

Research Topic:

**THE VOICE OF INDIGENOUS PEOPLE IN COLLECTIVE LAND TITLING (CLT),  
A CASE STUDY OF PU TROM COMMUNITY, MONDULKIRI PROVINCE**

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## Abbreviation

Cat.	: Category
CLT	: Collective Land Titling
FPIC	: Free, Prior, Informed Consent
GRC	: Grievance Redress Committee
GRM	: Grievance Redress Mechanism
ICC	: Indigenous Community Committee
IP	: Indigenous People
IPC	: Indigenous People Community
LASED III	: Land Allocation for Social and Economic Development project, Phase III
MAFF	: Ministry of Agriculture, Forestry, and Fisheries
MLMUPC	: Ministry of Land Management, Urban Planning, and Construction
MoE	: Ministry of Environment
Mol	: Ministry of Interior
MRD	: Ministry of Rural Development
NGO	: Non-government organization
OHCHR	: Office of the High Commissioner for Human Rights
PDLMUPCC	: Provincial Department of Land Management, Urban Planning, Construction, and Cadastre
RGC	: Royal Government of Cambodia
SEP	: Stakeholder Engagement Plan
UNDRIP	: United Nations Declaration on the Rights of Indigenous Peoples
UNHCR	: United Nations High Commissioner for Refugees

## **Abstract**

By 2022, only 36 out of 455 indigenous community lands had been titled in Cambodia. According to OHCHR (2018), delays in land titling due to the lengthy process and limited involvement of indigenous peoples can lead to the loss of a nation's identities, customs, and culture, triggering an unrestrained private sector invasion. As stated in the United Nations Declaration (2007), to advance their rights to equality, the right to their territory, and the right to free, prior, and informed consent (FPIC), the voice of the IPs needs to be heard during the titling process.

The research will examine the extent of IP inclusion in the CLT process and their rights to safeguard their cultural practices, traditional ways of life, and natural resources. 150 participants from CLT experts, authorities, IP-related NGOs, and local IPs in the Pu Trom indigenous community will be interviewed during one-to-one interviews and the focus group discussion. Following this, the research will examine the most effective methods for encouraging public participation in Cambodia's Collective Land Titling process through desk research on the country's regulatory frameworks pertaining to intellectual property rights and on the instruments applied in Cambodia's credit-support projects.

The intended result indicates that IPs are highly invited to the procedure. They also have a solid right to protect their identities, traditions, and natural resources. The most effective ways to encourage IP participation and encourage them to defend their ancestral lands and traditions during CLT process are through stakeholder engagement plans and FPIC.

## Chapter 1 Introduction

Indigenous peoples all around the world are still experiencing the effects of historical invasions and colonization of their lands (OHCHR, n.d). They are disproportionately impacted by poverty and marginalization and endure prejudice due to their unique cultures, identities, and ways of life.

Regarding these concerns, the General Assembly of the United Nations adopted the United Nations Declaration on the Rights of Indigenous Peoples on September 13, 2007. In relation to the right to self-determination, the Declaration affirms the fundamental rights of indigenous peoples in a number of areas of particular concern, such as the right to equality and non-discrimination, the right to cultural integrity, the right to lands, territories, and natural resources, the right to self-government and autonomy, the right to free, prior, and informed consent, among others.

According to the Cambodian Land Law 2001, Cambodia is regarded as an exceptional nation in Southeast Asia because of its explicitly acknowledged indigenous people and their rights to their natural resources in national law. Over many generations, IPs have resided all around the nation. There are 455 communities in 15 provinces in the northeast and northwest of the nation that are predominantly made up of IPs (OHCHR, 2018). Nonetheless, the northeastern provinces of Ratanakiri, Mondulhiri, Kratie, Stung Treng, Preah Vihear, and Kampong Thom are where the majority of the indigenous people reside. The Pou Nong, Jarai, Tumpoun, Kreung, and Kouy are among the indigenous groups with the highest populations in these provinces. According to Thol and Oeur (2019), IPs make up between 2 and 3 per cent of Cambodia's population, or about 400,000 people. However, currently, the disaggregated data of the IPs is not included in the Cambodia Census preliminary report from 2019.

An indigenous community is described in the law (MLMUPC, 2001) as “a group of people that resides in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to customary rules of collective use.” According to the UNHR (2018), the CLT process is intricate and involves three Ministries, including the Ministry of Rural Development (MRD), the Ministry of the Interior (MI), and the Ministry of Land Management, Urban Planning, and Construction (MLMUPC). The OHCHR (2018) also mentioned that just 36 out of 455 collective land titles have been issued by May 2022 as a result of this complicated process and the lack of IP engagement planning.

Indigenous peoples in Cambodia are recognized as having a right to their ancestral lands, cultures, and traditions by the Land Law 2001. Secure land and resource tenure are one of the most fundamental human rights for IPs, according to UNHR (2018), and it is also an essential part of the international recognition of their human rights. The protection of the IP's rights and the

advancement of community development while safeguarding religious and cultural traditions depend on the IP's voice. The level of IP involvement in CLT in Cambodia is, however, still a hotly contested topic. According to various studies, this is because the CLT process is incredibly time-consuming, expensive, and complicated, and low IP engagement.

To dispel these uncertainties, the study will determine the benefits of the indigenous people inclusion during CLT by responding to the three questions below:

1. To what extent, have the IP been involved prior to and during Collective Land Titling?
2. What are the rights of IP to protect their beliefs, traditions, and natural resources?
3. How to promote IP inclusion in CLT?

Indigenous peoples were initially intended to receive collective land titles under the policy on CLT process (OHCHR, 2020), so they could protect and stop others from encroaching on their ancestral territories. Their lands, natural riches, and animals can only be preserved with collective land. Indigenous peoples must be assisted by the government and NGOs in securing community land titles in order to avoid persecution at the hands of land speculators. Hence, their participation are beneficial to protect their land. According to O'Halloran (2004), the meaningful and genuine social inclusion of groups that see themselves to be marginalized can be essential for establishing civil societies, maintaining them, or aiding in the transition to them, and third-party involvement can be the most efficient method to develop it. The National Land Policy (known as White Paper), which was rectified in August 2015, also reiterates the rights of IPs in their community development and titling process. Yet, according to OHCHR (2015), the IP has been forced to abandon their way of life, for instance, thousands of resin trees which are a part of their income are cut down and invaded by private sectors. This seems to be controversial with the policy. Therefore, insufficient consultation during planning is a major contributor to the ineffectiveness of the policy.

Therefore, to figure out the rights of indigenous people in CLT process, the research will examine the data from the interviews with a wide range of relevant stakeholders at the Pu Trom community in Mondulhiri Province, including the national and sub-national authorities involved in the CLT process. This consists of focal points from the MRD, MoI, MLMUPC, as well as local authorities. The most important actors in the study, such as the elder IPs, disabled IPs, and widow IPs with more than three children will all be invited and interviewed about their level of participation before and during the process of land titling in the Pu Trom community. Interviews with IP-related NGOs and civil societies will also be conducted in order to better understand their responsibilities in helping IP communities both defend their traditions and values and promote the effective use of their rights throughout CLT processes.

This study will look at each individual's capacity and opportunity to provide further information about the level of IP engagement during the land titling process. Also, this study will uncover

various data regarding the adverse effects of the limited involvement of the IPs in the CLT process. Then, the interview on the right of IPs to protect their identities and natural resource during the process will also be collected to answer the second questions of the research. The usefulness of the IP right to safeguard their ancestral land can be demonstrated by the information provided. The efficacy of the policy on CLT, which aims to protect and stop outsiders like private companies or other ethnic groups and Khmer inhabitants, from intruding on their ancestral land, will also be assessed. Finally, the study will propose practical ways to increase public involvement in the CLT process. The appropriate responses will be based on the most recent lessons discovered from neighbouring nations as well as on a few funded programs in Cambodia that are tackling CLT process, for example, the Land Allocation for Social and Economic Development Project, Phase III (LASED III). To promote IP rights in CLT, Free, Prior, and Informed Consent (FPIC) shall be taken into consideration as an appropriate technique. FPIC refers to a specific right that pertains to indigenous peoples and is recognized in the United Nations Declaration on the Rights of Indigenous Peoples (OHCHR, 2020). It enables them to approve or reject a proposal that could have an impact on them or their territory. They have the right to revoke their consent at any time after they have granted it. Furthermore, FPIC enables them to negotiate the conditions under which the project will be designed, implemented, monitored and evaluated. This is also embedded within the universal right to self-determination. Another key strategy for boosting public engagement is the inclusion of the Stakeholder Engagement Plan (SEP), which asks all pertinent stakeholders to offer their thoughts for the public's good. The SEP is a part of the communicative planning approach for solving the complex problems in the specific area of study by targeting the multiple stakeholders in the decision-making process.

This chapter will review the literature concerning the Collective Land Titling in Cambodia. First, the word "indigenous community" will be defined using various official document sources and other worldwide studies. Next, utilizing legal papers validated by the Royal Government of Cambodia (RGC), the study will define the term "Collective Land Titling" and thoroughly explain the procedure for community land titling in Cambodia. The voice of IPs and their participation need in each process step will be described.

The rights of indigenous people in several areas, including land tenure, forest management, and the use of natural resources, will next be covered in this part. These rights are defined based on government laws and regulations. The research will discuss the IP's rights from an international perspective.

Lastly, this chapter will give a brief history of Pu Trom IP registration and thorough knowledge of the Pu Trom community's CLT procedure and how relevant paperwork, including the By-Law and IP's Internal-Rules, are created during registration.

### 2.1. Definition of Indigenous Community

As per Article 23 of the Cambodian Land Law (2001), an indigenous community is characterized as a group of people who live within the territory of the Kingdom of Cambodia and exhibit ethnic, social, cultural, and economic unity. They also follow a traditional lifestyle and cultivate their own lands based on customary rules of collective use. Article 24 of the Law states that an individual is considered a member of the indigenous community if they meet the ethnic, cultural, and social criteria, are accepted by the majority, and accept the unity and subordination required for community acceptance.

The Indigenous People Planning Framework (MLMUPC and MAFF, 2020b), under the World Bank credit-supported project, defines the term "Indigenous Peoples" as a unique social and cultural group that possesses, to varied degrees, the following traits:

- 1 believing oneself to be a part of a unique indigenous social and cultural group and having others acknowledge this identity;
- 2 a shared attachment to ecologically unique environments, ancestral lands, or regions utilized or occupied seasonally, together with the natural resources found there;
- 3 customary institutions that are cultural, economic, social, or political and that are not part of the mainstream; and
- 4 a distinctive language, or dialect, frequently distinct from the official language or languages of the nation or area in which they dwell.

## 2.2. Communal Land Titling

### *Definition of Communal Land Titling*

According to the Sub-Degree 93 ANK.BK on the “Procedure of the Registration of Lands of Indigenous Communities”, approved by the Royal Government of Cambodia on July, 12<sup>th</sup> 2009, CLT refers to the titling process that aims to provide secure community land tenure to the indigenous people and to protect their identity, culture, and tradition. Receiving lands are classified into five categories: residential land, spiritual forest land, burial forest land, actual farming land, and the land reserved for shifting cultivation. It is considered one of the best available options for ICs to protect their customary land and natural resources (MLMUPC and MAFF, 2020a). The title assures the IPs if they have to file a complaint to the courts in case they have a conflict with encroachers or outsiders (UNHR, 2018). A recent study on CLT also found that CLT builds their confidence to prevent land encroachment, resist attempted land grabs, and finally end land disputes within the village and with neighbouring villages (MLMUPC, 2020a).

The Collective Land Titling is supervised by three central ministries, including the Ministry of Rural Development, the Ministry of Interior, and the Ministry of Land Management, Urban Planning, and Construction. The process and work of each ministry need to be completed and approved to start the following procedure.

### *Procedure of the CLT and the voice of IPs*

Complementing Sub-Degree 83 ANK.BK, the OHCHR created a comprehensive manual on the CLT process, which was published in 2018. Technical advice and review were provided by the MRD, MoT, MLMUPC, MoE, MAFF, and relevant NGOs and CSOs. The Sub-decree 83 and the Cambodian Land Law 2001, among other official documents, served as the foundation for the creation of the guidelines.

As delineated below, the Guidebook posits that the CLT process was structured into four successive phases (**Table 1**) overseen by three distinct entities:

**Phase 1:** The Ministry of Rural Development (MRD) recognizes that a particular group of people is an indigenous community.

- Step 1: publicize awareness among provincial authorities (relevant departments) on related policies and regulations.

*IPs’ voice:* The purpose of this step is to raise awareness among IPs and authorities at the provincial, commune, district, and village levels about the Policy on IP development, Sarachor on the identification of IPC, and Procedure for CLT. The IPC's rights and obligations for CLT are explained in this step. Hence, the IPs’ participation is strongly needed.

- Step 2: Indigenous communities show their willingness to initiate identification process of the ICs.  
*IPs' voice:* IPs who self-identify as IPs and express interest in the CLT are eligible to apply to join the CLT. Therefore, their voices are required.
- Step 3: raising awareness about the process among the target communities.  
*IPs' voice:* The Provincial Department of Rural Development must use the FPIC approach to encourage IPs to have free and open discussions at the meeting.
- Step 4: The IC to elect a Community Commission Representative and self-identify as "indigenous".  
*IPs' voice:* IPs are entitled to vote for their IPC and to run for office in front of the commune and district councils in a free, transparent, and open manner. To be included in the report, each IP must formally declare their identity as a certain IP based on their language, customs, culture, and beliefs.
- Step 5: MRD issues Identity Certificates to the indigenous communities.  
*IPs' voice:* PDRD assists the IPs in accurately completing the proposed registration form. There is no IP's participation in this process

**Phase 2: Ministry of Interior (Mol) granting the IC legal entity status**

- Step 1: The IC to draft community By-Laws<sup>1</sup> as well as forming Community Representative Committee.  
*IPs' voice:* IPC is still working on the following: 1. a community member list; 2. a draft of the By-Laws; and 3. an ICC member. The province administrator and district/community authorities, as well as relevant NGOs, must support this initiative.
- Step 2: Reviewing community members' commitment and purposes.  
*IPs' voice:* Because this is a process where the Mol, in collaboration with other NGOs/CSOs, arranges a meeting with the IPC to evaluate the goals and willing prior to producing the By-Laws documents, there is limited participation from IP in this step.
- Step 3: IPC prepares a meeting to check and discuss on the approval By-Laws document and ICC to a registration at the Mol.  
*IPs' voice:* During the meeting, a representative will read aloud the By-Laws in Khmer and then provide IP language interpretation to ensure that every member comprehends every article. Following that, the IC members have the opportunity to ask questions and make comments.
- Step 4: The IC to submit the legal entity registration application to the Mol.  
*IPs' voice:* The ICC Chief must obtain and achieve related documents to the Mol.

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<sup>1</sup> The by law and internal rule will explain in Section 4.2.

- Step 5: The Mol to register the IC as a “Legal Entity”.  
*IPs’ voice:* This stage does not involve IP participation. The Mol must receive the proposal and any supporting documentation for a final examination and approval.

**Phase 2.5:** Ministry of Land Management, Urban Planning, and Construction involve in preparation and filing of collective land registration application

- Step 1: Collect data and produce preliminary maps by defining boundaries of community land type participated by all landowners.  
*IPs’ voice:* The IPC will create a hand-drawn sketch map with technical expert support, involving Village Chief, elders, and community members. After completion, stakeholders will be consulted in a meeting to record their consent or concerns.
- Step 2: The IC establish its internal rules facilitated by NGO (drafted by Mol).  
*IPs’ voice:* The IPC and elders will prepare internal rules through meetings, with the Village Chief and Commune Chief present. A draft is then reviewed by all IC members, including women, youth, and poor households, with the possibility of revisions.
- Step 3: The IC to apply for a CLT to MLMUPC.  
*IPs’ voice:* IPC apply for Collective Land titling to the MLMUPC. The finalization of a preliminary map, endorsed by the IP community and neighboring communities, and verified by PDLMUPCC, sets the Cut-Off Date for land acquisition eligibility. There is no IP’s participation in the step.

**Phase 3:** MLMUPC – survey, public display, land reclassification to issue Collective Land Titling for IP

- Step 1: Measurement and data collection of land boundaries by type of use, determination of boundaries and identification of state land.  
*IPs’ voice:* This step involves the community, including women, elders, committees, youth, and poor households, in showcasing the locations, boundaries, and land types used.
- Step 2: Public display of the land.  
*IPs’ voice:* The Provincial Department of Land Management will request the District Governor to display evaluated documents on indigenous collective land for 30 days, allowing landowners, communities, institutions, and CLT committee members to review and appeal errors. This step will enable IPs to raise their voices and complaints, if any.
- Step 3: Reporting on the result of the public display of land.  
*IPs’ voice:* The PDLMUPCC will report the community land evaluation results to the Provincial Governor for review and decision, who will then request reclassification for housing and agriculture land in state public land. There is limited participation by the IPs.
- Step 4: Decision on the result of the display of land, and request to issue land titles.

*IPs' voice:* In this step, In the event of a land dispute with neighbors or authorities, members of the IC may register a complaint with the Technical Working group to change or suspend the public presentation of the evaluation document if they believe it contains errors or if they disagree with it as shown.

- Step 5: Letter to MoE and MAFF for approval of land concerned.

*IPs' voice:* Since the MoE and MAFF must complete the procedure, IP is not involved in this step.

- Step 6: Letter to Council of Ministers for land reclassification.

*IPs' voice:* IP is not participated in the step as it is the process under the MLMUPC to the Councils of Ministers.

- Step 7: Issue collective land titles to indigenous communities.

*IPs' voice:* The IPC has not participated in this step, only the MLMPUC, which works for collective land titles.

**Table 1 A summary of CLT process**

Step	Phase 1	Phase 2	Phase 2.5	Phase 3
	MRD	Mol		MLMUPC
1	Publicize awareness to the authorities and IC.	Draft By-Laws and form prepared by IPC	Collect data and produce preliminary maps	Measurement and data collection of land boundaries
2	IP demonstrates their willingness to initiate the identification process of ICs.	Review IPC members' commitment and purposes	Establish the Internal Rules	Public display
3	Raising awareness to the IP about the CLT process	Finalize the By-Laws and IPC	Apply for a CLT to MLMUPC	Report the result of the display
4	Self-identify as IP and elect Community Commission representative	Submit the legal entity registration application to the Mol		Review the Public Display results and request the MLMUPC to issue land titles to the IP community
5	MRD issues Identity Certificates to the IPC	The Mol to register the IC as a "Legal Entity"		MLMUPC issues a letter to the MoE and the MAFF for an examination the proposed land
6				The MLMUPC issues a letter to request the land reclassification to be registered as a collective land.
				<b>Issue collective land titles to indigenous communities.</b>

### 2.3. Rights of the indigenous people by Cambodian laws and the relevant International instruments

The RGC has granted Indigenous Peoples (IPs) the right to their land through the Indigenous Community Land Titling (ICLT) process, ensuring secure tenure and collective management. However, due to their vulnerability, regulatory enforcement measures should be implemented prior and during the CLT process to ensure effective enforcement of IP land rights. The Land Law (2001) acknowledges the importance of natural resources and indigenous land's social, cultural, spiritual, and economic values. These rights were reaffirmed in the National Land Policy in August 2015. The Land Law's articles 25 and 26 most significantly stipulate that indigenous peoples have the right to own land collectively, and article 28 declares that no other permanent agency should be permitted to have authority over the individual or collective holdings of indigenous peoples.

The Cambodian government has enacted several laws and regulations to support indigenous people's rights, including the Land Law of 2001, the National Policy on Development of Indigenous Minorities, the Cambodian Constitution, the Forestry Law, the Protected Area Law, Sub-Decree No. 83 on the Procedures of Registration of Lands of Indigenous Communities, and an indigenous community land titling (ICLT) manual prepared by the Cambodia Office of the High Commissioner for Human Rights (OHCHR) in December 2018. These laws aim to ensure land security, decent living conditions, freedom from hunger and extreme poverty, and the preservation of indigenous culture.

Besides the Cambodia laws on the IPs' right protection, Cambodia is also a party to international human rights treaties, including the International Covenant on Civil and Political Rights, which emphasize the rights of Indigenous Peoples (IPs) to pursue their economic, social, and cultural development freely. The United Nations Declaration on the Rights of Indigenous Peoples (OHCHR, 2015) defines and certifies these rights, which aim to protect the collective rights of IPs, by providing legal recognition and protection to IPs' lands, territories, and natural resources. However, practices of recognizing rights and tenure arrangements vary across countries.

### 2.4. Pu Trom CLT registration

The Pu Trom village was registered as a collective land titling in 2015, with the RGC approval under the Sub-degree 129 ANK.BK, dated 16 September 2015, on the "Downsizing 1,005 hectares from Seima biodiversity protected area and reclassification of private state land for granting as Pnong indigenous communal ownership for one community and land parcel right". Over 1,005 hectares of land in Sen Monorom district, Mondulkiri province, were reclassified as "State Private Land" after being downsized from Keo Seima Biodiversity Protected Area. This was done to allow 116 families of Pnong indigenous community to have communal ownership over 53

land parcels, 24 of which were for residential use and 29 of which were in Pu Trom village, Romonea commune, Sen Monorom district, Mondulkiri province.

#### *By-Law of Pu Trom CLT*

The By-Laws of Pu Trom CLT were approved by the commune chief in June 2012, with technical support by the Ministry of Interior. The By-Laws are internal policies that settle internal conflicts and guarantee the fair use and management of jointly owned land. Additionally, they strengthen the preservation of an indigenous community's identity, culture, and customs, as well as excellent practices for the sustainable use and management of natural resources and land (MLMUPC and MAFF, 2020b). The interests of various IC subsets, such as women, adolescents, the elderly, and the less fortunate community members, are considered by the By-Laws.

The By-Laws cover the Internal-Rules. The Internal-Rules seek to guarantee equitable land usage, land management, and internal dispute resolution procedures. The Internal-Rules use sustainable land use, land, and natural resource management to safeguard the IPC's identity, culture, and traditions. The indigenous community committee (ICC), local seniors, village and commune chiefs, and other relevant parties must be included in creating Internal-Rules. Following the design, the ICC must call multiple meetings to gather consensus from the community so that issues can be brought up at the meeting. Voting, through hand-raising, is required to adopt the final Internal-Rules. The Commune Council must certify the agreed Internal-Rules before sending to the Ministry of Land Management, Urban Planning, and Construction.

## Chapter 3 Methodology

In this chapter, the study will present the most comprehensive techniques to answer the three main research topics. It will begin with a description of the research's method used in the study, including a desk review and the qualitative and quantitative research methods for conducting and collecting primary data. The reasons for choosing the two methods are to maximize the effectiveness of the study and to deal with the challenges which highly occur during the study. These include national election and the slippery road to the target IP community during rainy reasons, as explained below. Subsequently, the Pu Trom community option for the research case study will be discussed. Apart from analysing the anticipated limitation resulting from unforeseen circumstances, a mitigation plan will be developed to prevent problems during the research.

A desk review method, which was defined by Troya, Greene, Santos, and Shultz (2016), is a research technique that collects data from different sources and applies them to the desk for diverse purposes. This will be applied at the beginning of the research to get a full understanding of the process of CLT and the level of IP participation prior to and during the process. The research will utilize peer-reviewed articles and journals, books, Cambodian laws and regulations, international reports, and the grey literature to discover subject-relevant to IP rights to protect their identities and natural resources. The second phase for desk review will be applied during the national election in July since most related stakeholders, mainly the national and sub-national authorities, are not available for the interview. The research will take this time for granted to focus on solutions to current issues regarding promoting IP public participation in planning. Articles and journals of local and international researchers and official documents on IP from the LASED III project will be reviewed to find the most suitable remedies to promote IP voice in planning.

The second method to be applied in the research is the qualitative and quantitative research methods. This will be used to collect descriptive data from focus group discussions on the IP experience and their level of participation before and during the CLT process. This research will emphasize the information all stakeholders wish to have in their community freely using the questionnaire responses from the interview (**Appendix 1, 2, 3, and 4**). Speaking aloud not only helps people orally express themselves more quickly, but it also enables less educated people to actively participate in the research process by expressing the qualities they would like to see in local land use planning. On the other hand, the quantitative technique will help acquire information like the survey's numerical results. This strategy will help collect the fundamental knowledge needed for a more precise examination. The research team will steer the responses of the research participants in the right way. It will be essential to hear the IP's voice in order to effectively encourage public involvement and provide a foundation for the growth of a sustainable IP

community. These two techniques will assist in the effective gathering of data from all relevant contexts of involvement because academic research is still limited in Cambodia and the IP cannot successfully access education or other prerequisites. The researchers and interviewers will learn and adapt themselves in all processes in order to collect data from all stakeholders with the proper ethical standard (**Appendix 5** on the consent form) and behaving impartially and honestly in terms of both personal and cultural awareness.

According to the most recent statistics on population estimates for the Pu Trom village in 2023, there are 332 families with a total of 1,321 individuals (639 of them are female). As a result, 150 respondents will be selected for the study as a research sample, comprising 10 specialists, 140 IP individuals, and Pu Trom officials and NGOs. (**Table 2**).

**Table 2 Categories of the interviewees**

<b>Categories</b>	<b>Stakeholders</b>	<b>No. of interviewees</b>	<b>Appendix <sup>2</sup></b>
Category 1: (Cat. 1)	CLT experts 2 experts from MRD 2 experts from Mol 2 exerts from MLMUPC	6	Appendix 1
Category 2: (Cat. 2)	Authorities 1 village chief 1 commune vice-chief NGOs 2 officers from NGOs	2 2	Appendix 2
Category 3: (Cat. 3)	Focus Groups 2 members of IP committee 2 elderly people 2 disable people 2 widows with more than 3 children 2 poor people	10	Appendix 3
Category 4: (Cat. 4)	General IPs IP residents living in Pu Trom IP community	130	Appendix 4
<b>Total No. of interviewees</b>		<b>150</b>	

The qualitative and quantitative methods will be divided into two interview methods, including focus group discussion and face-to-face interview. According to O.Nyumba, Wilson, Derrick. (2018), focus group discussion refers to a research technique that assembles a small group of individuals to respond to questions in a controlled environment. The research will include 10 potential candidates such as 2 members of Indigenous People Committee (IPC), 2 elderly people, 2 disabled IPs, 2 IP widows with more than 3 children, and 2 poor IPs. Focus group discussion

<sup>2</sup> Appendices were separately designed for each category to reflect the research questions.

allows researchers to have a deep understanding of the local community's knowledge and perspective on the importance of participating in the CLT process. The focus group discussion is beneficial for the study and for answering the research questions on the level of their participation. The IPC and senior citizens are the most trustworthy and accurate sources of information. They are informed about every aspect of the community, especially the CLT procedure. Widows and poor IPs are the marginalized groups, which are more likely to be neglected, in the community. Their opinions will determine whether or not they are given an invitation to the meeting. This methodology will provide a platform for a number of marginalized groups to voice their thoughts, concerns, and suggestions about the CLT process.

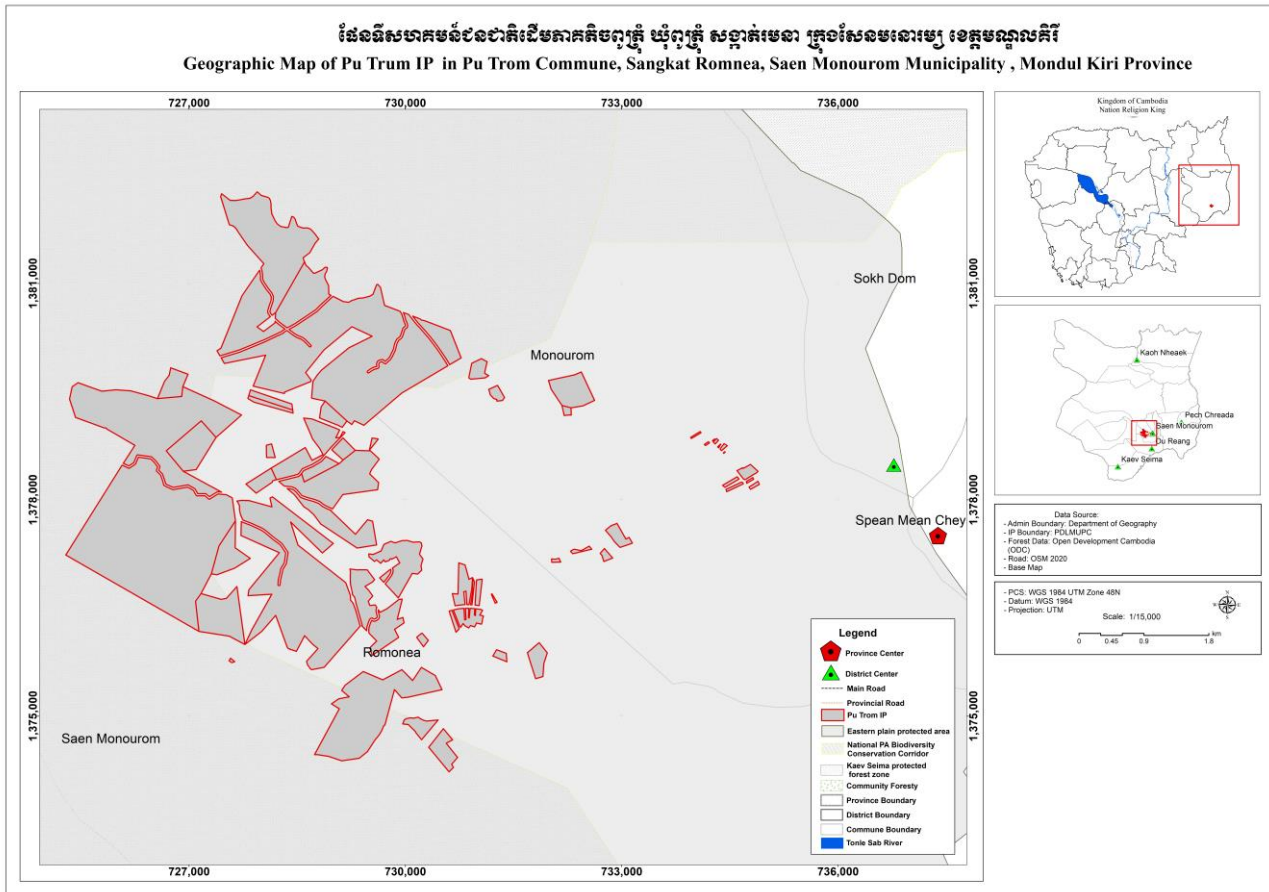
Since the research aims to compare the level of involvement among marginalized groups and the general public, chosen samples were produced through a stratified sampling procedure for the targeted demographic in household interviews.

The face-to-face interview will be conducted in two separate groups, including 10 authorities and 130 IPs (1/10 of total families). Interviews will be conducted with 6 experts from related ministries participating in the CLT process, including the MoI, MRD, MLMUPC, 2 local authorities, and 2 NGO officers. To accomplish the goals of the study, their responses are essential. It will clarify whether IPs are included in the CLT process and whether their traditions and values are taken into account. Due to their expertise in this area, the government may offer practical measures to encourage public engagement. Regarding the local indigenous people, face-to-face interviews with 130 IPs will be conducted in order to answer the research questions. This strategy is practical and affordable for Cambodia. Basic technology literacy is still lacking among specific regional populations. So, sending them emails or online tests won't be effective. Interviewers can speak with respondents during face-to-face questionnaires, ask them questions, record their answers, and afterwards validate and transcribe the transcript for analysis. Instead, data will be gathered through the use of a Google Form, which is effective and cost-free for capturing primary data, presenting data quickly, and sharing data online. During the COVID-19 epidemic, the researcher can utilize this tool to speed up the interview process by continuously performing quality checks on the data.

The choice of choosing Pu Trom community for this research is not randomly selected, but it is based on three rational reasons that could smoothen the research methodology. First of all, the target community is located at the city center of Senmonorum city, Mondulkiri province, and it is also adjacent to the major road. The village is 10 kilometres from the town and 8 kilometres from the main road (

**Figure 1).** The convenient location will enable the interviewers and interviewees to interact. It wouldn't be a huge deal to invite them to one or two meetings in the middle of the community

either, given its round-shape of the community. It is the rationale behind the requirement for one-on-one interviews. Despite their time-consuming nature, the one-on-one interviews enable the researcher to gain insight into how the CLT method has involved all stakeholders and the registration process throughout the community. As a result, the site's geography and location are crucial in increasing the feasibility of the study.



**Figure 1 Geographic Map of Pu Trom community**

Second, a major factor in achieving the goals of the study is the date of CLT registration and the accessibility of the supporting documentation. The researchers will be able to better grasp the process with the use of this data. The Pu Trom community was registered by the Cambodian government in 2015 in accordance with Cambodian Sub-Decree No. 128 ANK.BK. This time frame enables the researchers to clearly comprehend the CLT's efficacy and the outcome of public participation in land registration. The Cambodian Sub-degree, CLT laws and policies, Pu Trom By-Laws documents, and other official documents related to CLT process are also made available online. As a result, it will speed up research within a set amount of time.

Lastly, choosing this location for the study is partly motivated by the opportunity for community networking. The researchers have a diverse set of demographics, easy access to

transportation, and a solid network of governmental agencies, making them ideal for the research project. Due of this connectivity, researchers will be able to easily schedule focus groups, interviews, and meetings. The target IP group might not agree to the interview without the assistance of the local authorities, which would cause the research to be delayed.

## Chapter 4 Findings

This chapter will present the research findings based on an analysis of the interview responses and the desk review's outcome in order to address the three proposed research questions. The research will analyze the IP's involvement in the CLT process by examining cohorts and phases, focusing on the group and phase with the highest participation, thereby determining the first research question. Next, the extent of IP's right to defend their customs, beliefs, and natural resources will be explained. Based on the interviewees' responses, the reasons why IPs have the ability to shield their identities will be covered in this part. Finally, the interviewees' recommended remedies will also be discussed. This final portion will also include some suggestions to support IP's voices derived from the IP interview and the extra resources, such as the internationally published research and the official reports from the international organization.

As stated in the methodology sections, the targeted respondents were divided into four groups, comprised of various stakeholders who have completed separate questionnaires (**Appendix 1, 2, 3, and 4**) to reflect the best responses to the study topics.

### 4.1. Level of public participation in the CLT process

#### 4.1.1. *Status of IP participation during CLT process*

Based on the interview with the CLT experts (*Cat. 1*), the IP has the same rights as the Khmer people in Cambodia because they are lawful residents of the country and are recognized by law as such. The six CLT experts claimed that the IP groups that have their private lands formally registered or recognized by Cambodian Land Law 2001 are entitled to exist and make lawful use of them with protection. They further stated that the IPs had the right to possess their property, including the right to individual and collective land titles. They also have the authority to file complaints and seek assistance in order to defend their territory from intrusion by people and private or governmental organizations. In addition to the requirement for general public land registration, community land that sustains customary usage, such as public land used for burial grounds, worship, or sacred forests, can be protected by individuals or IP organisations.

Supporting the statement above, the IPs residing in the community attest to the fact that they typically participate in the majority of project planning in their village. Regarding the CLT process, almost all of the respondents from *Cat. 3* and *Cat. 4* have been informed about it and have some understanding of how the Pu Trom community's collective land titling system works. According to the interview, the authorities and the community leader are the prominent people to contact for information on the CLT process. Approximately 25% of *Cat. 4* respondents claimed to have learned about CLT from friends and family.

The reaction to the offer to participate in Pu Trom's CLT process varies throughout the four categories, even though the information transfer rate to the residents appears to be high in both *Cat. 3* and *Cat. 4*. According to *Cat. 1* and *Cat. 2*, all members of the indigenous population in the target community must be invited to participate in CLT processes in order to prevent conflict before and during the CLT proposal, to raise IPs' awareness of the benefits and procedure of CLT, and to ensure that they follow the regulations outlined in the Sub-Degree 83 ANK.BK on "the Procedure on the CLT process". However, about 10% of the respondents in *Cat. 3* and *Cat. 4* disagreed, stating that they were not invited because the committee and authorities, who are well-versed in this subject, appeared to be the main focus of the participant selection process. *Cat. 2* defended this concern, stating that poor involvement in the process results from some indigenous people ignoring community gatherings and not attempting to participate. Some may not have remembered the meeting date on their own. The response from *Cat. 4* shows that 5% of respondents are unable to remember whether they were invited to or took part in the CLT process.

The IP's lack of involvement in the CLT process in the Pu Trom community can be attributed to various factors. About 30% and 80% of *Cats. 3* and *Cat. 4*, respectively, demonstrate that although the IPs were invited to participate in the CLT process, only a small percentage of them actually show up for the meetings because the majority are preoccupied with domestic duties and agricultural labour. *Cat. 1* and *Cat. 2* concurred and added that the main excuses for not participating in the process include the indigenous group's language barrier, a lack of understanding of the CLT process, and ignorance of the advantages of involvement. The general IPs (*Cat. 4*) disagreed on the last argument, claiming that since the majority of them speak Khmer fluently. Hence, language is not an issue for them. They stated that the leading causes of their busyness are the challenges they have traveled from their homes to the meeting location and the insufficient amount of information that has been transferred.

Ultimately, even with the invitation to participate in the CLT process, some groups continue to have low participation rates, while overall participation rates are high. It can be attributed to a number of factors, including a lack of awareness of the process' benefits, a lack of information transfer, and transportation challenges between a house and the meeting location, and possibly a language barrier.

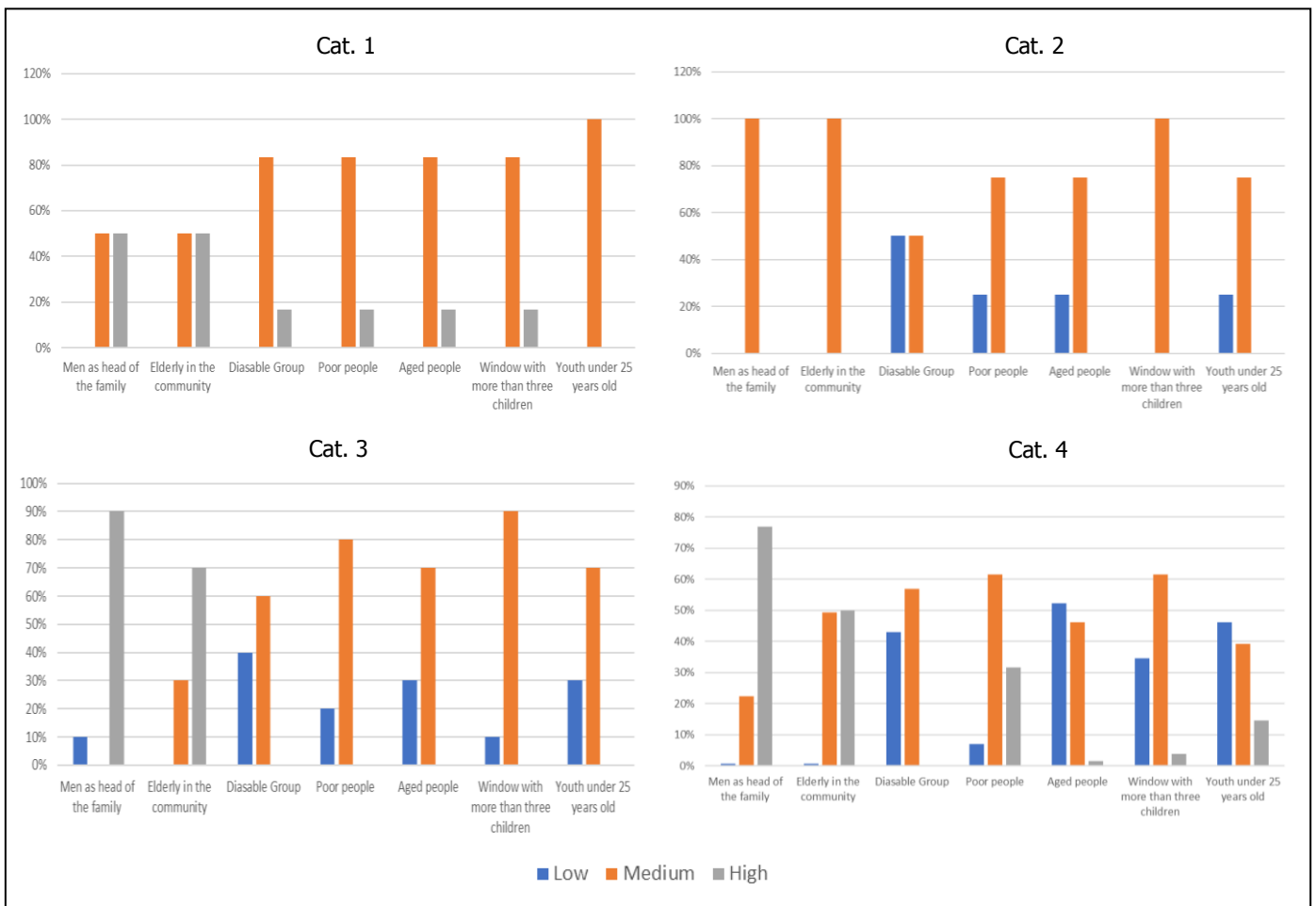
#### *4.1.2. Level of participation in CLT process among IPs*

The level of IPs' voice in CLT process can be varied based on cohorts and phase of the implementation, as explained below.

### Level of participation by cohorts

The interview have shown the degree of participation from various categories, including: (1) men heading the household; (2) the elderly in the community; (3) the disabled group; (4) the poor; (5) the elderly; (6) the widow with more than three children; and (7) the youth under 25 who have completed grade 9 in school (**Figure 2**).

Based on *Cat. 1*, *Cat. 3*, and *Cat. 4*, the results indicate that men are the most likely household heads to participate in the CLT process, followed by senior citizens of the community. Additionally, based on *Cat. 2*, *Cat. 3*, and *Cat. 4*, the marginal groups, including disabled groups, the elderly, and young people under 25, are unlikely to take part in the CLT process. This result was explained by the village chief and the participants that women are more likely to be busier than men after finishing the agricultural work. Moreover, women tend to depend on men regarding to decision-making.

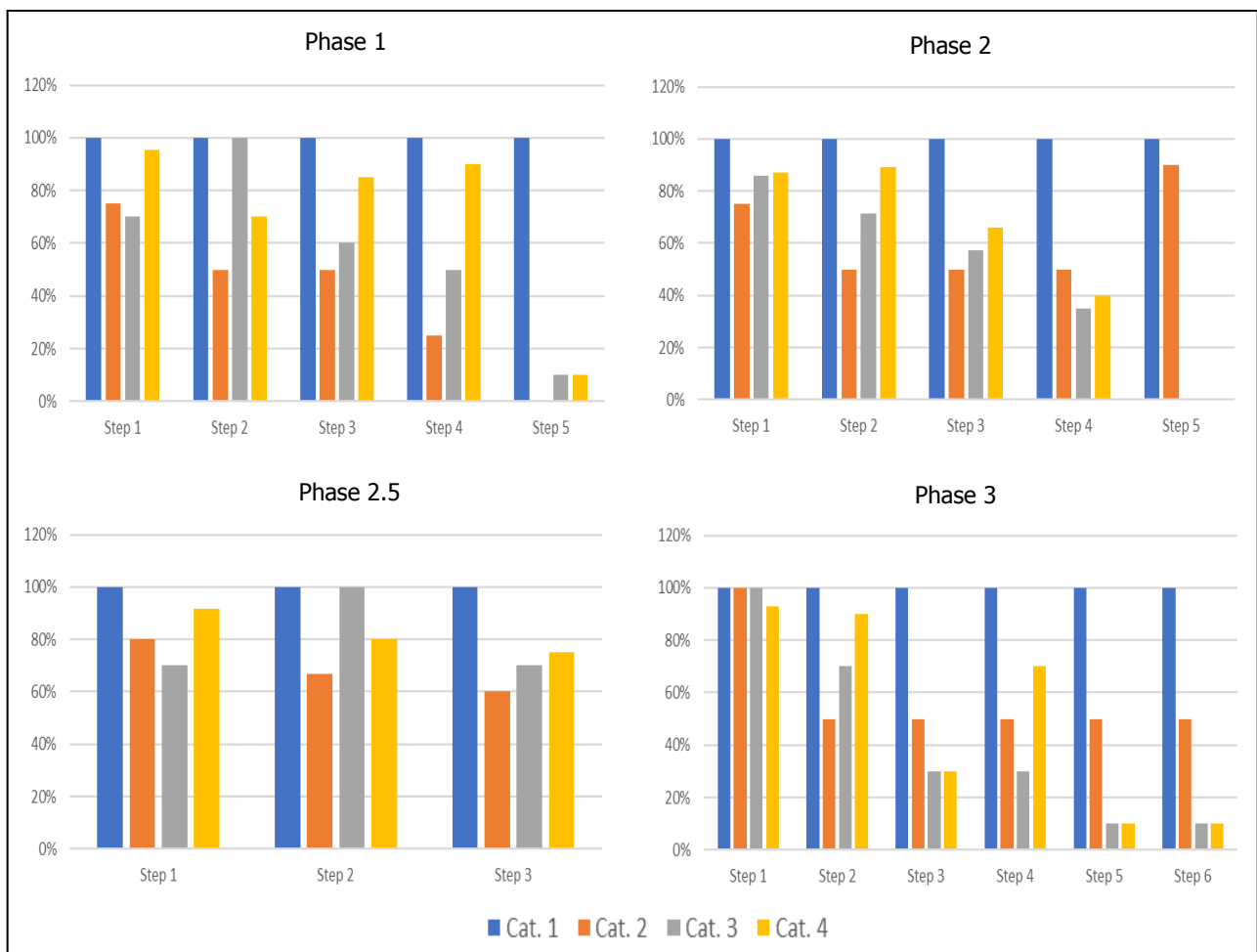


**Figure 2 Level of participation by cohorts, based on categories**

### Level of Participation by Phase of CLT

In addition to the differences in involvement by cohort, there are variations in participation levels across the CLT process phases while MRD, Mol, and MLMUPC are being implemented.

The framework of the CLT process was built on four continuous phases, as the literature section explains. The interview results are shown as follows (**Figure 3**).



**Figure 3 Level of participation by Step/Phase, based on categories**

In the four phases of the CLT process, the interview indicates that all four categories have comparatively high levels of engagement, particularly the IPs (*Cat. 3 and Cat. 4*).

During **Phase 1**, the IP groups participate minimally in Step 5 and are heavily involved in Steps 1 to 4. This is a great indicator that the target groups are informed about the rules, regulations, and the process; additionally, they have the opportunity to identify themselves, express their interest in the process, and choose a representative for the community commission. Since Step 5 involves the complete process of issuing certificates to indigenous groups and is handled by professionals, it makes sense that IP will not be involved in this step.

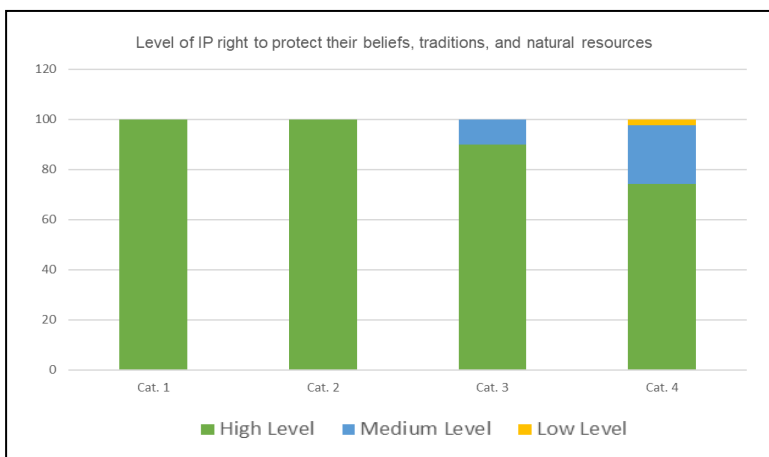
As with Phase 1, there is a rather high level of IP engagement for Steps 1 through 3 of **Phase 2** on the IC legal entity status grant procedure, which focus on producing the required community papers, including the By-Law document. The chance that the IP will understand the contents is increased when they are read aloud to the target groups. It makes understandable that the IP group has not engaged as much in Steps 4 and 5 given that the Mol is supervising this effort.

The interview revealed that IP's involvement level is extraordinarily high across all four categories for the entirety of **Phase 2.5** on the Collective Land Titling application. In Step 2 of the Internal-Rule formation process, which was aided by the NGOs, the marginal groups (Cat. 3) have demonstrated a more robust voice than *Cat. 4*. Surprisingly, the *Cat. 3* and *Cat. 4* also participated heavily in Step 3 of the IC's application process to the MLMUPC. This may result from the inhabitants' increased awareness following their numerous initiatives and the strong support received from the relevant stakeholders during this phase.

All four categories are highly involved in Step 1 of **Phase 3's** measurement and data collection process. By taking this action, it may be possible to prevent more hostilities and support indigenous people's right to their land so they can defend it. Nonetheless, during the public display in Step 3, the IP groups (*Cat. 3* and *Cat. 4*) demonstrated their limited engagement. It is regrettable to miss out on the chance to complain or inquire about their concerns. The IPC claims that the reason for the absence of IP participation in this phase is that particular IP residents rely heavily on the IPC members and the older residents of the community since they are illiterate. The IP residents are less involved in Step 5 and Step 6, since the MLMUPC team handles this work.

In summary, although the precise amount of involvement varies considerably among the many cohorts and phases examined, the study's results indicate that CLT process participation is sufficiently high.

#### 4.2. Rights of IP to protect their beliefs, traditions, and natural resource



**Figure 4 Level of IP right to protect their beliefs, traditions, and natural resources, by Categories**

According to the survey, the CLT plays a significant role in preserving the natural resources and beliefs of the IPs. The CLT experts (*Cat. 1*) and authorities (*Cat. 2*) claim that the IPs have the right to refuse the titling procedure if they think it will harm their natural resources, customs, or beliefs. Additionally, they are free to suggest using their

unapproved current-use land, managed by the MoE and MAFF, for community purposes. While the voices of *Cat. 3* and *Cat. 4* agreed with the proclamation above that IPs have a “high”<sup>3</sup> right to defend their ancestral lands, some opponents (about 10% of *Cat. 3* and 25% of *Cat. 4*) showed that their ability to make judgements as members of the IP community is somewhat constrained. Most of the decisions about whether their common-use land benefited their natural resources, beliefs, or practices were made by the IP committee, the local government, and the community's older members. Less than 5% of the 130 IP interviewees stated they still lack a powerful voice to protect their ancestral lands. The authorities (*Cat. 2*) explained the “low” decision on the land protection above, citing the marginal groups' ignorance of and disregard for the CLT procedure as the cause. They are more likely to disregard the titling process and to accept any decision made by the working groups. They usually depend on what the majority of people in their community and the elderly find appealing.

In case of dissatisfaction with the collective land titling, the IPs have the right to take action to reject the CLT implementation (MLMUPC and MAFF, 2020c). According to *Cat. 1*, *Cat. 2*, and *Cat. 3*, most target IPs typically turn to IP-related NGOs and CSOs for assistance if they are dissatisfied with the CLT registration procedure or the outcome altogether. The same interviewed categories added that contacting the Grievance Redress Committee or the Ombudsman office is the second alternative for the IP groups. *Cat. 2* indicates that the lack of experience with IP, particularly in the CLT process, is the reason for choosing third-party support. So, when it comes to administrative and legal matters, they would rather speak with the focal points of NGOs that deal with IP. The responses of *Cat. 4* are slightly different in terms of the order of the entities to approach when the IPs are dissatisfied with the land titling. About 95% of them claimed that they usually reach their community chief and the elderly of the community first before looking for other support.

*Why is the IP's right to protect their belief, traditions, and natural resources important?*

Inclusion during the CLT process offers numerous advantages in addition to safeguarding their native land and culture, as listed below.

The four groups' interviews indicated that all IPs should be involved in the CLT process, and that IP voices ought to be heard before and during the process, according to 98.5% of *Cat. 4* and 100% of the other three groups. It is due to three leading causes.

First of all, it is a successful technique to lessen conflict before and during the process, to start with, since they have expressed their concerns and are fully aware of the benefits of community land titling. The majority of *Cat. 1*, *Cat. 2*, and *Cat. 3*, as well as roughly three-quarters

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<sup>3</sup> High level : the IPs have a significant right to refuse their IP community's collective land title if they believe that the registration will negatively impact their natural resources, customs, or beliefs  
Medium level : the IPs have a moderate amount of power to refuse their community's collective land title  
Low level : the IPs have no power to refuse any decisions made by the authorities during the CLT process.

of *Cat. 4*, felt that IPs' involvement in the CLT process could advance their rights to identify as a typical group of indigenous people, to safeguard their community's future development, to keep using the non-timber forest products from neighbouring forests, and to ask for their ancestral forests to be included in the CLT land. The other interviewees did not dispute the assertion above, but they were unsure if their voices could have the same effect.

Second, by including the IP in the CLT process, they may better protect their holy land, traditions, and values. As stated in the research view (**Chapter 2**), the IP lands are divided into five categories. The division of land classification was raised and decided by the community members, with the approval of the IP committee and the authorities, according to the *Cat. 1* and *Cat. 2* responses. Every interviewee from *Cat. 3* and *Cat. 4* concurred and stressed the need of using their voices to safeguard their customs and beliefs. As the community's proprietors, they are the ones who are most aware of its circumstances and are able to point out its burial forest, holy land, etc. The traditional land itself won't be preserved without their voices.

Last but not least, their ability to voice their opinions during the process has allowed them to indicate whether or not they are willing to have their land titled. A few IPs from *Cat. 4* stated that they had refused to be a part of the CLT because they believe it will be a barrier to them in the future should they decide to sell their land. This implies that even if they live in the same neighborhood, the IP have the freedom to refuse to be a part of the CLT.

#### 4.3. How to promote IP inclusion in CLT?

The interview highlights many strategies to encourage IP inclusion in the CLT, and the study categorises its results into four groups. First and foremost, more people need to be aware of intellectual property's advantages. All of the interviewees in the four categories stated that it is essential to inform the IP groups of the benefits of collective land titling because, if they understand the significance for their future development or generation, they will be more inclined to participate in the planning process.

A second strategy to increase IPs' participation in the CLT process is to provide incentives to encourage them to drive from their residences to workshop locations and possibly to every meeting. Although *Cat. 3* and *Cat. 4* stated that they would be willing to attend every meeting, walking from their homes during the wet season is a challenge for them. They also mentioned that rewarding IPs for commuting from their houses to the meeting hall would be a useful tactic to promote IP involvement in the CLT plan.

Thirdly, as was said in the previous section, despite the IP groups' own admission that they could converse in Khmer, linguistic difficulties should still be considered. According to the local authorities, this is because IPs usually comprehend everyday language but not technical terms. According to the IPC, some IPs are allegedly too embarrassed to acknowledge that they are not

fluent in the language and turn up to take a seat when asked. Therefore, *Cat. 2* and *Cat. 3* strongly recommend translating from Khmer to the indigenous language and vice versa throughout the meeting in order to increase the level of participation.

Last but not least, setting up the Grievance Redress Committee (GRC) is a great way to promote community involvement in the CLT process. The majority of interviewees in *Cat. 3* and *Cat. 4* said that whether they participate in the process or not, the results should be the same when they are unsure of how to express their unwillingness to title their land. *Cat. 2* agreed and proposed that GRC should be friendly, supportive, and able to provide enough information to promote public participation in CLT.

## **Recommendation**

Along with the previously mentioned findings, the study will provide some recommendations for advancing IP voice in the CLT process based on the interviewees' actual responses as well as insights from a variety of international journals and projects that have been carried out in Cambodia.

According to the survey, a third of the *Cat. 1* said that in order to speed up the CLT process, more ministries needed to be involved, particularly the Ministry of Environment (MoE) and the Ministry of Agriculture, Forestry, and Fisheries (MAFF). This is because the two entities manage the great majority of the unregistered lands inhabited by indigenous people. This shows that the public lands that the MoE or MAFF have approved coincide with the area that native people have either claimed or are already occupying. Based on the experience of the experts consulted, the community and the relevant entity can negotiate through request letters to identify a consensus point and proceed with the CLT process. This is the most realistic course of action. However, it takes a lot of work and significant cooperation from other stakeholders, such as NGOs or CSOs working in IP, because IP communities are probably unaware of these issues. Thus, involving the MoE and MAFF in the CLT process might, in theory, expedite the registration and decision-making process.

In addition to the interview, the study will propose two additional tactics, such as the stakeholder engagement plan and FPIC, learning from various studies and projects, to encourage IP participation in CLT formation.

### *Stakeholder Engagement Plan (SEP)*

The Stakeholder Engagement Plan (SEP) instrument of LASED III (MLMUPC and MAFF, 2020c), stakeholder engagement is process of the sharing of knowledge, understanding and responding to concerns of potential or impacted individuals and organizations, and building respectful relationships. SEP should specify how stakeholders will be involved in the CLT preparation process and the methods used throughout the project lifecycle, distinguishing between impacted

and interested parties. The SEP outlines information sharing and involvement procedures for stakeholders at all levels. Strategies include focus groups, formal presentations, one-on-one meetings, and sharing project documentation. The SEP also consists of a project Grievance Redress Mechanism (GRM), allowing all parties to provide feedback, suggestions, or complaints (GEF, 2021). According to OHCHR (2020), formal complaint mechanisms at the ministerial level, within the MLMUPC, as well as the MoE, are necessary to improve the CLT process and provide communities with an appeal process for decisions made by these Ministries regarding CLTs.

According to the SEP of LASED III, the SEP aims to mitigate environmental and societal risks through a comprehensive, culturally sensitive, and consistent project engagement plan. Additionally, it needs to outline the engagement process for parties involved in the project, the strategy and actions for engagement, and how it will be incorporated into social and environmental risk assessment and management processes. It also serves as a documentation of the engagement procedure during the project preparation phase.

The IPPF instrument of LASED III (MLMUPC and MAFF, 2020b) emphasises the need to involve vulnerable groups like women, youth, and elders in land and natural resource governance decisions. However, these groups have not been significantly engaged in collective land titling initiatives. To strengthen their ability to interact with outsiders and support their communities, it is crucial to give women and young people a voice in the consultation process and local entities like IP community Committees. Gender issues are often overlooked in the Internal Rules and the By-Laws, and women are often excluded from decision-making processes or subjected to discriminatory rules. Despite limited interaction with youth, women and older people actively participated in discussions about the ICLT process during field trips. Therefore, it is essential to establish efficient communication channels and provide comfortable environments for them to share their perspectives and experiences.

#### *Free, Prior, Informed Consent (FPIC)*

The UN Declaration of the Rights of Indigenous Peoples (UNDRIP) requires states to conduct thorough consultations with indigenous peoples before approving projects that could negatively impact their lands or resources (OHCHR, 2015). The FPIC application is carried out by:

- being free from threats, coercion, or manipulation (**Free**);
- consulting beforehand, giving local decision-making processes enough time (**Prior**);
- having access to sufficient relevant information to make an informed decision about the nature of the activity, including its size, pace, reversibility, scope, rationale, duration, and location (**Informed**);
- having the freedom to consent or withhold consent while taking gender, age, and customary institutions into consideration (**Consent**).

FPIC is required for situations affecting intellectual property (IPs) due to adverse impacts on land and resources, relocation, or cultural assets (MLMUPC and MAFF, 2020b). It is necessary for

identifying and mapping CLT property, especially at Stage 2.5 (sketch map) and Phase 3, which is the formal land mapping, measurement, and registration process. However, FPIC may also be required if establishing a CLT adversely affects intellectual property rights in areas other than the beneficiary community.

Collective land titling is the process of granting indigenous people a secure community's land tenure while preserving their identity, customs, and culture. Three governmental entities, including MRD, Mol, and MLMUPC, were in charge of carrying out the CLT process in Cambodia. The research found that IP voices are amplified at every stage of the CLT under the three departments, with the Pu Trom community serving as a case study. The majority of IPs have participated in the CLT meeting, yet some of them, although being notified, choose to overlook the implementation process. There are several reasons for this, such as a lack of knowledge about the advantages of the process, poor information sharing, difficulties with transportation from home to the meeting place, and perhaps even a language barrier. Men and senior residents are the most likely groups within the IPs cohort to speak up during conversations and decision-making.

Since their views are heard and considered, the research demonstrated that the IPs have a significant right to conserve their natural resources, customs, and values during the CLT process. They are entitled to reject the proposal if they determine that it would negatively impact the ancestral lands and culture. Given that customs and beliefs are vital instruments for maintaining one's identity, this will contribute to a reduction in conflict both before and throughout the CLT process.

In order to encourage IP inclusion in the CLT process, the IPs propose raising participant awareness of the benefits of the CLT, offering incentives to participate (at the very least, reimbursement for travel expenses), facilitating spoken language communication, and promoting grievance redress mechanisms to incentivise IPs to voice their concerns and issues. Furthermore, the research indicates that FPIC and a stakeholder engagement strategy are appropriate strategies to promote IP involvement in CLT development.

## References

- GEF. (2021). *STAKEHOLDER ENGAGEMENT PLAN*. GEF. Retrieved 2022, from <https://e2c5u3w6.stackpathcdn.com/wp-content/uploads/2021/01/Stakeholder-Engagement-Plan.pdf>
- MLMUPC. (2001). *Land Law*. Phnom Penh : MLMUPC.
- MLMUPC. (2020a). *Environmental and Social Management Framework*. Phnom Penh: MLMUPC.  
Retrieved from [https://docs.google.com/a/servingweb.com/viewer?url=http://mlmupc.gov.kh/items/20201203%20Approval\\_ESMF\\_Oct\\_08\\_2020.pdf](https://docs.google.com/a/servingweb.com/viewer?url=http://mlmupc.gov.kh/items/20201203%20Approval_ESMF_Oct_08_2020.pdf)
- MLMUPC and MAFF. (2020b). *Indigenous people planning framework*. Phnom Penh: MLMUPC.  
Retrieved 2022, from [https://server2.maff.gov.kh/parse/files/myAppId5hD7ypUYw61sTqML/a217e23e8d0a567d5e343154da78c8ba\\_1602233513.pdf](https://server2.maff.gov.kh/parse/files/myAppId5hD7ypUYw61sTqML/a217e23e8d0a567d5e343154da78c8ba_1602233513.pdf)
- MLMUPC and MAFF. (2020c). *Stakeholder Engagement Plan (SEP)*. Phnom Penh: MLMUPC.  
Retrieved 2022, from [https://docs.google.com/a/servingweb.com/viewer?url=http://mlmupc.gov.kh/items/LASED%20III\\_SEP.pdf](https://docs.google.com/a/servingweb.com/viewer?url=http://mlmupc.gov.kh/items/LASED%20III_SEP.pdf)
- OHCHR. (2015). *The rights of indigenous peoples*. Retrieved from [cambodia.ohchr.org](http://cambodia.ohchr.org): <https://cambodia.ohchr.org/en/economic-social-rights/rights-indigenous-peoples>
- OHCHR. (2018). *Assessment of the credit opportunity for indigenous communities in Cambodia holding a collective land title*. Phnom Penh: UNHR. Retrieved June 28, 2023, from <https://cambodia.ohchr.org/sites/default/files/report/other-report/Economic%20Opportunities%20IPC%20-%20EN%20-%20New%20Cover.pdf>
- OHCHR. (2020). *Collective land titling in Cambodia*. Phnom Penh: OHCHR.
- OHCHR. (n.d.). *United Nations Human Rights*. Retrieved June 20, 2023, from OHCHR: <https://www.ohchr.org/en/special-procedures/sr-indigenous-peoples#:~:text=Indigenous%20peoples%20across%20the%20world,affected%20by%20poverty%20and%20marginalisation.>

- O'Halloran, L. (2008). Social development in elementary aged children in self-contained and inclusive settings.
- O. Nyumba, T., Wilson, K., Derrick, C. J., & Mukherjee, N. (2018). The use of focus group discussion methodology: Insights from two decades of application in conservation. *Methods in Ecology and evolution*, *9*(1), 20-32.
- Thol, D. & Oeur, I. (2019) A Decade of Communal Land Titling in Cambodia: Achievements and Ways Forwards. *Cambodia Journal of Basic and Applied Research (CJBAR)*, *1*(2), 98-106.
- Troya, M. I., Greene, M. C., Santos, C. G., & Shultz, J. M. (2016). Conducting a desk review to inform the mental health and psychosocial support response to the 2016 Ecuador earthquake. *Disaster health*, *3*(4), 90-101.

**Appendix 1: Questionnaire for the CLT experts**

Interviewee		Phone	
Position		Email	
Interviewer		Date	

**Objectives:**

1. To what extent, have the IP been involved prior to and during Collective Land Titling?
2. What are the rights of IP to protect their beliefs, traditions, and natural resources?
3. How to promote IP inclusion in CLT?

**A. About CLT**

**1. How many years have you been involved in CLT?**

- less than 5 years                       5 to 10 years                       more than 10 years

**2. What rights do indigenous peoples have in the land sector in Cambodia?**

- Have the right to live on private land like the common Cambodian people
- Have the right to express their views and ask for help (due to limited education and living standards) in case of abuse
- Have the right to use the land to serve their religious traditions
- Have the right to own properties
- Others .....

**3. Do you think indigenous peoples should be involved in CLT?**

- Yes - reason .....
- No - reason .....

**4. Should other ministries besides the Ministry of Rural Development, the Ministry of Interior and the Ministry of Land Management and Urban Planning participate in the CLT process?**

.....

**5. Has the CLT process been revised in the past?**

- Yes                       No                       Not sure

**6. If so, what are the changes?**

.....

**7. Since the past, have any national/international organizations or civil society organizations participated (supported) the Ministry of Rural Development for the registration of indigenous communities?**

.....

**B. Public voice in CLT process**

**1. During the CLT Process, were Indigenous Peoples in the community invited to participate?**

- Yes (continue to Q.2)
- No (Move to Q.4)

**2. Are all of them (or representatives from every family) invited?**

- All (continue to Q.3 then Q.5)
- some (move to Q.4)

**3. Why are all IPs invited into the process?**

- to follow the procedure of the CLT
- to provide information on CLT process
- to reduce conflicts or dissatisfaction before the registration request period and reduce the rate of requests from the community after the implementation of CLT work
- Others

**4. Why are only a few groups of indigenous people invited to CLT work?**

- Select only a small number of indigenous representatives who have no employment relationship with the government
- Select only a small number of indigenous representatives who have a working relationship with the government
- Only select community representatives or elders who have the right to make decisions and are more knowledgeable about registration.
- Too many people involved takes too much time
- Too many people involved, too much money
- Political issues
- Others .....

**5. In your opinion, why do some indigenous people not participate during the CLT process?**

- IPs think it is not necessary
- IPs don't have knowledge related to CLT
- Busy with personal work
- No allowance
- Difficult to travel from home to the meeting place
- Do not receive information from authorities or community leaders
- Patriarchy
- Others
- Political conflict
- Religious conflicts
- No translation in the indigenous language, which makes some IPs who do not understand Khmer does not want to participate

**6. To what extent are the following indigenous groups generally involved in CLT work?**

No.	IP cohorts	Participation level		
1	man as the head of the family	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
2	Community elders	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
3	People with disabilities	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
4	The poor	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
5	Elderly	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
6	Widow with more than 3 children	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
7	Young people under 25 with high education level (at least 9th grade)	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High

**7. At what stage are indigenous peoples most invited during CLT work?**

**Phase 1** (*For Ministry of Rural Development only*)

- Step 1: publicize awareness among provincial authorities (relevant departments) on related policies and regulations
- Step 2: Indigenous communities show their willingness to initiate identification process of the ICs
- Step 3: raising awareness about the process among the target communities
- Step 4: The IC to elect a Community Commission Representative and self-identify as “indigenous”
- Step 5: MRD issues Identity Certificates to the indigenous communities

**Phase 2** (*for Ministry of Interior only*)

- Step 1: The IC to draft community By-Laws as well as forming Community Representative Committee
- Step 2: Reviewing community members’ commitment and purposes
- Step 3: IPC prepares a meeting to check and discuss on the approval By-Laws document and ICC to a registration at the Mol
- Step 4: The IC to submit the legal entity registration application to the Mol
- Step 5: The Mol to register the IC as a “Legal Entity”

**Phase 2.5** (*for Ministry of Land Management, Urban Planning, and Construction only*)

- Step 1: Collect data and produce preliminary maps by defining boundaries of community land type participated by all landowners.
- Step 2: The IC establish its internal rules facilitated by NGO (drafted by Mol)

- Step 3: The IC to apply for a CLT to MLMUPC

**Phase 3** (for Ministry of Land Management, Urban Planning, and Construction only)

- Step 1: Measurement and data collection of land boundaries by type of use, determination of boundaries and identification of state land
- Step 2: Public display of the land
- Step 3: Reporting on the result of the public display of land
- Step 4: Decision on the result of the display of land, and request to issue land titles
- Step 5: Letter to MoE and MAFF for approval of land concerned
- Step 6: Letter to Council of Ministers for land reclassification

**8. To what extent do indigenous peoples have the right to protect their traditional beliefs and natural resources?**

- High level** (meaning they have the right to refuse any land registration that the community thinks may affect the community's traditional beliefs and natural resources, except for lands under the jurisdiction of the relevant ministries, eg forest cover of the Ministry of Environment)
- Medium level** (meaning that the decision is limited and requires review and decision by the authorities)
- Low level** (meaning they have to agree to all the claims made by the authorities)

**9. If indigenous peoples do not agree with the indigenous community land registration, how can they protest or file a complaint?**

- File a complaint with the Complaints Resolution Commission or the Office of Democracy or the dispute resolution team of the community, village, commune, district, province or relevant ministry.
- Request assistance from civil society organizations to represent in filing complaints
- No resolution provided
- Others .....

**10. Do you think indigenous voices (opinions) are useful for indigenous community land registration?**

- Yes (Please answer Q.11 and skip to Q.13)
- No (skip to 12)
- Don't know

**11. If so, why?**

- Reduce conflicts or dissatisfaction before the registration request period and reduce the rate of requests from the community after the implementation of CLT work
- Increase the rights of indigenous peoples to express their views, especially in relation to the protection of their traditions, culture, religion, beliefs and natural resources
- Give them the right to object if they do not want to join the community
- Others .....

**12. If not, why not?**

- Waste of time and money when there are many suggestions
- Indigenous people do not dare to decide and do not have the skills to work CLT
- Others .....

**13. In your view, how can we encourage indigenous peoples to express themselves in the process of registering collective land to indigenous communities?**

- Khmer Translator for Indigenous Languages
- Provide a small budget or supplies for each necessary meeting
- Address travel for indigenous peoples during non-community meetings
- Explain the benefits of collective land registration to indigenous communities in advance
- There should be a grievance redressal committee or Ombudsman office, or a working group related to dispute resolution of communities, villages, communes, districts, provinces or relevant ministries to address the issues or concerns of indigenous peoples.
- Others: .....

.....  
.....  
.....

Thank you !!!

**Appendix 2: Questionnaire for the Pu Trom authorities**

Interviewee		Phone	
Position		Ethnic	<input type="checkbox"/> Khmer <input type="checkbox"/> Punorng <input type="checkbox"/> .....
Interviewer		Date	

**Objectives:**

1. To what extent, have the IP been involved prior to and during Collective Land Titling?
2. What are the rights of IP to protect their beliefs, traditions, and natural resource?
3. How to promote IP inclusion in CLT?

**A. About CLT**

**1. How long have you lived in Pu Trom community/village?**

- less than 5 years                       5-10 years                       more than 10 years

**2. How many years have you held your current position?**

- less than 5 years                       5-10 years                       more than 10 years

**3. Are Pu Trom communities/villages included in the commune development plan?**

- Yes (move to 4)                       No (move to 5)

**4. If so, what are the development plans?**

- Budget plan  
 Physical infrastructure development plan  
 5 year rolling plan  
 Others.....

**5. Where do villages/communities usually receive development funding?**

- Government  
 National / International Organization  
 Citizens  
 Subsidize (People and Government)  
 Private company  
 Commune / District Representative  
 Others ....

**6. Are indigenous peoples involved in commune development planning?**

- Yes     No     Not sure

## **B. Public voice in CLT process**

### **1. During the CLT Process, were Indigenous Peoples in the community invited to participate?**

- Yes (continue to Q.2)
- No (Move to Q.4)

### **2. Are all of them (or representatives from every family) invited?**

- All (continue to Q.3 then Q.5)
- some (move to Q.4)

### **3. Why are all IPs invited into the process?**

- to follow the procedure of the CLT
- to provide information on CLT process
- to reduce conflicts or dissatisfaction before the registration request period and reduce the rate of requests from the community after the implementation of CLT work
- Others

### **4. Why are only a few groups of indigenous people invited to CLT work?**

- Select only a small number of indigenous representatives who have no employment relationship with the government
- Select only a small number of indigenous representatives who have a working relationship with the government
- Only select community representatives or elders who have the right to make decisions and are more knowledgeable about registration.
- Too many people involved takes too much time
- Too many people involved, too much money
- Political issues
- Others

### **5. In your opinion, why do some indigenous people not participate during the CLT process?**

- IPs think it is not necessary
- IPs don't have knowledge related to CLT
- Busy with personal work
- No allowance
- Difficult to travel from home to meeting place
- No translation in the indigenous language, which makes some IPs who do not understand Khmer do not want to participate
- Others
- Do not receive information from authorities or community leaders
- Patriarchy
- Political conflict
- Religious conflicts

**6. To what extent are the following indigenous groups generally involved in CLT work?**

No.	IP cohorts	Participation level		
1	man as a head of the family	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
2	Community elders	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
3	People with disabilities	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
4	The poor	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
5	Elderly	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
6	Widow with more than 3 children	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
7	Young people under 25 with high education level (at least 9th grade)	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High

**7. At what stage are indigenous peoples most invited during CLT work?**

**Phase 1** (*For Ministry of Rural Development only*)

- Step 1: publicize awareness among provincial authorities (relevant departments) on related policies and regulations
- Step 2: Indigenous communities show their willingness to initiate identification process of the ICs
- Step 3: raising awareness about the process among the target communities
- Step 4: The IC to elect a Community Commission Representative and self-identify as “indigenous”
- Step 5: MRD issues Identity Certificates to the indigenous communities

**Phase 2** (*for Ministry of Interior only*)

- Step 1: The IC to draft community By-Laws as well as forming Community Representative Committee
- Step 2: Reviewing community members’ commitment and purposes
- Step 3: IPC prepares a meeting to check and discuss on the approval By-Laws document and ICC to a registration at the Mol
- Step 4: The IC to submit the legal entity registration application to the Mol
- Step 5: The Mol to register the IC as a “Legal Entity”

**Phase 2.5** (*for Ministry of Land Management, Urban Planning, and Construction only*)

- Step 1: Collect data and produce preliminary maps by defining boundaries of community land type participated by all landowners.
- Step 2: The IC establish its internal rules facilitated by NGO (drafted by Mol)

- Step 3: The IC to apply for a CLT to MLMUPC

**Phase 3** (for Ministry of Land Management, Urban Planning, and Construction only)

- Step 1: Measurement and data collection of land boundaries by type of use, determination of boundaries and identification of state land
- Step 2: Public display of the land
- Step 3: Reporting on the result of the public display of land
- Step 4: Decision on the result of the display of land, and request to issue land titles
- Step 5: Letter to MoE and MAFF for approval of land concerned
- Step 6: Letter to Council of Ministers for land reclassification

**8. To what extent do indigenous peoples have the right to protect their traditional beliefs and natural resources?**

- High level** (meaning they have the right to refuse any land registration that the community thinks may affect the community's traditional beliefs and natural resources, except for lands under the jurisdiction of the relevant ministries, eg forest cover of the Ministry of Environment)
- Medium level** (meaning that the decision is limited and requires review and decision by the authorities)
- Low level** (meaning they have to agree to all the claims made by the authorities)

**9. If indigenous peoples do not agree with the indigenous community land registration, how can they protest or file a complaint?**

- File a complaint with the Complaints Resolution Commission or the Office of Democracy or the dispute resolution team of the community, village, commune, district, province or relevant ministry.
- Request assistance from civil society organizations to represent in filing complaints
- No resolution provided
- Others .....

**10. Do you think indigenous voices (opinions) are useful for indigenous community land registration?**

- Yes (Please answer Q.11 and skip to Q.13)
- No (skip to 12)
- Don't know

**11. If so, why?**

- Reduce conflicts or dissatisfaction before the registration request period and reduce the rate of requests from the community after the implementation of CLT work

- Increase the rights of indigenous peoples to express their views, especially in relation to the protection of their traditions, culture, religion, beliefs and natural resources
- Give them the right to object if they do not want to join the community
- Others .....

**12. If not, why not?**

- Waste of time and money when there are many suggestions
- Indigenous people do not dare to decide and do not have the skills to work CLT
- Others .....

**13. In your view, how can we encourage indigenous peoples to express themselves in the process of registering collective land to indigenous communities?**

- Khmer Translator for Indigenous Languages
  - Provide a small budget or supplies for each necessary meeting
  - Address travel for indigenous peoples during non-community meetings
  - Explain the benefits of collective land registration to indigenous communities in advance
  - There should be a grievance redressal committee or Ombudsman office, or a working group related to dispute resolution of communities, villages, communes, districts, provinces or relevant ministries to address the issues or concerns of indigenous peoples.
  - Others .....
- .....
- .....
- .....
- .....

Thank you !!!

**Appendix 3: Questionnaire for the Focus Group Discussion**

Interviewee		Phone	
Position		Ethnic	<input type="checkbox"/> Khmer <input type="checkbox"/> Punornng <input type="checkbox"/> .....
Interviewer		Date	

**Objectives:**

1. To what extent, have the IP been involved prior to and during Collective Land Titling?
2. What are the rights of IP to protect their beliefs, traditions, and natural resource?
3. How to promote IP inclusion in CLT?

**A. About CLT**

**1. Were you a born here or did you move from somewhere else?**

- Born here  Move from other places

**2. How many years have you lived at your current address?**

- less than 2 years  2-5 years  5-10 years  more than 10 years

**3. Are there any improvements in land use and infrastructure in the Pu Trom community, such as roads, canals, schools, markets, hospitals, and other public places, compared to 10 years ago?**

- Slightly developed  
 Significant changes include .....

**4. Are there any improvements in land use and infrastructure in Pu Trom community, such as roads, canals, schools, markets, hospitals, and other public places compared to 5 years ago?**

- Slightly developed  
 Significant changes include .....

**5. Did you get any information on all these developments?**

- Yes  No (move to Part. B)

**6. If so, who did you get that information from? (Multiple choices)**

- Family members  Neighbors  Schools or workplaces  Pagodas  
 Market or business stall  Other media  Authorities  Leisure area  
 Others .....

**B. Public voice in CLT process**

**1. Have you ever heard of “Collective Land Titling”?**

- Yes  No (move to Q.4)  Not sure

**2. If so, who did you get that information from? (Multiple choices)**

- Family members  Neighbors  Schools or workplaces  Pagodas  
 Market or business stall  Other media  Authorities  Leisure area  
 Others .....

**3. Have you ever been invited to participate in the indigenous community land registration process?**

- Yes  No  Not sure

**4. Have you ever heard of “Collective Land Titling of Punong Indigenous Communities in Pu Trom Village”?**

- Yes  No  Not sure

**5. During the Putrom Indigenous Community Collective Land Registration Process, were you invited to attend?**

- Yes (move to Q.6)  No (Move to 8)

**6. Are all of them (or representatives from every family) invited?**

- All  some

**7. Why are only a few groups of indigenous people invited to CLT work?**

- Select only a small number of indigenous representatives who have no employment relationship with the government  
 Select only a small number of indigenous representatives who have a working relationship with the government  
 Only select community representatives or elders who have the right to make decisions and are more knowledgeable about registration.  
 Too many people involved takes too much time  
 Too many people involved, too much money  
 Political issues  
 Others

**8. To what extent are the following indigenous groups generally involved in CLT work?**

No.	IP cohorts	Participation level		
1	man as a head of the family	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
2	Community elders	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
3	People with disabilities	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
4	The poor	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
5	Elderly	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
6	Widow with more than 3 children	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
7	Young people under 25 with high education level (at least 9th grade)	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High

**9. At what stage are indigenous peoples most invited during CLT work?**

**Phase 1** (*For Ministry of Rural Development only*)

- Step 1: publicize awareness among provincial authorities (relevant departments) on related policies and regulations
- Step 2: Indigenous communities show their willingness to initiate identification process of the ICs
- Step 3: raising awareness about the process among the target communities
- Step 4: The IC to elect a Community Commission Representative and self-identify as “indigenous”
- Step 5: MRD issues Identity Certificates to the indigenous communities

**Phase 2** (*for Ministry of Interior only*)

- Step 1: The IC to draft community By-Laws as well as forming Community Representative Committee
- Step 2: Reviewing community members’ commitment and purposes
- Step 3: IPC prepares a meeting to check and discuss on the approval By-Laws document and ICC to a registration at the Mol
- Step 4: The IC to submit the legal entity registration application to the Mol
- Step 5: The Mol to register the IC as a “Legal Entity”

**Phase 2.5** (for Ministry of Land Management, Urban Planning, and Construction only)

- Step 1: Collect data and produce preliminary maps by defining boundaries of community land type participated by all landowners.
- Step 2: The IC establish its internal rules facilitated by NGO (drafted by MoI)
- Step 3: The IC to apply for a CLT to MLMUPC

**Phase 3** (for Ministry of Land Management, Urban Planning, and Construction only)

- Step 1: Measurement and data collection of land boundaries by type of use, determination of boundaries and identification of state land
- Step 2: Public display of the land
- Step 3: Reporting on the result of the public display of land
- Step 4: Decision on the result of the display of land, and request to issue land titles
- Step 5: Letter to MoE and MAFF for approval of land concerned
- Step 6: Letter to Council of Ministers for land reclassification

**10. To what extent do indigenous peoples have the right to protect their traditional beliefs and natural resources?**

- High level** (meaning they have the right to refuse any land registration that the community thinks may affect the community's traditional beliefs and natural resources, except for lands under the jurisdiction of the relevant ministries, eg forest cover of the Ministry of Environment)
- Medium level** (meaning that the decision is limited and requires review and decision by the authorities)
- Low level** (meaning they have to agree to all the claims made by the authorities)

**11. If indigenous peoples do not agree with the indigenous community land registration, how can they protest or file a complaint?**

- File a complaint with the Complaints Resolution Commission or the Office of Democracy or the dispute resolution team of the community, village, commune, district, province or relevant ministry.
- Request assistance from civil society organizations to represent in filing complaints
- No resolution provided
- Others<sup>3</sup> .....

**12. Do you think indigenous voices (opinions) are useful for indigenous community land registration?**

- Yes (Please answer Q.11 and skip to Q.13)
- No (skip to 12)
- Don't know

**13. If so, why?**

- to reduce conflicts or dissatisfaction before the registration request period and reduce the rate of requests from the community after the implementation of CLT work
- to increase the rights of indigenous peoples to express their views, especially in relation to the protection of their traditions, culture, religion, beliefs and natural resources
- to give them the right to object if they do not want to join the community
- Others .....

**14. If not, why not?**

- Waste of time and money when there are many suggestions
- Indigenous people do not dare to decide and do not have the skills to work CLT
- Others .....

**15. In your view, how can we encourage indigenous peoples to express themselves in the process of registering collective land to indigenous communities?**

- Khmer Translator for Indigenous Languages
- Provide a small budget or supplies for each necessary meeting
- Address travel for indigenous peoples during non-community meetings
- Explain the benefits of collective land registration to indigenous communities in advance
- There should be a grievance redressal committee or Ombudsman office, or a working group related to dispute resolution of communities, villages, communes, districts, provinces or relevant ministries to address the issues or concerns of indigenous peoples.
- Others .....

.....  
.....  
.....

Thank you !!!

**Appendix 4: Questionnaire for the General IPs**

Interviewee		Phone	
Position		Ethnic	<input type="checkbox"/> Khmer <input type="checkbox"/> Punorng <input type="checkbox"/> .....
Interviewer		Date	

**Objectives:**

1. To what extent, have the IP been involved prior to and during Collective Land Titling?
2. What are the rights of IP to protect their beliefs, traditions, and natural resource?
3. How to promote IP inclusion in CLT?

**A. About CLT**

**1. Were you a born here or did you move from somewhere else?**

- Born here                       Move from other places

**2. How many years have you lived at your current address?**

- less than 2 years     2-5 years     5-10 years     more than 10 years

**3. Are there any improvements in land use and infrastructure in the Pu Trom community, such as roads, canals, schools, markets, hospitals, and other public places, compared to 10 years ago?**

- Slightly developed  
 Significant changes include .....

**4. Are there any improvements in land use and infrastructure in Pu Trom community, such as roads, canals, schools, markets, hospitals, and other public places compared to 5 years ago?**

- Slightly developed  
 Significant changes include .....

**5. Did you get any information on all these developments?**

- Yes                                       No (move to Part. B)

**6. If so, who did you get that information from? (Multiple choices)**

- Family members     Neighbors             Schools or workplaces    Pagodas  
 Market or business stall     Other media     Authorities     Leisure area  
 Others .....

**B. Public voice in CLT process**

**1. Have you ever heard of “Collective Land Titling”?**

- Yes  No (move to Q.4)  Not sure

**2. If so, who did you get that information from? (Multiple choices)**

- Family members  Neighbors  Schools or workplaces  Pagodas  
 Market or business stall  Other media  Authorities  Leisure area  
 Others .....

**3. Have you ever been invited to participate in the indigenous community land registration process?**

- Yes  No  Not sure

**5. Have you ever heard of “Collective Land Titling of Punong Indigenous Communities in Pu Trom Village”?**

- Yes  No  Not sure

**6. During the Putrom Indigenous Community Collective Land Registration Process, were you invited to attend?**

- Yes (move to Q.6)  No (Move to 8)

**8. Are all of them (or representatives from every family) invited?**

- All  some

**9. Why are only a few groups of indigenous people invited to CLT work?**

- Select only a small number of indigenous representatives who have no employment relationship with the government  
 Select only a small number of indigenous representatives who have a working relationship with the government  
 Only select community representatives or elders who have the right to make decisions and are more knowledgeable about registration.  
 Too many people involved takes too much time  
 Too many people involved, too much money  
 Political issues  
 Others

**10. To what extent are the following indigenous groups generally involved in CLT work?**

No.	IP cohorts	Participation level		
1	man as a head of the family	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
2	Community elders	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
3	People with disabilities	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
4	The poor	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
5	Elderly	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
6	Widow with more than 3 children	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High
7	Young people under 25 with high education level (at least 9th grade)	<input type="checkbox"/> Low	<input type="checkbox"/> Medium	<input type="checkbox"/> High

**11. At what stage are indigenous peoples most invited during CLT work?**

**Phase 1** (*For Ministry of Rural Development only*)

- Step 1: publicize awareness among provincial authorities (relevant departments) on related policies and regulations
- Step 2: Indigenous communities show their willingness to initiate identification process of the ICs
- Step 3: raising awareness about the process among the target communities
- Step 4: The IC to elect a Community Commission Representative and self-identify as “indigenous”
- Step 5: MRD issues Identity Certificates to the indigenous communities

**Phase 2** (*for Ministry of Interior only*)

- Step 1: The IC to draft community By-Laws as well as forming Community Representative Committee
- Step 2: Reviewing community members’ commitment and purposes
- Step 3: IPC prepares a meeting to check and discuss on the approval By-Laws document and ICC to a registration at the Mol
- Step 4: The IC to submit the legal entity registration application to the Mol
- Step 5: The Mol to register the IC as a “Legal Entity”

**Phase 2.5** (for Ministry of Land Management, Urban Planning, and Construction only)

- Step 1: Collect data and produce preliminary maps by defining boundaries of community land type participated by all landowners.
- Step 2: The IC establish its internal rules facilitated by NGO (drafted by MoI)
- Step 3: The IC to apply for a CLT to MLMUPC

**Phase 3** (for Ministry of Land Management, Urban Planning, and Construction only)

- Step 1: Measurement and data collection of land boundaries by type of use, determination of boundaries and identification of state land
- Step 2: Public display of the land
- Step 3: Reporting on the result of the public display of land
- Step 4: Decision on the result of the display of land, and request to issue land titles
- Step 5: Letter to MoE and MAFF for approval of land concerned
- Step 6: Letter to Council of Ministers for land reclassification

**12. To what extent do indigenous peoples have the right to protect their traditional beliefs and natural resources?**

- High level** (meaning they have the right to refuse any land registration that the community thinks may affect the community's traditional beliefs and natural resources, except for lands under the jurisdiction of the relevant ministries, eg forest cover of the Ministry of Environment)
- Medium level** (meaning that the decision is limited and requires review and decision by the authorities)
- Low level** (meaning they have to agree to all the claims made by the authorities)

**13. If indigenous peoples do not agree with the indigenous community land registration, how can they protest or file a complaint?**

- File a complaint with the Complaints Resolution Commission or the Office of Democracy or the dispute resolution team of the community, village, commune, district, province or relevant ministry.
- Request assistance from civil society organizations to represent in filing complaints
- No resolution provided
- Others .....

**14. Do you think indigenous voices (opinions) are useful for indigenous community land registration?**

- Yes (Please answer Q.11 and skip to Q.13)
- No (skip to 12)                       Don't know

**15. If so, why?**

- to reduce conflicts or dissatisfaction before the registration request period and reduce the rate of requests from the community after the implementation of CLT work
- to increase the rights of indigenous peoples to express their views, especially in relation to the protection of their traditions, culture, religion, beliefs and natural resources
- to give them the right to object if they do not want to join the community
- Others .....

**16. If not, why not?**

- Waste of time and money when there are many suggestions
- Indigenous people do not dare to decide and do not have the skills to work CLT
- Others .....

**17. In your view, how can we encourage indigenous peoples to express themselves in the process of registering collective land to indigenous communities?**

- Khmer Translator for Indigenous Languages
- Provide a small budget or supplies for each necessary meeting
- Address travel for indigenous peoples during non-community meetings
- Explain the benefits of collective land registration to indigenous communities in advance
- There should be a grievance redressal committee or Ombudsman office, or a working group related to dispute resolution of communities, villages, communes, districts, provinces or relevant ministries to address the issues or concerns of indigenous peoples.
- Others .....

.....  
.....  
.....

Thank you !!!

**Appendix 5: Consent Form**

Research topic: The Voice of Indigenous People in Collective Land Titling (CLT), a case study of Pu Trom community, Mondulkiri Province

Interviewer name: .....	Date (day/month/year): .....
Village: .....	Commune: Pu Trom
Interviewee name: .....	Telephone: .....

Hello! My name is .....and I am part of a research team working on a research project related to public participation in the Collective Land Titling (CLT), a case study of Pu Trom community, Mondulkiri Province, Cambodia.

This study investigates the involvement of Indigenous Peoples (IP) in Collective Land Titling, their rights to protect their beliefs, traditions, and natural resources, and strategies to promote IP inclusion in CLT. We have randomly selected you to take part in this important study. We will keep the answers you provide confidential and will not affect your future information, and we will not even take your phone number. All the answers you give us will be combined with answers from others and it will not be possible to identify anyone in the results. Your participation is voluntary. You will not directly benefit from participating. For some questions that you find difficult to answer, you have the right to join or not enter, stop at any time and skip any questions you do not want to answer. There is no right or wrong answer, our team just wants to understand your point of view. The interview will take up to 20-30 minutes to complete. Do you have time for me to ask you some questions now?

- A. Do you agree to participate in this study?
  - Yes. I agree to participate in this study.
  - No. I do not agree to participate in this study right now.

*Interviewer - If the potential interviewee answers no, thank them for their time and end the conversation.*

- B. Do you want to provide information about the role, phone number and email to contact our team? (Only interviews with CLT experts and local authorities in Pu Trom village)
  - Yes. I agree.
    - Position .....
    - Phone number .....
    - Email .....
  - No. I do not agree.

If you would like to contact our research team later, you can call our research team at 017367 557.

Interviewer Signature: \_\_\_\_\_