The lack of information on concessions has contributed to an atmosphere of anxiety and uncertainty for many communities that lack legal title and who have little control over the fate of their land, and by extension, over the future of their livelihoods and culture. Despite the controversy surrounding them, efforts by indigenous rights advocates to establish a policy of “prior and informed consent” in matters of land concessions have not been successful.

The other major contributor to land alienation in indigenous communities is small-scale land sales. In Ka-

tae village, for example, the village chief reported that solidarity was “half-broken” due to such sales.

Several families in the village have sold land to migrant Khmer, while continuing to practice shifting cultivation on community land. This put increased pressure on the remaining land including the community’s spirit forest. According to the village chief, due to this steady encroachment, only a single hectare of spirit forest remains. He remarked that it has been very difficult to get the entire village together for traditional community meetings. Many now refuse to participate in these meetings as they simply want to avoid the discussion of land issues entirely.

While some villagers sell land willingly, others are pressured to do so. Prominent Cambodian political, business and military leaders are involved in many land deals in the region. These powerful figures can employ strategies of coercion, intimidation, and deception to achieve smaller-scale land sales. Common tactics include the implication that the communities will eventually lose their land regardless, and so should consider themselves fortunate to receive any payment at all. Long Serey, the current executive director of NTFP, saw several such instances while working with the Indigenous Community Support Organization (ICSO) in Ratanakiri: “Often there is oppression from rich, powerful or politically connected people. They would tell them [indigenous communities] ‘you have to sell your land, otherwise the government will take it for free and you will have nothing’.” There are also stories of outsiders who obtain villagers’ thumbprints on sales documents under false premises, such as to document the receipt of gifts to the village. Occasionally gifts are openly given in direct exchange for community land;

the village chief of the Jarai village Kokepel stated that an *Oknha* (Cambodian honorific title) recently built two new meeting houses for the village in exchange for ten hectares of community land, on which he plans to develop a rubber plantation.

Increasingly, poor migrants from the lowlands are moving in and simply clearing a small area of land for their own use without permission from the local community. Penn Bonnar of the Cambodia Human Rights Development Association (ADHOC) recounted one such case recently brought to his attention by a local community leader: “He told me that one outsider had cleared about 4 hectares of community land. He said that they wanted to negotiate with the outsider, but I told them that this was not a good way to proceed because the community land is now technically state land and they have no authority to negotiate. They must complain to the court.” In most indigenous communities, however, there is little knowledge of the legal system and even less trust that the system will defend their interests. The likelihood that they would be inclined to access the Cambodian legal system without NGO support is slim. However, as Penn Bonnar explained, the consequences of such a sale can be great for the indigenous community involved; if a concession is offered over that same land at some point in the future, the indigenous villagers who sold the land could be held financially liable and forced to pay compensation at a rate of ten times the original sale price. Despite these challenges, ADHOC advises indigenous communities to act within the law: “I want to defend indigenous people, but they have to be sure that they are always acting legally.” Acting within the law, however, is not always a straightforward proposition in the Cambodian context as legal

processes in the country, particularly those related to indigenous land titling, are constantly evolving.

Existing Legal Framework and the Communal Titling Process

Cambodia's land and forestry laws were crafted at a time of rising concern over indigenous rights among international donors and NGOs

In 2001, faced with a growing number of land-grabbing cases, Cambodia passed a comprehensive law intended to replace the country's stopgap 1992 Land Law. Soon afterwards, in 2002, the first forestry law was passed, which coincided with a state-imposed moratorium on commercial logging. Both the 2002 Forestry Law and the logging moratorium came during a period when rampant deforestation in Cambodia was coming under sharp international scrutiny. A 2005 FAO study observed that between the years 2000 and 2005, Cambodia had the third worst rate of primary forest (old-growth) deforestation globally (behind only Nigeria and Vietnam). During this five-year period, Cambodia lost 29.4 percent of its primary forest (FAO 2006). The timing of both the 2001 Land Law and 2002 Forestry Law is noteworthy not simply because forest issues were then under discussion, but because this was also a time when indigenous rights issues were receiving unprecedented attention from donors, multilateral organizations, and NGOs. It was during this period that the UN Permanent Forum on Indigenous Issues was established (2000) and the draft UN Declaration on the Rights of Indigenous Peoples

was being processed (Simbolon 2009). The Asian Development Bank (ADB), in its capacity as technical advisor for the 2001 Land Law, had just released its first indigenous peoples policy in 1998 and the World Bank was at the time working on a Revised Operational Policy on Indigenous Peoples, as well as a Revised Bank Procedure on Indigenous People, both released in 2005 (ibid).

Indigenous issues were also an increasingly prominent theme within development circles in Cambodia. In 1997, the newly formed Inter-Ministerial Committee on Ethnic Minority Development drafted a policy for the development of indigenous highland peoples, with technical support from ILO. In 1999, the Report of the Special Representatives of the UN's Secretary General for Human Rights in Cambodia to OHCHR made mention for the first time of indigenous land concerns in the country (Horvath 1999). The Hero Taiwan forest concession was granted at the time and the subsequent cultural resource study was released during consultations for the new land law. Much of the advocacy framework that had already been put in place by local CSOs, international, and national NGOs to respond to these concessions could now be repurposed to push for the inclusion of provisions in the new land and forestry legislation that would afford some legal protection of indigenous land. Some of these organizations eventually became members of the Cambodian NGO/International Organization's Land Law Working Group. With Oxfam Great Britain acting as the secretariat, this group played a critical role in ensuring transparency and broader public participation in the drafting of this legislation. Many within the NGO community who were involved in these long and tedious discussions, consultations, and advocacy

processes consider this legislation to be one of the landmark achievements of indigenous rights advocates in the country. As Long Serey, executive director of NTFP said of the 2001 Land Law, "we are very proud of that legislation; it's like our masterpiece." Section IV-C notes some critiques of the influence of NGOs and donors over this legislation, and the narrative of indigenous rights in Cambodia in general.

The 2001 Land Law is considered by some to be progressive in that it recognizes the right to communal land tenure for indigenous communities (communal living has been one of the defining features of indigenous populations in Cambodia and elsewhere: see Box 2). However, the law also allows an individual to opt out of the communal titling process and claim a percentage of community land under individual title, as the law states, "for the purposes of facilitating the cultural, economic and social evolution of members of indigenous communities" (Royal Government of Cambodia 2001). Importantly, the law allows indigenous communities to apply for title not only for current agricultural plots, but also the forest areas reserved for shifting cultivation. As Article 25 states: "The lands of indigenous communities include not only lands actually cultivated but also includes reserves necessary for the shifting of cultivation which is required by the agricultural methods they currently practice" (ibid). Some have argued conversely that the emphasis on traditional land management serves to very narrowly define the rights of indigenous communities. The 2001 Land Law includes a provision that allows communities to include public land in their title (i.e. spirit forests); however it also stipulates that if the community breaks apart at any point after titling, that land is ceded back to the state. The 2001 Land Law only

provides the foundation for titling to proceed in indigenous communities, making only brief mention of interim protection of indigenous land. Article 28 states: “No authority outside the community may acquire any rights to immovable properties belonging to an indigenous community” (ibid). However, the fact that the “immovable property of indigenous communities” has not yet been mapped is a major impediment to the enforcement of this clause.

Like the 2001 Land Law, the 2002 Forestry Law also includes special provisions for indigenous communities, once again due in large part to pressure from multilateral donors, international, and national NGOs. These special provisions include Article 15 that requires those companies receiving forest concessions not to interfere with “customary user rights taking place on land property of indigenous community that is registered with the state consistent with the Land Law” (Royal Government of Cambodia 2002). The challenges of registering said indigenous land with the state notwithstanding, such legal protection had not been afforded in prior national legislation. Another important feature of the 2002 Forestry Law is the explicit recognition of the moral imperative to respect and conserve spirit forests while stopping short of granting communities the ability to obtain full legal ownership of these areas. Article 45 states that the: “Ministry of Agriculture, Forestry and Fisheries shall recognize the religious forest of local communities, living within or near the forest, as Protection Forest serving religious, cultural or conservation purposes. It is prohibited to harvest any spirit trees, thus they may be specially marked and shall be identified in a Community Forest Management Plan.” Under this management model, spirit forests are classified as

“Protection Forests,” a subset of “Permanent Forest Estates.” While local communities can retain customary rights within protection forests in this arrangement, these areas are technically classified as public state land coming officially under the authority of the Ministry of Agriculture, Forestry and Fisheries. Protected areas such as Protection Forests and National Parks, despite their status, remain under threat of concessions. There are many examples, but one of the most notorious involves Virachey National Park in Ratanakiri, the largest protected area of its kind in Cambodia. Amid much controversy, the Cambodian government opened the park to mineral exploration in 2006 and in February of 2011 granted an ELC for a rubber plantation and other agro-industrial crops totaling 190 square kilometers (Roeun et al 2011).

Communal land titling off to a slow start

With at least a partial legal framework now in place, the communal land titling process has crept forward, creating a new set of challenges that make the experience of legislative advocacy pale somewhat in comparison. Communal land titling is an entirely new titling procedure for Cambodia, one that requires the development of a new set of implementation processes.

In 2004, a national task force charged with developing an indigenous titling strategy, determined that three pilot titling programs should be initiated to pave the way for subsequent efforts. Two of these pilots would be in Ratanakiri: L’eurn Kren and La-en villages, while the third would be located in Andong Krolung village in Mondulakiri province. Chea Phalla, now National Project Officer with ILO, was a pilot titling advisor in

2005. He explains that from the very beginning these were very much uncharted waters for those involved: “At that time we didn’t know exactly how to proceed. We did action research and had many discussions with stakeholders; it was a very long process. Eventually, it was determined that there needed to be three phases in the process.” Though not uncontroversial, these three phases have been established as the general pathway to communal titling and can be used generally to view the progress of a community. They are: [1] recognition of indigenous identity by the Ministry of Rural Development (MRD); [2] registration of community as a legal entity by the Ministry of Interior (MoI); and [3] registration of collective land by the Ministry of Land Management, Urban Planning and Construction (MLMUPC).

The three pilot titling programs are just now reaching completion, more than seven years after the process was set in motion. Other communities have also begun to move forward with the process, and 20 more villages have completed the second step of registration of ‘community legal entity status.’ While far from legal title, this intermediate status does confer some benefits for a community. As Sun Youra, executive director at My Village (MVI), a Cambodian NGO currently involved in assisting communities to achieve legal entity status, explains: “this process is very important because when we have problems with concessions, the companies will always ask for the license or the certificate from the community before they discuss anything ... when we have legal entity status we have the ability to talk to companies or concessionaires.” Jeremy Ironside, an independent researcher who has written extensively on indigenous tenure security in Cambodia, notes some further benefits of legal entity status: “le-

gal entity status potentially also opens up possibilities for communities to enter into other legal agreements such as supply contracts, community marketing, community rubber development, developing intra and inter village banks, and potentially for accessing outside credit” (Ironside 2010). The hope is that as more communities navigate the titling process, the learning curve for NGO facilitators will decline, allowing in the future for communities to complete the process more quickly than their predecessors. However, this learning curve cuts both ways and many legal procedures are not yet set by the government agencies themselves. Many NGOs have observed challenges linked to inconsistencies in required paperwork. Long Serey, executive director of NTFP, states that: “the legal processes required by the administration are always changing. As soon as we have staff trained on one process, it’s changed because this is a learning stage.” Many NGOs refer to Cambodia’s “bureaucracy problem,” wherein many government agencies are staffed with underpaid civil servants who often have severe political and hierarchical restrictions on their activities. This has led some to question the commitment of local authorities to the titling process. There is need for capacity building within the relevant government agencies, not least at the provincial and commune levels, if the titling process is to proceed at a faster pace.

Implications of the 2009 Sub Decree on Procedures for Registration of Land of Indigenous Communities

The long-awaited 2009 *Sub-Decree on Procedures of Registration of Land of Indigenous Communities* was meant to culminate the pilot titling process, applying lessons

learned and providing a legal roadmap for the remaining communities to achieve communal land title. However, it included controversial provisions that have become the central story of this legislation, leading to questions about the political will to fully recognize the cultural and spiritual importance of indigenous land. Article 6, in particular, has attracted negative commentary from both indigenous activists and those in the NGO and donor community; it restricts the amount of spirit forest area a community is legally allowed to title to seven hectares, and limits burial forests to the same figure. Pheap Sochea, president of CIYA, expressed sentiments shared by many within Cambodia's indigenous communities: "what we see is that they have to limit our religious beliefs because they need development. Indigenous people can't just say, 'ok, let's collect all of our sacred areas and keep them on 7 hectares of land.' In one village there can be more than 50 spiritual areas. They deeply believe in these spiritual forests and sacred areas and they can't just move them." Chea Phalla of ILO worries that the legislation will have consequences for environmental conservation and for the future participation of indigenous communities in the titling process: "we recommended that [the government] should not limit the size of spirit forests unless actual demarcation has occurred. The size should not be limited because we believe that if you don't respect traditional practice and grant indigenous communities control over their resources, the law won't contribute to conservation. When the Sub-Decree was passed, limiting the size of spirit forests and burial forests to seven hectares each, this really discouraged the participation of local people."

While the sub-decree may discourage some communities from pursuing titling in the future, it has not yet

had a direct impact on communities for which titling processes are already underway; most have not yet begun the participatory land use planning (PLUP) stage of the titling process. It is at this stage when spirit forests are mapped and land use plans developed for these areas. As Sun Youra of MVI states, "at this point we are just thinking that we will let it be implemented and we will come back with feedback later on. It's been about two years now but it hasn't impacted our activities yet." Advocacy groups such as the NGO Forum's Indigenous and Minority Rights Project are prepared to assist indigenous communities when the spirit forest provision of the 2009 Sub-Decree does become an issue, as Chhay Kimheak, a project officer, indicates: "we will help them as soon as they realize the effect of this legislation. As soon as they have this [legal entity] status and they begin to register their collective land, they will understand what this spirit forest restriction means to them. At that point they will collect their voices and advocate for the Sub-Decree again."

Development Partners, NGOs and the Narrative of Indigenous Rights in Cambodia

The 2009 Sub-Decree has strengthened the legal basis for communal titling, but many challenges remain. From the very first step, the relevant ministries and departments presently do not have the budgets necessary to initiate or effectively facilitate the process. Thus for now, communal land titling in indigenous communities depends heavily on NGO facilitation. NGOs, including ICSO, NTFP, MVI, and Wildlife Conservation Society (WCS), are active but their support has limitations. Because the provinces of Ratanakiri and Mon-

dulkiri contain the majority of the country's indigenous population, they have become a focal area for organizations working with indigenous groups. NGO support thus has a significant geographical bias, as NGO Forum's Chhay Kimheak explains: "there are actually just a few NGOs working on this [communal titling] and only in Ratanakiri and Mondulkiri. Indigenous people live in 15 of Cambodia's provinces, so the other 13 provinces still don't have NGOs to facilitate the land titling process." There is some question as to whether indigenous communities, often deeply wary of the country's political and legal systems, would choose legal titling as a means to defend land, without the influence of NGOs. Indira Simbolon, Principal Social Development Specialist for the Asian Development Bank, summarizes the irony of the situation: "Indigenous peoples have to depend on the state to protect their rights to communal lands and resources, but it is precisely the state that often denies them such rights" (Simbolon 2009). Some believe that procedures for legal titling can disempower indigenous communities by driving them to conform to an external notion of 'indigenusness,' subjecting indigenous rights to the government's own definitions. For example, in the current process, the MoI provides indigenous communities seeking legal entity status with model community by-laws, on which to base their own. Many communities consequently end up with by-laws bearing strong resemblance to the MoI model. Some view this as a means to extend government control over indigenous communities that were largely autonomous for much of their history. There are doubts as to whether legal title will in fact ensure land security for indigenous communities, suggesting that the legal titling process may serve to shift the focus away from a discussion of the development patterns that lead to indigenous land alienation (see section VII).

Donors and NGOs in Cambodia have largely driven the dialogue on indigenous rights

The fact that NGO support is so critical to the progress of land titling and even indigenous participation in it, speaks to the vast (and some have suggested undue) influence that donors and NGOs exert on the dialogue on indigenous rights in Cambodia. The fact that donors and NGOs, rather than indigenous peoples themselves, have largely constructed the narrative on indigenous rights in the country, is a matter of concern for many of those interviewed for this report. Femy Pinto of the regional network Non-Timber Forest Product -Exchange Programme (NTFP-EP) expressed a commonly held view that development in Cambodia remains trapped in an aid mentality and this colors the way indigenous issues are addressed in the country. "In Cambodia, as I think most people are aware, development interventions sprang out of foreign aid and this still has a big influence over the way development practice evolves in the country. It's an aid-culture that has then started to promote community organizing and community development. There's a very important distinction there." Pinto's network NTFP-EP was founded in the Philippines, a country with a long history of grassroots people's movements that is often looked to as a model for indigenous community organizing in Cambodia. As Pheap Sochea of CIYA states, "we learn a lot from the Philippines because we are where they were 15 years ago. We are dealing with the same issues. We want to learn from the ways those communities organized and mobilized themselves."

In the Philippines, indigenous community development is often driven by popular protests and demands

for rights. In post Khmer Rouge Cambodia, rights are often granted even before communities fully understand them. This might be considered the case with the indigenous provisions in the 2001 Land Law. Peter Swift of SADP observes that, “the specific formulation of indigenous peoples’ land rights in the Land Law reflects a narrative on indigenous peoples’ land rights promoted by donors and NGOs, who unfortunately end up interpreting rights for people.” In the midst of a broader international discussion on the rights of indigenous peoples, the pressure that brought about the inclusion of those provisions was largely external and the narrative of indigenous rights in Cambodia was largely penned by international actors to the detriment of local structures that could speak with more authority than their foreign counterparts, particularly on social and cultural concerns (spirit forests among them). Cambodia’s Indigenous Rights Active Member (IRAM) network, an informal network of indigenous community leaders, is one grassroots advocacy tool. IRAM helps organize annual Indigenous Peoples Forums and supplies participants for other national workshops and public consultations. There has yet to be a concerted effort to ensure that membership in IRAM is inclusive and representative and therefore some question its authority to speak for all indigenous communities. At present, however, it remains one of the most representative structures for grassroots advocacy on indigenous issues.

Three ostensibly indigenous-run NGOs now operate in Cambodia, including Cambodian Indigenous Youth Association (CIYA) and the Organization to Promote Kuy Culture (OPKC). The third, Highlander’s Association (HA), has an indigenous director and staff, but operates with significant influence from its

Khmer board members. Indigenous-run NGOs like these can potentially serve as grassroots-led initiatives, but some interviewees expressed doubt that an NGO model is the most suitable way to promote real self-determination among indigenous communities. One commonly cited drawback to the NGO structure is that donor requirements can often be so restricting that they limit the ability of indigenous NGOs to address community needs using indigenous methodology, undermining their very ‘indigeness’ in the process. Indigenous NGOs often find themselves required to bring in Khmer staff to handle non-program elements, such as accounting and reporting. The three organizations mentioned above have managed to find a handful of smaller donors who have agreed to less restrictive requirements and granted open or basket funding, which has allowed a degree of independence to address community needs with indigenous methods and through indigenous structures. Among these donors are Heinrich Böll Stiftung (German Green Party), McKnight Foundation, Interchurch Organization for Development Cooperation (ICCO), and Trócaire.

Section IV: Spirituality and Development in Indigenous Communities

Worldviews in Development

The fact that there are so few indigenous-run NGOs speaks less to a lack of indigenous capacity for community development than to a very real difference between western and indigenous worldviews. For example, the linear planning for concrete outputs through which the majority of development organizations operate represents a mode of thinking that stands in stark contrast to the complex and adaptive nature of indigenous society. Peter J. Hammer (2009), professor of law at Wayne State University, suggests that much of the disconnect between development actors and indigenous communities derives from differing notions of progress within western and indigenous worldviews. The western worldview, largely preoccupied with the physical and material, sees time as linear, with the future lying ahead and the past behind. That structure allows for an ongoing contrast of past, present, and future, which gives rise to the idea of material progress. Development institutions rooted in this worldview look to the future with the expectation that quality of life for a community will improve. Many indigenous agrarian societies, however, have a cyclical notion of time, reinforced by the seasons and agricultural calendar. Likewise, a fundamental feature of the indigenous worldview is the continuum of physical and spiritual dimensions. From this perspective, causation may have a spiritual source or a human one. Development in indigenous communities needs to recognize these distinct and alternative worldviews.

Participatory approaches that recognize and incorporate alternative worldviews are garnering increased attention globally. Because they utilize local structures they lower costs and enhance the sustainability of development interventions. Using indigenous institutions to ensure that approaches are sustainable and match local priorities resonates in Cambodia. Pheap Sochea of CIYA observes, “as indigenous people we have our own institutions. For NGOs their role should only be to coordinate in order to empower local structures, but all of the issues have to be addressed by the people themselves.” Likewise, it is increasingly clear that legal title will only contribute to land security if the traditional structures that manage that land are maintained. This recognition requires that donors and NGOs, as Pheap Sochea suggests, focus on the empowerment of indigenous institutions, many of which have a strong spiritual component. At present, however, religious structures in Cambodia are largely under-engaged by development actors and this certainly holds true for the diverse and highly contextual structures that constitute Cambodian animism. There is scope for a broader discussion of indigenous spirituality in the context of the land titling process. Indigenous community media can play a major role in this discussion and NGOs such as Building Community Voices (BCV) are currently working to support these community media channels. These new local media channels have facilitated broad discussions between multiple

indigenous communities on issues such as language, culture and spirituality, all of which relate in very important ways to land security.

Indigenous Spirituality's Role in Social Unity, Trust and Solidarity

The special role that spiritual traditions play in building and maintaining social solidarity deserves greater focus. For indigenous communities, sacrifices and spiritual ceremonies are key activities that promote unity, trust, and solidarity. Villagers surveyed for this study in Ratanakiri suggested that the most important of these events is the annual ceremony for the village spirit, during which the village is closed to outsiders for several days. The community sacrifices a water buffalo along with other animals, including pigs and chickens, in smaller sacrifices, to give thanks to the guardian spirit of the village for its continued support and protection. The sacrificial water buffalo is purchased through monetary contributions from every member of the village. This occasion is often also used to collect funds for other village projects. Villages in Katae, for example, used funds collected from the 2010 ceremony to build a new meeting house. Donations can serve to build financial trust in fellow members of the community and also emphasize common purpose. During the ceremony villagers gather together and drink rice wine (which is often consumed in ritual settings) and participate in dances. Community elders typically officiate at these events; they are the ones called upon to perform the sacrifices because they are seen as having the closest relationship with the village spirit. The ceremonies in many ways legitimate the elders' authority based on respect and spiritual connection, both very

powerful features of authority in indigenous communities. Village solidarity is also sometimes measured by the level of respect for elders; one Lae villager observed that, "the solidarity is good; when an elder tells the village something they really listen and believe what they have to say."

Spiritual ceremonies also have a role in negotiating and mediating between villages, particularly in the case of land or boundary concerns. Gordon Patterson collaborated on a study in Poey commune in Ratanakiri, which found that indigenous communities had a strong system of village boundaries irrespective of legal titling: "With indigenous land there is a very clear system of community boundaries of each village. These boundaries are continuously negotiated over the generations between elders in one village and elders in another. Once they have set the boundaries they make a sort of pact. They make a small sacrifice and drink rice wine and request the spirits in the landscape to witness their agreement. If anyone violates the agreement they suffer the consequences; they may get mauled by a tiger or fall sick and die." Patterson notes that since these boundaries are continuously negotiated, population density remains fairly constant and stress on the land is minimized. It also allows strong relationships to be maintained between villages. This traditional system of boundary negotiation is ignored by the communal land rights granted to indigenous communities as a result of their interpretation by non-indigenous development actors. Thus, indigenous land management methodologies are largely undermined.

Religious Conversion in Indigenous Communities

Conversion to both Christianity and Islam is a source of friction within the development community. Organized religion is a relatively new arrival in many highland indigenous areas of Cambodia, particularly in the northeastern provinces of Ratanakiri and Mondulakiri. Christianity first came to Mondulakiri in the mid-1980s and Ratanakiri a decade later. In both cases, it was originally introduced by returning families who had fled to Vietnam during the Khmer Rouge regime. Christianity has gained a significant foothold among *montagnard* communities in the central highlands of Vietnam since it was first introduced over a century ago by French and American missionaries (Catholicism arrived in 1850, Protestantism in 1911). Significant numbers of indigenous Cambodians converted under the new influence and brought the faith back to Cambodia when they resettled. More recently, proselytizing efforts in Cambodia's northeast have been undertaken by individual missionaries and indirectly by Christian faith-inspired organizations, whose proselytization is much less active. Islam is an even more recent religious influence in the region. Cham Muslim communities, many themselves displaced by land concessions, have been resettling in Mondulakiri and Ratanakiri over the past several years. While certainly less widespread, there has also been Muslim proselytism, particularly among the Jarai ethnic group whom the Cham consider 'lost brothers', once part of the great kingdom of *Champa* who later reverted to living in the forest. The link is based on linguistic similarities; both the Cham and Jarai languages are part of the Austronesian language family while Khmer and the remainder of Cambodia's indigenous languages are of Mon-Khmer linguistic stock.

Indigenous rights advocates register concern that the influence of Christianity and Islam in indigenous communities can accelerate the loss of cultural traditions, weaken community solidarity, and alter a community's relationship with the land. The social consequences of conversion are evident in villages where it has taken place. One Christian Kreung in Cam village stated, "I do feel isolated at the time of the village spirit ceremony or when they are drinking rice wine." Indeed, for the newly converted, participation in spiritual ceremonies and sacrifices, and the ritual consumption of rice wine can become an issue. Many converts to Christianity and Islam do not feel comfortable with (or are actively discouraged from) participating in these cultural events due to their spiritual overtones or because of their association with social vice (as in the case of rice wine consumption). Another Christian convert in Cam village noted that no longer having to "waste money on sacrifices" was one of the selling points of his new faith by missionaries in Ban Lung, Ratanakiri's provincial capital. In Lae, a Jarai village, on the other hand, Christians and Muslims continue to contribute money for sacrifices despite conversion. The village has nearly 100 families, a quarter of which have converted to Christianity, and a quarter to Islam. Christians still contribute money for sacrifices, but do not participate in ceremonies, while Muslims contribute money and participate in ceremonies (this includes eating the sacrificial pig and drinking rice wine). The village chief candidly admitted that some villagers chose to convert to Islam simply in order to receive the material benefits offered by the visiting missionaries. He claimed Cham Muslims regularly came to the village to instruct the new converts on their religious restrictions: "The Cham tell them not to follow the old traditions, but [the villagers] don't listen." As is the



□ Figure 3: New Kuwaiti-funded Mosque near Lae Village

case in Lae village, many conversions to Christianity and Islam may not be entirely genuine, either because the individual has converted to gain access to some manner of material benefit or because they do not fully understand the implications of conversion. The village Chief in Katae noted that 50 families had previously converted to Christianity, but have since ceased to practice because they considered it to be “a waste of time.” Many conversions are genuine, however, and in some cases the recently converted have become quite zealous about their new faith. Interviews for this study pointed to a few extreme cases in which communities have become physically separated along religious lines, with Christians and Animists living apart from each other. Divisive factors are traditional rituals, sacrifices

and ceremonies, which include dances and the ritual consumption of rice wine. With these activities seen by many as critical to building solidarity in indigenous communities, discord around them can have significant consequences for social cohesion.

New religions offer some social benefit to communities

Views differ as to how far conversion contributes to social discord, compared to other causes. Many communities were greatly disrupted during the Khmer Rouge resettlement, and the growing influence of materialism has altered traditional cultural values. In communities

where solidarity has already been broken, religious conversion can be seen as beneficial. In many ways organized religions, especially Islam and Christianity, provide new structures through which communities can organize. The fact that indigenous populations have historically been quite insular has been both a blessing and a curse. Community solidarity is strong as a result, although broader networking structures are non-existent. New religions present opportunities to network regionally and take on a broader global identity. Indigenous Christian communities in the central highlands of Vietnam have benefited from regional religious networks. New religions offer a moral foundation, important in situations where the social fabric of the community has been torn and the traditional moral authority of elders lost. Graeme Brown, former advisor for CFI, summarizes the complicated effects of Christian conversion in indigenous communities rather succinctly with the following analogy: “If you compare this to an indigenous community that still hasn’t broken into anarchy, then Christian conversion does create division, which is making things difficult for retention of forest and retention of land. So I view missionary work as kind of like a crutch; if your legs are fine you wouldn’t want a crutch because it would just make your legs weak. But if your legs are broken you might very well need a crutch. I see the application of Christian conversions as the key factor here. If the community has the potential to stand as an indigenous community then I think you are creating problems by promoting Christian conversions. This is certainly the case if you want a collective land title. I think there are far better interventions than Christian conversions in those circumstances. If things have really decayed then I think there is some value in Christian conversions, but surely avoid the need for it first.”

Effects of conversion on legal entity status

Several interviews questioned whether religious conversion might affect an indigenous community’s ability to meet the social criteria to qualify for legal entity status and thus obtain communal land title. A recent example involves the indigenous Kuy community of Preah Vihear province; government authorities have stated, unofficially, that Kuy communities do not fit the criteria of an indigenous community, in large part because of their adherence to Buddhism. While most Kuy do retain much of their traditional spiritual practice, they also follow Buddhist practices, which have been influential for many generations. This episode has added to the ambiguity over the exact legal criteria for an indigenous community and what, if any, role religion plays in it. Article 23 of the land law provides four criteria to be used for recognizing the legal entity status of indigenous communities: (i) residing in the territory of Cambodia; (ii) manifesting ethnic, social, cultural, and economic unity; (iii) practicing a traditional lifestyle; and (iv) cultivating the lands in their possession according to customary rules of collective use (Royal Government of Cambodia 2001). The question arises whether religious conversion is seen as altering ethnic, social, or cultural unity or whether spiritual beliefs are considered to be a component of a traditional lifestyle or the customary rules that govern land use. At this point it is unclear how religion will be used in this determination; as of yet no Christian or Islamic communities have applied for legal entity status. The fact that religious conversion might threaten their eligibility for communal land title suggests that the lens through which the government views indigenous rights may be unduly narrow.

Section IV: Spirituality and Development in Indigenous Communities

An indigenous community's spiritual relationship to the land itself goes beyond formal title. Since land is so intimately connected with spirituality in indigenous communities, does the fact that an individual no longer respects forest spirits alter their perceived position in relation to nature? A long running theme in environmental discourse is that the global predominance of monotheism, particularly Abrahamic traditions, can be seen as partially responsible for the world's environmental crisis due to their hierarchical separation of God, humanity and nature (ex. White 1967). In the Cambodian context, opinion seems divided over whether religious conversion can result in a loss of respect for the spiritually-based customary laws that govern land use. Some informants argued that after conversion, Christian and Muslim villagers were no longer concerned about angering forest spirits, as they felt that a far more powerful god was protecting them. Thus, they were less concerned about either selling spiritually significant forest area or exploiting it personally. Others interviewed pointed to cases in which Christian village leaders have rallied their communities in defense of ancestral land when threatened by ELCs and other forms of land grabbing. Certainly there have been cases of both, without either one being the dominant storyline. Discussions with indigenous communities suggested that, while religious converts no longer believe in the spirits of the forest, their respect for the beliefs of others in the community prohibited them from disregarding customary laws and exploiting resources in spiritually significant areas. A Christian man in Cam village stated: "I don't believe in the spirits anymore, but I could not cut down trees in the spirit forest. It would not be appropriate. I still want to protect the forest." Other villagers expressed similar sentiments.

Section V. Case Studies: NGOs Valuing Indigenous Belief Systems in Project Design

Some scholars suggest that the propensity of segments of Cambodia's indigenous population to accept other 'world religions' might be due in part to the limited social recognition of local animistic spiritual traditions. Robert Winzeler (2008), writing about the phenomenon of religious conversion among indigenous groups throughout Southeast Asia, draws attention to the difference in the level of social prestige afforded to indigenous spiritual systems compared to the religions practiced by majority lowland populations. "The adoption of Christianity does not occur equally among all ethnic sectors. It does occur across ethnic lines among the highland and interior groups, but it rarely or at least much less frequently occurs among the dominant lowland and coastal populations. The latter groups are generally reluctant to convert because they are already adherents of a world or universalistic religion. These named religions have great prestige and authority" (Winzeler 2008). Due to their present status within Cambodian society (for better or for worse) national and international NGOs are positioned to put greater value onto indigenous spiritual systems by working through indigenous structures and emphasizing the merits of spiritual and cultural traditions in their project design. NGOs can reduce financial and human resource strains on programs while lending broader legitimacy to indigenous spiritual systems. Graeme Brown gives one example of a recent success: "When we started working on land rights issues in Ou Ya Da district, there had been missionary work there. People were converting to Christianity and divisions

were happening. The land program included talking to people in the Jarai language about land issues, but also about how the law recognizes traditional authorities. These discussions started putting value back on traditional systems and we began to see many people converting back from Christianity to Animism. In many ways this indicates, to me, that many of the conversions to Christianity are because of the absence of positive reinforcement on indigenous religion and other traditions." Indeed, several NGOs are successfully engaging indigenous spirituality in Cambodia and this bodes well for the future expansion of endogenous development approaches in the country. Several NGOs are actively looking for synergies between development goals and the spiritual/cultural traditions of Cambodia's indigenous communities. The following section details three such cases in three different sectors: *sustainable livelihoods, environmental conservation and community development*.

Sustainable Livelihoods

The Mondulkiri Wild Honey Project is an initiative of the World Wildlife Fund (WWF) in conjunction with the Non-Timber Forest Product Exchange Programme (NTFP-EP). NTFP-EP, an NGO and CBO network headquartered in the Philippines, works primarily with communities that have forest-based livelihood systems. It aims to strengthen capacity for sustainable community-based natural resource management

by building on traditional livelihood systems in these communities. The Mondulkiri Wild Honey Project was first initiated among Bunong indigenous communities, linking honey producers in villages across the province through a cooperative and building a local value chain to maximize local benefit. Honey collection has been a traditional activity among the Bunong, and before these honey groups were formed, families sold honey to traders for roughly US\$2.50 per liter. As a member of the honey group, a family can receive up to US\$5.00 per liter, effectively doubling their income. However, “it’s not just about maximiz-

ing income,” Femy Pinto, Cambodia Facilitator for NTFP-EP, explains: “this is also about empowerment because these are their traditional livelihoods and this also links back to demonstrating that they can manage their own forest.”

With the expressed intent to empower communities through their own cultural structures, the project also set out to document the customary laws which govern Bunong spirit forests. Their goal was to find correlations with sustainable harvest strategies and incorporate these into management plans for honey harvesting.

□ Box 4: Note on Gender in Indigenous Communities

Many indigenous communities in Cambodia traditionally practice matrilocal residence, meaning that the husband moves to live with his new wife’s family upon marriage. Each clan has a matriarch who is an influential figure in the community. Wealth is traditionally controlled by the wife’s family and farming decisions are divided between husband and wife (White 1996). While indigenous village leaders or *mey kantreanh* are typically male, most major decisions are made through consultation at village meetings in which women usually take part. The expansion of national administrative structures are changing the nature of decision making in these regions and new hierarchical administrative positions, such as village chief, commune, district, and provincial authorities are becoming increasingly influential. It is more challenging for women to access the political arena as their proficiency in the Khmer language is not on par with men, who are more likely to have extra-village contact as migrant laborers, etc. Likewise, cash cropping is increasingly eclipsing traditional livelihoods in economic importance and men are better positioned to take advantage of these new opportunities and often control the income from these ventures. Many traditional livelihood activities such as NTFP collection or swidden agriculture are controlled fully or in part by women and efforts to support them benefits women more directly.

Women have authority at the village level on many matters pertaining to spiritual practice. For example most *mey arak* (spirit doctors) are women. This may be an important consideration for organizations seeking to engage female voices in the face of diminishing influence of women over political and economic matters in indigenous communities.

Pinto notes that “there are certain traditional guidelines surrounding the collection of NTFPs that can be taken down and incorporated into the sustainable harvesting guidelines. For example, it goes beyond just saying that you are not allowed to cut down trees in sacred forests; in many cases there are certain species that are prohibited from being harvested. In Mondulkiri there are areas where they don’t collect honey. There has actually been an opportunity to correlate traditional taboos of not disturbing spirit forests with guidelines for bee conservation, such as those that state that honey should not be collected from a certain number of designated trees even if there are combs. This also allows for bees to have their own food. So in many ways these sustainable harvest guidelines may be complementary to rules they already have.” Incorporating customary laws such as spirit forest taboos into project design has also served to make external concepts of environmental sustainability more meaningful in these communities.

Many Bunong villages involved in the honey project were no longer practicing the spiritual ceremonies associated with the collection of forest products, including honey, when WWF and NTFP-EP first engaged them. As Pinto explains, “When we asked about it, the elders said that in the past they did have such rituals, for example they would perform a ceremony asking for permission to harvest honey. Part of the impact that we noted for this project is the revival of these rituals surrounding honey collection.” The revival of the spiritual traditions came about in large part because the project provided broader validation.

The WWF and NTFP-EP Mondulkiri Wild Honey Project is an example of successful engagement of aspects of indigenous spirituality and of the broader

importance of this engagement for communal land titling. The project has drawn attention to a traditional forest management methodology that has the potential to demonstrate the capacity of indigenous communities to manage their customary forests sustainably.

Environmental Conservation

Wildlife Conservation Society (WCS), an American NGO founded over a century ago, worked in its formative years on campaigns to save the American bison from extinction. They now have 500 projects in 60 countries. In Cambodia, many indigenous communities live in unique upland environments that are home to a large proportion of Cambodia’s threatened fauna. WCS supports pilot land-titling programs in several indigenous villages, notably Andoung Kraloeng in Mondulkiri. The village of Andong Kraloeng is located in the Seima Protection Forest (SPF), once part of a massive timber concession that became inactive following the logging moratorium of 2002. It is also the first community in mainland Southeast Asia to receive legal communal land tenure rights over ancestral land with technical support from WCS. WCS has worked since 2003 together with the Ministry of Land Management, Urban Planning and Construction (MLMUPC), Forestry Administration (FA), and the village Indigenous Tenure Commission in the participatory land use planning process and eventual GPS demarcation of village lands. This includes land areas such as the community’s spirit and burial forests. The work has been carried out in “hopes that indigenous land tenure agreements, together with zonation of the Protection Forest, will secure the future of the forest, its wildlife, and its critically important services of nature” (WCS 2011).

This former concession turned protected area is quickly becoming one of the region's most compelling success stories. WCS notes that "the SPF boasts more than 60 species that are Globally Threatened, Near-threatened or Data Deficient by IUCN criteria." WCS has recognized an important link between securing communal land title for indigenous communities and wildlife conservation efforts. Its work in Andong Kra-

loeng demonstrates the scope for further engagement of indigenous customary law, particularly through the participatory land use planning (PLUP) process, and potential for thinking of the spirit forest as a unit of environmental conservation that can complement traditional protected areas. WCS is now initiating titling programs in another four villages in Mondulkiri, with more to follow.

□ Box 5: REDD and Spirit Forests

Spirit forests could be significant for future Reducing Emissions from Deforestation and forest Degradation (REDD) and REDD + projects in Cambodia. REDD schemes aim to create financial value for carbon stored in trees, by creating a system in which wealthier countries pay developing countries to offset their own carbon emissions. The goal is to make forests more valuable standing than they would be if logged. Cambodia recently completed a REDD road map and submitted readiness proposals to UN REDD and the World Bank Forest Carbon Partnership Facility and has tentative funding from UN REDD and UNDP / FAO. While there was some public consultation during the development of the REDD roadmap, many NGOs and CSOs are still unclear about the future of REDD projects in the country. There have been some early successes. A pioneering REDD project, approved in 2008 as a collaboration between the Royal Government of Cambodia, Community Forestry International and Terra Global Capital, has shown much promise. The project includes 13 community forestry groups from 58 villages in Oddar Meanchey. It will protect 67,853 hectares and sequester 7.1 million tons of carbon over 30 years (Forestry Administration 2009). Likewise, it intends to secure a 30-year income stream to enhance local livelihoods.

It is hoped that similar projects can be replicated in indigenous regions of the country, where deforestation is particularly severe. A CSO and indigenous community consultative workshop was held on September 2-3, 2010, to discuss Cambodia's REDD roadmap. However, a follow-up statement from the NGO Forum expressed some dissatisfaction with the consultation, stating in part that, "the process was constrained by a tight timeline and insufficient debate on the governance-related concerns and the principles that should ground REDD readiness and piloting" (NGO Forum 2010). Outside of this workshop most indigenous communities have remained largely unengaged in the REDD roadmap planning process. Incorporating spirit forests into Cambodia's REDD roadmap and ensuring that indigenous communities are able to benefit financially from the program will likely require a more open and transparent planning process than the current one.

Community Development

The Organization to Promote Kuy Culture (OPKC), a local NGO led and staffed by members of Kuy communities, is based in Preah Vihear province. Founded in 2006, it receives organizational support from the Southeast Asia Development Program (SADP). SADP provides support to several Cambodian NGOs and CSOs to help them become well-governed, sustainable, and independent organizations. As of 2011 OKPC has five programmatic areas of focus: *community information* (gathering, documenting and disseminating information in support of their advocacy efforts), *community organizing* (facilitating and providing technical support for community organization in youth groups, women's groups, savings groups etc.), *community capacity building* (leadership and indigenous rights advocacy training as well as training on topics like climate change and economics), *community advocacy support and natural resources preservation* (advocacy on land issues emphasizing the links between culture and land conservation), and *livelihood development* (promoting and supporting local livelihoods).

Many of OKPC's efforts center on community organizing, capacity building, and information sharing. For indigenous communities such as the Kuy, this contributes to self-determination by allowing communities to identify, analyze, and address their problems collectively and thereby steer their own development priorities. Communities can utilize organizational capacity for a number of purposes, for example, to build savings initiatives and manage their financial resources. Community structures also contribute to local land defense, by developing land monitoring structures and channeling advocacy on land issues on their own behalf. For Kuy

communities, however, organizing around Kuy identity is not an entirely straightforward endeavor. Many Kuy community members have ostensibly converted to Buddhism; many no longer speak the Kuy language. When OPKC first visited some Kuy villages, many community members told them that they believed they were no longer Kuy because they could not speak the Kuy language. However, OPKC found that many still practiced spirit ceremonies. Through these discussions many community members began to rediscover their "Kuy-ness" through their spiritual traditions.

In recent strategy discussions OPKC has raised the possibility of working through some of the larger spiritual ceremonies to link Kuy communities in Preah Vihear and Kampong Thom. Peter Swift of SADP, who attended these planning sessions, recalls that the consensus was that, "if you really want to unite Kuy people, the way to do it is through these spiritual traditions. There is definitely the possibility for some of the larger spirit ceremonies to involve multiple villages. This really is the most practical way to link Kuy people across villages."

OPKC is currently developing an organizing strategy centered on Kuy spiritual traditions, which they hope to test in 2012. For OPKC the strategy of utilizing traditional cultural structures promises to be both effective and sustainable, but it is also an essential strategy for an organization with a very limited operating budget. "Not having a lot to spend does force you to really rely on people who really want to organize," Swift notes. "With money it's very easy to get people to organize, they will come together and you can get them to do anything you want, but you haven't really built anything, you haven't really achieved anything."

The money's gone and the people fall apart. Groups that come together without money are much more likely to be sustainable. You have to find something that really means something to people to organize around." Among Kuy communities, their spiritual traditions may be that thing. While the success of this strategy remains to be seen, there are implications for indigenous communities across the country for whom organizing remains one of the foremost challenges.

Section IV: Looking Ahead

The Triangle Development Plan and the Future of Indigenous Land Rights

In 2008, Cambodian Prime Minister Hun Sen inaugurated in Ratanakiri the construction of a sealed road that would run from the province's capital, Ban Lung, to the border with Vietnam. The road was the first step in a sub-regional development plan, known as the Cambodia - Laos - Vietnam Triangle Development Plan, which is in turn part of a larger Greater Mekong Sub-region program supported by ADB, among others. The Triangle Development Plan is to link 11 resource rich, but largely “underdeveloped” highland provinces in Vietnam, Cambodia, and Laos, including Cambodia's four northeast provinces: Ratanakiri, Mondulakiri, Steung Treng, and Kratie, where the vast majority of the country's indigenous communities reside. The plan, spearheaded by Vietnam, is to facilitate expanded economic trade in manufactured goods and natural resources in the sub-region. Backers of the plan claim it will bolster trade and promote tourism, thus reducing poverty in these provinces. Some indigenous rights advocates fear that it will lead to a dramatic expansion of agro-industrial plantations and mining activities, with the potential to exacerbate indigenous land alienation and environmental degradation while conferring little benefit to local communities. They also fear a rapid influx of lowland Khmer who will likely reap the bulk of economic benefits.

Prime Minister Hun Sen's visit is symbolic of the ongoing transformation of Cambodia's northeast from an isolated, largely self-governing region to a new pole of Cambodia's national development strategy. This transformation has important implications for the future



□ Figure 4: Sealed Road to Vietnam in Ratanakiri

of communal land titling for the region's indigenous communities because it highlights the inadequacies of formal title alone for land security. The 2001 Land Law reserves the government's right to dispose of individual- or community-titled land for use in ELCs or other purposes as long as it serves the “public interest,” a concept that is not legally defined. Given the macro-level development plans pending in the region and the tenuous nature of legal protection, the ability to defend land will ultimately depend on the strength of community solidarity and the ability of communities to network with each other for this common cause. Land titling, as Graeme Brown, formerly of CFI suggests, should not be viewed solely as a means to an end: “I always argue that the land titling process should be used to move forward a social and political process. The problems are not technical or legal, but rather about power; they are political. The solutions have to be of that nature as well.” Brown does not see formal titling as particularly important in and of itself, but rather useful as a space through which indigenous communities can build a social movement that might not otherwise be possible within Cambodia's political

topography. However, the inadequacies of the indigenous land titling process have demonstrated the need for an indigenous social movement that extends beyond the somewhat restrictive government-sanctioned space of land titling. The OPKC's community organizing strategy points to the notion that spiritual traditions have great potential as organizing spaces. This strategy was conceived in recognition of the fact that bringing people together around NGOs, or youth activist-organized summits, could be viewed as politically confrontational and might be shut down. Organizing communities around spiritual traditions, on the other hand, presents a way to build indigenous identity in a less confrontational manner. Indigenous spiritual traditions already fulfill the role of solidarity-builders at the community level, but could also play a role as the common thread of larger social movements. Building such movements may be critical to asserting locally driven alternatives to aggressive development strategies exemplified by the Triangle Development Plan.

Conclusions and Recommendations

This report highlights the spiritual aspects of the ongoing dialogue on indigenous land rights and explores ways in which development actors might engage indigenous spirituality.

Indigenous spirituality has played a large role in putting indigenous land rights on the agenda of the development community in Cambodia. Land concessions in indigenous regions sparked international controversy in the late 1990s, amid the destruction of spirit forests within the Hero logging concession in Ratanakiri. This event drew attention to the need for legal

protection of indigenous land, but also highlighted the spiritual element in the land rights dilemma. A committed group of NGOs and CSOs has since advocated successfully to include a communal titling option for indigenous communities in the 2001 Land Law; many are now supporting communities as they take the first steps towards legal communal title. Progress has been slow and, after seven years, the initial pilot villages have only just achieved legal title. External support has been vital to titling efforts; the influence of donors and NGOs has been large. As a result, legal land titling solutions reflect little in the way of indigenous land management methodologies and some even consider the process of legal titling as disempowering and socially constraining. This suggests that a focus on empowering communities to develop their own solutions to pressing concerns, harnessing their own cultural and spiritual structures, could better promote appropriate and sustainable development.

There is a need for development partners to push for a meaningful dialogue on land concessions in Cambodia and on the development model they represent. A general lack of transparency in concession agreements and no established policy on free and informed consent have been fundamental critiques of the concession system. As foreign investment increases and Cambodia's economy grows, it is important to ensure that the benefits are shared by all segments of the population.

While spirit forests have focused attention on indigenous land rights in Cambodia, they are only one aspect of a complex spiritual worldview that permeates the lives of indigenous peoples. Indigenous spirituality has implications for development partners that, if appreciated, offer potential to contribute to synergistic devel-

opment interventions, by empowering local structures and supporting community-driven development. The following ideas emerged in discussions as development partners look to reflect better the importance of indigenous spiritual traditions in a development context:

1. Spiritual traditions are key solidarity builders in indigenous communities and important considerations because community unity is critical to current land titling arrangements; for example, the authority of elders derives from their role in looking after the village spirit.
2. Spiritually-based customary laws, including those that govern spirit forests, offer practical foundations on which to build indigenous capacity for sustainable land management.
3. Customary laws also often govern livelihood activities, and this can bolster sustainable harvest strategies; several models promoted by NGOs in indigenous areas are promising, both ecologically and economically.
4. Customary laws can contribute to environmental conservation (such as in ICCAs), though each scenario is unique and taboos can differ greatly from forest to forest.
5. Indigenous spiritual ceremonies can unite multiple indigenous communities, thus forming a basis for building local capacity to address land and other development concerns. Such approaches demand less external facilitation because they rely on indigenous structures.

6. The socio-economic transformation occurring in indigenous regions is diminishing women's traditional avenues of economic and social influence. Women can benefit more from efforts to bolster traditional livelihoods than through cash cropping ventures. Women have respected social positions as *mey arak* (spirit doctors), which represent an important avenue for female voices in the community.

Several organizations have already engaged indigenous spirituality in their projects with some success. There is scope for further engagement, particularly as Cambodia's REDD roadmap proceeds. Indigenous worldviews and spiritual systems may partly inspire development priorities that differ from those of Western development partners and in Cambodia there is a vital need for these communities themselves to drive the dialogue on matters pertaining to their own rights. This recognition highlights the need for an increased emphasis on participatory approaches to development in the country, which can ethically and effectively support indigenous communities as they navigate their regions rapidly changing development landscape. The ideas above are intended to inspire future dialogue on how a better appreciation of indigenous spirituality by development partners can contribute to new and innovative participatory approaches. Cambodia has the potential to be a rich example of enlightened responses to these complex issues, which resonate much more widely in international development circles.

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Annex I: Interviews with Key Resource Persons

Name	Title	Affiliation	Date
Vansey Sao	Executive Director	Indigenous Community Support Organization (ICSO)	10.13.10
Pheap Sochea	President	Cambodian Indigenous Youth Association (CIYA)	12.02.10
Sek Sophorn	National Project Coordinator: Support to Indigenous Peoples in Cambodia	International Labor Organization (ILO)	12.13.10
Chea Phalla	National Project Officer: Support to Indigenous Peoples in Cambodia	International Labor Organization (ILO)	1.19.11
Long Serey	Executive Director	Non-Timber Forest Products (NTFP)	1.24.11
Sun Youra	Executive Director	My Village (MVI)	2.02.11
Phry Phally Phoung	Executive Director	Building Community Voices (BCV)	2.07.11
Chea Sopheap	Community Mobilization Coordinator	Building Community Voices (BCV)	2.07.11
Chhay Kimheak	Project Officer: Indigenous and Minority Rights Project	NGO Forum on Cambodia	2.08.11
Chanty Dam	Executive Director	Highlander's Association	2.16.11
Hon Navoun	Programme Coordinator	Highlander's Association	2.16.11
Graeme Brown	Advisor	Formerly of Community Forestry International (CFI)	2.17.11
Pen Bonnar	Provincial Coordinator for Ratanakiri	Cambodia Human Rights and Development Association (ADHOC)	2.18.11
Gordon Patterson	Advisor	Formerly of Non-Timber Forest Products (NTFP)	2.18.11
Femy Pinto	Country Facilitator Cambodia	Non-Timber Forest Products Exchange Program (NTFP-EP)	2.28.11
Tek Vannara	Program Manager	Culture and Environment Preservation Association (CEPA)	3.2.11
Jeremy Ironside		Independent Researcher	3.8.11
Peter Swift	Executive Director	Southeast Asia Development Program (SADP)	3.9.11



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